



City of Colorado Springs

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

Meeting Minutes City Council

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

Tuesday, August 28, 2018

1:00 PM

Council Chambers

1. Call to Order

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

Excused: 1 - Councilmember Yolanda Avila

2. Invocation and Pledge of Allegiance

The Invocation was made by Reverend Jennifer Holz from First Presbyterian Church

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

There were no changes to 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. [18-0314](#) Ordinance No. 18-78 amending Section 304 (Appoint and Dismiss Staff) of Part 3 (Powers and Duties of the Mayor) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Mayor Appointed Staff

Presenter:

Wynetta Massey, City Attorney, Office of the City Attorney

Attachments: [MayorAppointedStaffORD-2018-02-22.docx](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [18-0346](#) Ordinance No. 18-79 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$300,000 for additional positions and resources to enhance the City’s Americans with Disabilities Act Title II (ADA) Program

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [Supplemental Approp Ord for ADA Program](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [CPC A 15-00039](#) Ordinance No. 18-82 annexing into the City of Colorado Springs that area known as Dublin North Addition No. 4 consisting of 10.91 acres. (Legislative)

Related Files: CPC A 15-00039R, CPC ZC 16-00026, CPC PUZ 16-00029, CPC CP 16-00030

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ORD Annex DublinNorthNo.4](#)
[Exhibit A - Legal Description Dublin North No.4](#)
[Exhibit B - Dublin North Add. No. 4 Annexation Agreement](#)
[Enclave Annexations Revised Dublin No4](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [CPC ZC 16-00026](#) Ordinance No. 18-83 amending the Zoning Map of the City of Colorado Springs relating to 4.38 acres located between Dublin Boulevard and Vickie Lane, east of Tutt Boulevard, establishing the C-6/AO (General Business with Airport Overlay) zone district

(Legislative)

Related Files: CPC A 15-00039, CPC A 15-00039R, CPC PUZ 16-00029, CPC CP 16-00030

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ORD_ZC_DublinNorthNo4_C6](#)
[Exhibit A](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.E.** [CPC PUZ](#)
[16-00029](#) Ordinance No. 18-84 amending the Zoning Map of the City of Colorado Springs relating to 5.69 acres located between Dublin Boulevard and Vickie Lane, east of Tutt Boulevard, establishing the PUD/AO (Planned Unit Development; Single-Family Residential, 3.5-11.99 Dwelling Units per Acre, 35-Foot Maximum Building Height with Airport Overlay) zone district.
(Legislative)

Related Files: CPC A 15-00039, CPC A 15-00039R, CPC ZC 16-00026, CPC CP 16-00030

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ORD_ZC-PUD_DublinNorthNo4](#)
[Exhibit A](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [18-0433](#) City Council Regular Meeting Minutes August 14, 2018

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [8-14-2018 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

- 4B.B.** [18-0381](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [082818 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

- 4B.C.** [18-0358](#) A resolution of the City Council of the City of Colorado Springs, Colorado, approving, solely for the purposes of Section 147(f) of the Internal Revenue Code, the issuance by the Capital Trust Agency of its Senior Living Revenue Bonds (American Eagle Portfolio Project), Series

2018, for the purpose of financing the senior living facilities herein described, one of which is located in the City and providing an effective date.

Presenter:
Erich Kennedy, Esq., Dinsmore & Shohl LLP

Attachments: [CTA Letter to Colorado Springs.pdf](#)
[Inducement Resolution No. 11-18 - CTA 2018 American Eagle Brookdale Bond...pdf](#)
[AE Brookdale 2018 - Notice of Public Hearing Colorado Springs v3 \(002\).docx](#)
[AE Brookdale 2018 - TEFRA Resolution Colorado Springs v3.docx](#)
[Signed Resolution 87-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.D.** [18-0308](#) A Resolution to Carryforward the City's 2018 Private Activity Bond Allocation for Qualified Residential Rental Projects

Presenter:
Steve Posey, HUD Program Administrator, Community Development Division

Attachments: [Colorado Springs Carryforward-RES 08-06-18-clean](#)
[PAB Carryforward 8 13 18 Work Session](#)
[Signed Resolution 88-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.E.** [18-0343](#) An Ordinance Amending Section 201 (General Penalty) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the Pedestrian Safety Program Funding Fee Surcharge

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [PedSafetySurchargeORD-2018-06-28 \(2\)](#)

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

- 4B.F.** [18-0353](#) A Resolution Approving a new section to be included in the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests.

Presenter:
Darlene Kennedy, Real Estate Services Manager

Steve Posey, HUD Program Administrator
Peter Wysocki, Planning and Development Director

Attachments: [RES ManualNewSectCh5RES FINAL](#)

[18-0353 PowerPoint](#)

[Signed Resolution 89-18](#)

This Resolution was adopted on the Consent Calendar.

4B.G. [CPC ZC
17-00061](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 33,724-square foot area located on the southeast corner of North Chestnut Street and West Fillmore Street from R1-6000 (Single-Family Residential) and C5 (Intermediate Business) to C5 (Intermediate Business).

(Quasi-Judicial)

Related File: CPC DP 17-00063

Presenter:

Michael McConnell, Planner II, Land Use Review

Attachments: [ZC ORD Waffle House](#)

[Exhibit A](#)

[Exhibit B](#)

[Vicinity Map](#)

[CC Waffle House](#)

[CPC Report Waffle House](#)

[Figure 1 - Project Statement](#)

[Figure 2 - Zone Change](#)

[Figure 3 - Development Plan](#)

[7.5.603 Findings - ZC req CA](#)

[Draft Minutes Waffle House](#)

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

4B.H. [CPC DP
17-00063](#)

Waffle House Development Plan consisting of a new 2,020-square foot restaurant building on 33,724-square foot parcel located at 755 West Fillmore Street.

(Quasi-Judicial)

Related File: CPC ZC 17-00061

Presenter:

Michael McConnell, Planner II, Land Use Review

Attachments: [Figure 3 - Development Plan](#)
[7.5.502.E Development Plan Review](#)

This Item was approved on the Consent Calendar.

- 4B.I.** [CPC MPA](#) [04-00043-A4](#) [MN18](#) A minor Master Plan Amendment to the Hill Properties Master Plan to change the density allowance on 7.23 acres from 3.5-7.99 du/acre to 0-1.99 du/acre located at the terminus of Glen Vista Point, south of the intersection of North 30th Street and Garden of the Gods Boulevard.

(Quasi-Judicial)

Related Files: CPC PUZ 18-00008, CPC PUD 18-00009

Presenter:

Michael McConnell, Planner II, Land Use Review

Attachments: [CC Northpointe](#)
[CPC Report Northpointe](#)
[Figure 1 Project Statement](#)
[Figure 2 Master Plan Amendment](#)
[Figure 3 Zone Change](#)
[Figure 4 Ordinance 97-183](#)
[Figure 5 PUD Development Plan](#)
[Vicinity Map](#)
[Northpointe at Kissing Camels-Vicinity Map](#)
[7.5.408 MASTER PLAN REVIEW CRITERIA](#)
[Draft Minutes Northpointe at Kissing Camels](#)

This Item was approved on the Consent Calendar.

- 4B.J.** [CPC PUZ](#) [18-00008](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 7.23 acres located at the terminus of Glen Vista Drive from R5/cr (Multi-family Residential with conditions of record) and R/cr (Estate, Single-Family Residential with conditions of record) to PUD (Planned Unit Development: Single-Family Residential; maximum density of 0-1.99; and maximum building height of 28 feet).

(Quasi-Judicial)

Related Files: CPC MPA 04-00043-A4MN18, CPC PUD 18-00009

Presenter:

Michael McConnell, Planner II, Land Use Review

- Attachments:** [ZC ORD NorthpointeAtKissingCamels](#)
[Exhibit A](#)
[Exhibit B](#)
[Northpointe at Kissing Camels-Vicinity Map](#)
[Figure 3 Zone Change](#)
[7.5.603 Findings - ZC req CA](#)
[7.3.603 Establishment & Development of a PUD Zone](#)

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

- 4B.K.** [CPC PUD 18-00009](#) Northpointe Development Plan consisting of 12 single-family homes on 7.23 acres at the terminus of Glen Vista Point, south of the intersection of North 30th Street and Garden of the Gods Boulevard.

(Quasi-Judicial)

Related Files: CPC MPA 04-00043-A4MN18, CPC PUZ 18-00008

Presenter:
Michael McConnell, Planner II, Land Use Review

- Attachments:** [Figure 5 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)
[7.3.606 PUD Development Plan](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

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

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

Absent: 1 - Avila

5. Recognitions

There were no Recognitions.

6. Citizen Discussion

Citizen Kevin Bright spoke regarding the YMCA and Silver Key organizations.

Citizen Charles Barber spoke regarding the Regional Building

Department's requirements for wind speed velocity and public safety.

Citizen Gerald Miller explained a game called "Stop the Clock" and offered a charitable donation as a prize prior to the next City Council meeting.

Citizen Bette Kelso commented that there is only one miniature golf course in the City that is handicapped accessible which is located on Powers Boulevard, but there is no bus service to that location.

Dave Munger, President of the Colorado Springs Fire Foundation, announced that they are working to equip firefighters with ballistic vests due to the dangerous situations they frequently face. He also gave a tribute for Paul Daugherty, who recently passed away and had served on a task force to build the new Memorial Hospital system.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A. [18-0303](#) Ordinance No. 18-80 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$100,000 for costs associated with the formation of the Colorado Springs Sports Authority as recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

Fred Veitch, Chair, LART Citizen Advisory Committee

Attachments: [Ordinance for LART 2018 Supplemental Approp-Colo Spgs Sports Authority](#)

Councilmember Murray commented that he will not be voting in favor of this item because he does not feel it is an appropriate use of the money.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bennett, that the Ordinance approving a supplemental appropriation to the Lodgers & Auto Rental Tax Fund be finally passed. The motion passed by a vote of 7-1-1-0

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

No: 1 - Murray

Absent: 1 - Avila

- 10.B.** [CPC CA 18-00073](#) Ordinance No. 18-81 amending section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the location of medical marijuana centers

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Attachments: [PlanDev-MMCLocationORD-DRAFT](#)

[CPC Staff Report MMC Setbacks](#)

[Figure 1 - MMJ 1000 ft buf Council District map](#)

[Setbacks presentation CC.pptx](#)

[Ordinance MMCLocations - Lobato - CPC CA 18-00073](#)

Councilmember Murray stated he will be voting no on this item because he believes this is a medical access issue.

Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Ordinance amending section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the location of medical marijuana centers be finally passed. The motion passed by a vote of 7-1-1-0

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

No: 1 - Murray

Absent: 1 - Avila

11. New Business

- 11.A.** [18-0282](#) A Resolution Authorizing the Acquisition of up to 246 Acres as an Addition to the Corral Bluffs Open Space Through the Trails, Open Space and Parks (TOPS) Program

Presenter:

Karen Palus, Director, Parks, Recreation & Cultural Services
Britt Haley, Design and Development Manager / TOPS Program Manager

Attachments: [ResolutionCorral Bluffs Acquisition_FINAL082818.doc](#)
[8-28-18 - CityCouncilRegularSession-Corral Bluffs Expansion - Powerpoint](#)
[8-28-18 - corral bluffs BishopFinal](#)
[Signed Resolution 90-18](#)

Britt Haley, Design and Development Manager/TOPS Program Manager, presented the Ordinances requesting a supplemental appropriation to the Trails, Open Space and Parks (TOPS) fund for the acquisition of property to the Corral Bluffs Open Space. She stated the reason this item was postponed was due to the acquisition of an additional 21.73 acres for \$22,000. She said the total amount of the purchase price is \$1,068,000 and she will present the request for the supplemental appropriation at the September 11, 2018 City Council meeting.

Citizen Bill Koerner, representing the Corral Bluffs Alliance, spoke in support of the acquisition.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution authorizing the acquisition of up to 246 acres of property identified by tax schedule numbers 44000 00 016 and 44000 00 506 and approval to expend up to \$1,100,000 for the land acquisition and transaction costs from the TOPS Open Space Category revenue as amended be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

- 11.B.** [18-0368](#) An Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) For a Supplemental Appropriation in the Amount of \$778,500 to the Trails, Open Space And Parks Fund For Acquisition of 64.033 Acres of Property for the Purpose of Public Open Space and Trails as an Addition to the Blodgett Open Space Property

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services
Britt Haley, Parks Development Manager/TOPS Program Manager

Attachments: [8-13-18 - Blodgett Adjacent Trails Map](#)
[8-28-18 - Supplemental Approp Ord for BlodgettOpenSpaceRevised - Final](#)
[8-28-18 - CCRegularSessionAugust28-BlodgettExpansion Powerpoint](#)

Britt Haley, Parks Development Manager, TOPS Program Manager, presented the Resolution authorizing the acquisition of up to 64 acres in the amount of \$778,500, as an addition to the Blodgett Open Space, through the Trails, Open Space and Parks (TOPS) program. She presented a map

and photos of the three parcels and said the Trust for Public Land offered to pay half of the costs of the real estate transaction.

Citizen Susan Davies, representing the Trails and Open Space Coalition, spoke in favor of the acquisition.

Councilmember Knight stated he will be meeting with the Peregrine Homeowner Association regarding the addition of a crosswalk on Centennial Boulevard and Orchard Valley to allow residents access to the area.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Ordinance approving a supplemental appropriation for up to \$778,500 which is the amount associated with the updated appraised value of the three parcels proposed for acquisition along with the City's portion of the real estate transaction costs from the TOPS Open Space category revenue be approved on first reading. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

- 11.C.** [18-0369](#) A Resolution Authorizing the Acquisition of 64.033 Acres, as an Addition to the Blodgett Open Space, Through the Trails, Open Space And Parks Program

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services
Britt Haley, Parks Development Manager/TOPS Program Manager

Attachments: [8-13-18 - Blodgett Adjacent Trails Map](#)
[8-28-18 - ResolutionBlodgettOpenSpaceAcquisitionRevised - Final](#)
[8-28-18 - CCRegularSessionAugust28-BlodgettExpansion Powerpoint](#)
[Signed Resolution 91-18](#)

Please see comments in Agenda item 11.B.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Resolution approving the acquisition of 64.033 acres of property identified by tax schedule numbers 73000 00 481, 73000 00 483 and 73000 00 484 and approval to expend the amount associated with the updated appraised value from the TOPS Open Space category revenue be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

- 11.D.** [CPC A](#)
[16-00112R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known

as Villani Annexation.

(Legislative)

Related Files: CPC A 16-00112, CPC ZC 17-00112

Presenter:

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

Attachments: [RES FindingsOfFact Villani Annex](#)
[Exhibit A - Villani Annexation Legal Description](#)
[Clerk Affidavit Villani](#)
[Planner Affidavit Villani](#)
[Surveyor Affidavit Villani](#)
[Signed Resolution 92-18](#)

Catherine Carleo, Principal Planner, Planning and Community Development, presented the site location of Villani Annexation, gave a brief background on the property, and identified the surrounding enclaves. She explained the area boundaries for the annexation which includes a portion of the Tutt Boulevard extension, the fiscal impact analysis, the proposed future land use, and zone change. Ms. Carleo present a diagram of the land use pattern and identified the stakeholder process that had been completed.

Chuck Crum from M.V.E., Inc., representing the petitioner, stated the property is ninety-one percent surrounded by the City and that the new buyer is proposing to change the zoning to residential with approximately sixty lots.

Citizen Gerald James spoke in favor of the proposed zone change to residential, but stated he would be opposed to the addition of any apartment buildings.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Resolution of finding that Villani Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S, the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

- 11.E. [CPC A 16-00112](#) An ordinance annexing into the City of Colorado Springs that area known as Villani Annexation consisting of 13.10 acres.

(Legislative)

Related Files: CPC A 16-00112R, CPC ZC 17-00112

Presenter:

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

Attachments: [ORD Villani Annexation](#)

[Exhibit A - Villani Annexation Legal Description](#)

[Exhibit B Villani Annexation Agreement](#)

[Enclave Diagram Villani](#)

[Vicinity Villani](#)

[CPC Staff Report Villani Annexation KAC](#)

[FIGURE 1 Villani Annexation Plat](#)

[FIGURE 2 Villani Project Statement](#)

[FIGURE 3 Villani Concept Statement](#)

[FIGURE 4 Villani Fiscal Impact Analysis](#)

[FIGURE 5 DRAFT Villani Annexation Agreement](#)

[FIGURE 6 SECWCD Letter of Assent Villani](#)

[FIGURE 7 Villani Zone Change Exhibit](#)

[FIGURE 8 Enclave Annexations](#)

[FIGURE 9 Land Use Pattern](#)

[7.6.203-Annexation Conditions](#)

[Minutes Villani Annexation](#)

Please see comments in Agenda item 11.D.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance annexing the Villani Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

- 11.F. [CPC ZC 17-00112](#) An ordinance amending the Zoning Map of the City of Colorado Springs relating to 12.91 acres located northeast of the intersection of Tutt Boulevard and Dublin Boulevard establishing the A (Agricultural) zone district.

(Legislative)

Related Files: CPC A 16-00112R, CPC A 16-00112

Presenter:

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

Attachments: [ZC ORD Villani Annexation](#)
[Exhibit A Legal Description](#)
[Exhibit B Villani Zone Change](#)
[FIGURE 7 Villani Zone Change Exhibit](#)
[7.5.603 Findings - ZC req_CA](#)

Please see comments in Agenda item 11.D.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance for the establishment of the A (Agricultural) 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) be approved on first reading. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

11.G. [18-0359](#) A Resolution approving a Service Plan for the Banning Lewis Ranch Metropolitan District Nos. 8-11

(Legislative Item)

Presenter:

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

Attachments: [RES BLRMD Nos. 8-11](#)
[Service Plan for BLRMD Nos 8-11](#)
[FIGURE 1 - Cover Ltr to Colo Springs BLRMD Nos. 8-11 Service Plan Submittal](#)
[FIGURE 2 - REDLINE Service Plan BLRMD Nos 8-11](#)
[FIGURE 3 - Evolution of BLR Districts Nos 8-11](#)
[FIGURE 4 - Consent Letter to BLR Proposed Districts](#)
[PowerPoint BLRMD Nos. 8-11](#)
[Signed Resolution 93-18](#)

Conrad Olmedo, Comprehensive Planner II, Planning and Community Development, presented the Resolution approving a Service Plan for the

Banning Lewis Ranch Metropolitan District Nos. 8-11.

Councilmember Murray asked if the request for \$100M in debt included all of the districts. Pat Hrbacek, Spencer Fane, LLC, representing the district, confirmed it was a combined debt limit for all four districts.

Councilmember Knight stated he will not be supporting this or any new metropolitan districts because he does not feel they are healthy for the City due to sixty percent of the revenue is from sales tax and because when the next recession hits, it will put the City in a difficult situation.

Councilmember Murray agreed with Councilmember Knight's comments and said there is infrastructure being neglected within other communities. He stated the creation of metropolitan districts was not intended to be used as a mechanism for build-outs. He said there would be many future consequences, therefore he will be voting no.

Councilmember Pico said as residential is increased, sales tax will also increase and metropolitan districts are the financing tool for building the infrastructure.

President Skorman said the ideal situation would be to have fifty percent property tax and fifty percent sales tax, but even people who do not reside in a metropolitan district do not favor an increase in property tax and they cannot stop the growth.

Councilmember Murray stated this would be encouraging the growth and there is no data points that show metropolitan districts are best for the overall economic sustainability of the City.

Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Resolution approving a service plan for the Banning Lewis Ranch Metropolitan District Nos. 8-11 be adopted. The motion passed by a vote of 6-2-1-0

Aye: 6 - Bennett, Gaebler, Geislinger, Pico, Skorman, and Strand

No: 2 - Knight, and Murray

Absent: 1 - Avila

11.H. [18-0360](#)

A Resolution approving an Amended and Restated Service Plan for the Banning Lewis Ranch Regional Metropolitan District No. 2

(Legislative Item)

Presenter:

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

Attachments: [Resolution BLR Regional No.2](#)
[Amended & Restated Service Plan BLR Regional MD No. 2](#)
[Figure 1 - Submittal letter for BLR Regional2](#)
[Figure 2 - Evolution of BLR Districts-](#)
[PowerPoint BLR Regional No.2](#)
[Signed Resolution 94-18](#)

Councilmember Geislinger requested staff research the impact of future metropolitan districts and whether the City will support a rebalance of property tax and sales tax.

Councilmember Knight said he will be supporting this item because it is a regional metropolitan district that was divided into two.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution approving an amended and restated service plan for the Banning Lewis Ranch Regional Metropolitan District No. 2 be adopted. The motion passed by a vote of 7-1-1-0

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

No: 1 - Murray

Absent: 1 - Avila

- 11.I. [18-0362](#) A Resolution approving a service plan allowing for the creation of the Peak Metropolitan Districts Nos. 1, 2 and 3

(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning
and Development Department
Peter Wysocki, Planning and Development Director

Attachments: [Resolution Peak Metro District](#)
[Peak MD Nos. 1 - 3 - Consolidated Service Plan \(8-10-18\)](#)
[\(00653585x9C7A0\)](#)
[Figure 1 - Cover Letter for Consolidated Service Plan Submittal](#)
[Figure 2 Redline Peak MD Service Plan](#)
[Peak Metro Dist PowerPoint](#)
[Signed Resolution 95-18](#)

Greg Phillips, Director of Aviation, Colorado Springs Airport, stated they received unanimous approval from the Airport Advisory Commission for the creation of the Peak Metropolitan Districts Nos. 1, 2, and 3.

Councilmember Knight and Councilmember Murray stated they will be supporting this item because it is a commercial metropolitan district, not a residential metropolitan district.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Resolution approving a service plan for the Peak Metropolitan Districts Nos. 1, 2 and 3 be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

- 11.J. [18-0364](#) A Resolution Closing the Wolf Ranch Portion of the Cottonwood Creek Drainage Basin

Presenter:

Travis Easton, P.E., Public Works Director

Brian Kelley, P.E., Stormwater Capital Programs Manager

Attachments: [ResCloseWolfRanchDB](#)
[StaffMemoCloseWolfRanchExhibitA](#)
[StaffMemoCloseWolfRanchExhibitB](#)
[StaffMemoCloseWolfRanchExhibitC](#)
[StaffMemoCloseWolfRanchExhibitD](#)
[StaffMemoCloseWolfRanchExhibitE](#)
[Signed Resolution 96-18](#)

Richard Mullady, Water Resources Engineering Division and Stormwater Enterprise Manager, presented the Resolution closing the Wolf Ranch Portion of the Cottonwood Creek Drainage Basin. He stated there are more outstanding obligations than there are drainage fees.

Councilmember Geislinger recommended simplifying the presentations made to the public because it is a very complex topic.

Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Resolution closing the Wolf Ranch Portion of the Cottonwood Creek Drainage Basin for drainage fees only be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

- 11.K. [18-0365](#) A resolution to fix the Drainage Fees for Powers Auto Park in the

Cottonwood Creek Drainage Basin at \$13,241 per acre

(Legislative)

Presenter:

Travis Easton, Public Works Director

Brian Kelley, Stormwater Capital Programs Manager

Attachments: [ResPowersAutoPark](#)

[StaffMemoPowersAutoParkExhibitA](#)

[StaffMemoPowersAutoParkExhibitB](#)

[StaffMemoPowersAutoParkExhibitC](#)

[Signed Resolution 97-18](#)

Richard Mullady, Water Resources Engineering Division and Stormwater Enterprise Manager, presented the Resolution to fix the Drainage Fees for Powers Auto Park in the Cottonwood Creek Drainage Basin at \$13,241 per acre.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Resolution fixing of the Cottonwood Creek Drainage Basin Fee at the 2018 rate of \$13,241 for the Powers Auto Park Development be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

11.L. [18-0366](#) A resolution to increase drainage basin fees for the Cottonwood Creek drainage basin to \$16,100 per acre

(Legislative)

Presenter:

Travis Easton, Public Works Director

Brian Kelley, Stormwater Capital Programs Manager

Attachments: [ResDrainageFeeIncrease2018Cottonwood](#)

[StaffMemoCottonwoodFeeIncreaseExhibitA](#)

[StaffMemoCottonwoodFeeIncreaseExhibitB](#)

[StaffMemoCottonwoodFeeIncreaseExhibitC](#)

Councilmember Murray requested a list regarding the adjustments of drainage basin fees. Richard Mullady, Water Resources Engineering Division and Stormwater Enterprise Manager, requested to postpone this

item to the September 25, 2018 City Council meeting.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution increasing the drainage basin fee for the Cottonwood Creek Drainage Basin Fee to \$16,100 per acre be postponed to the September 25, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

11.M. [18-0367](#) A Resolution Eliminating the Surcharge Fee in the Cottonwood Creek Drainage Basin

Travis Easton, P.E., Public Works Director

Brian Kelley, P.E., Stormwater Capital Programs Manager

Attachments: [ResCottonwoodSurcharge](#)
[StaffMemoSurchargeExhibitA](#)
[StaffMemoSurchargeExhibitB](#)
[StaffMemoSurchargeEliminationExhibitC](#)

Richard Mullady, Water Resources Engineering Division and Stormwater Enterprise Manager, requested to withdraw this item because there has been some remaining projects identified that the City can continue to collect the surcharge on as a reimbursement to pay for these projects.

Councilmember Knight requested that if anything changes with the collection of the surcharge, that it be presented to City Council at a Work Session meeting. Councilmember Strand commented that it could come to a Budget Committee meeting as an alternative to a Work Session meeting. Consensus of Council agreed with Councilmember Strand's suggestion.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution eliminating the Cottonwood Creek Surcharge Fee be withdrawn. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

12. Public Hearing

There was no Public Hearing.

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

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

Sarah B. Johnson, City Clerk