



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, October 8, 2019

10:00 AM

Council Chambers

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

2. Invocation and Pledge of Allegiance

The Invocation was made by Rabbi Jay Sherwood from Temple Shalom.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Marc Smith, Corporate Division Chief, Office of the City Attorney, requested 4B.G be removed from the Consent Calendar in order to request a postponement.

Sarah B. Johnson, City Clerk, stated Colorado Springs Utilities requested item 4B.I. be removed from the Consent Calendar.

A citizen requested item 4B.F. 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. [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](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [19-613](#) City Council Regular Meeting Minutes September 24, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [9-24-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [19-639](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [100819 Boards and Commissions.pdf](#)

This Item was approved on the Consent Calendar.

4B.C. [19-553](#) A Resolution Authorizing the Acquisition of up to 164 Acres in Rock Creek Canyon, as an Addition to the Cheyenne Mountain State Park Through the Trails, Open Space and Parks ("TOPS") Program

Presenter:
Britt Haley, TOPS Program Manager, Parks, Recreation and Cultural
Services Department

Attachments: [CheyenneMt_RockCreekCanyonCandidateParcels](#)
[City 8.15.2019-signed](#)
[ResolutionRockCreekCanyonOpenSpaceAcquisition](#)
[09-23-19 Cheyenne Mtn State Park AdditionsCityCouncil](#)
[Signed Resolution 91-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.D.** [19-554](#) Ordinance No. 19-69 Amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (“TOPS”) Fund in the Amount of \$1,284,000 for Acquisition of Approximately 164 Acres of Property for the Purpose of Public Open Space and Trails as an Extension of the Cheyenne Mountain State Park

Presenter:

Britt Haley, TOPS Program Manager, Parks, Recreation & Cultural Services Department

Attachments: [Appropriation Ordinance 09-10-19](#)

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

- 4B.E.** [19-568](#) A resolution authorizing the Mayor to execute a contract between the City of Colorado Springs and the Colorado Department of Transportation for maintaining traffic signals on state owned facilities

Presenter:

Todd Frisbie, P.E., P.T.O.E, City Traffic Engineer, Public Works Department

Attachments: [Traff Maint Resolution 2019 Final](#)
[R2-IGA CO Spgs Traffic MTCE FY 20 Execs Final](#)

This Resolution was adopted on the Consent Calendar.

- 4B.H.** [19-571](#) A resolution approving submission of a grant application to the Colorado Department of Local Affairs for the City of Colorado Springs Census 2020 outreach and execution of a grant agreement awarding funds for outreach

Presenter:

Sarah B. Johnson, City Clerk
Carla Smith, City Grant Writer

Attachments: [Resolution Approving DOLA Census Grant Application](#)
[Census Grant Presentation.pptx](#)
[DOLA 2020 Census Outreach Grant and Budget Timeline.pdf](#)
[Signed Resolution 93-19.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 9-0-0

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

5. Recognitions

5.A. [19-620](#) Proclamation in Celebration of World Habitat Day

Presenter:
Council Member, David Geislinger

Attachments: [Habitat Day Proclamation](#)

Kris Medina, Executive Director, and Iain Probert, Director of Development, Pikes Peak Habitat for Humanity, gave an update of the efforts of Pikes Peak Habitat for Humanity and gave an overview of the Country Living neighborhood, the application process, and the Dale Street Townhomes.

Councilmember Geislinger read the Proclamation recognizing October 7th as World Habitat Day.

5.B. [19-628](#) A Proclamation declaring October 19th as World Singing Day

Presenter:
Council Member, Andy Pico

Attachments: [World Singing Day Proclamation](#)

David Corder, Coordinator, World Singing Day, gave an overview of the events for World Singing Day and the Summit Ensemble of Colorado Children's Chorale gave a performance in honor of it.

Councilmember Pico read the Proclamation recognizing October 19th as World Singing Day.

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

Citizens Tony Heinz and Valerie Schwinn stated the Gazette is reporting inaccurate information about the Gold Hill Mesa neighborhood.

Citizens Sean Watson, Cheyenne Watson, Michelle Vandepas, Wayne Keeler, Dreama Ramirez, and Gary Morgan spoke about safety concerns regarding the proposed public access road to Rock Creek Canyon. Britt Haley, Manager, Trails and Open Spaces (TOPS), stated the easement will

be continued to be used for park operations and maintenance and gave an overview of the public planning process for the Cheyenne Mountain Heritage Trail.

Citizen Joseph Dunn requested something be done regarding the bell at the Veteran's Memorial which rings every fifteen minutes from 8:00 AM to 8:00 PM each day.

Citizen Olathe Sherman stated she is concerned regarding the health issues associated with 5G technology.

Citizen Deborah Stout-Meininger spoke about the availability of affordable housing in the City and the homeless population.

Citizen Jaymen Johnson spoke regarding deaths associated with the collapse of structures versus deaths from marijuana overdoses.

Citizen Scott Anderson gave a comparison regarding the economic growth of the City and Nashville, TN.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.F. [19-500](#) Resolution to Increase the 2019 Drainage Fee for the Sand Creek Drainage Basin

Presenter:

Richard Mulledy, P.E., Stormwater Enterprise Manager, Stormwater Enterprise

Erin Powers, P.E., Senior Engineer, Stormwater Enterprise

Attachments: [SandCreekDrainageFeeIncreaseRES-201908-13](#)
[Exhibit A 2019 Drainage Fee Schedule Proposed](#)
[Exhibit B 2019 Drainage Fee Schedule](#)
[Exhibit C Drainage Board Minutes 2018.12.06](#)
[Sand Creek Fee Adjustment 2019 Presentation](#)
[Signed Resolution 94-19.pdf](#)

Deborah Stout-Meininger asked requested the amount of increase to the 2019 Drainage Fee for the Sand Creek Drainage Basin. Councilmember Williams stated the drainage fee will be increased by \$28.08 and

explained the difference between drainage fees and stormwater fees.

Motion by Councilmember Knight, seconded by Councilmember Williams, that the Resolution to increase the per acre drainage fee in the Sand Creek Drainage Basin by \$28.00, from \$12,645.00 per acre to \$12,673.00 per acre be adopted. The motion passed by a vote of 9-0-0

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

- 4B.G.** [19-565](#) An Ordinance certifying delinquent stormwater fees and charges to the El Paso County Treasurer for collection

Presenter:

Richard Mulledy, Stormwater Enterprise Manager

Attachments: [Ordinance StormwaterFees-CertificationOfDelinquency Exhibit A Ord to Certify Dlg SW fees for Collection.pdf](#)
[Staff Report](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney requested a two week delay because the list of addresses for delinquent stormwater fee collection was not included in the agenda packet and they would like property owners the opportunity to receive adequate notice for the hearing.

Councilmember Knight stated he has a concern because the list is continuing to change as accounts are being paid. Councilmember Knight recommended that instead of City Council approving a list of addresses, they approve any delinquent accounts over ninety days be turned over to the El Paso County Treasurer for collection. Mr. Smith stated they will have the most updated list to City Council prior to the vote and the reason they are listing specific addresses is to allow property owners the opportunity to object to being placed on this list.

Motion by Councilmember Williams, seconded by Councilmember Murray, that the Ordinance to certify the delinquent stormwater fees and charges to the County Treasurer for collection be postponed to the October 22, 2019 City Council meeting. The motion passed by a vote of 9-0-0

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

- 4B.I.** [19-564](#) A Resolution Declaring Real Property to be Surplus and Authorizing the Disposal of Real Property to Holders of Rights of First Refusal for the Appraised Value

Presenter:

Jessica Davis, Principal Land Resources Specialist, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [2019-10-08 City Council Resolution JCC Disposal Final](#)
[2019-10-08 City Council Presentation JCC Disposal Final](#)
[Signed Resolution 95-19.pdf](#)

Jessica Davis, Principal Land Resources Specialist, Colorado Springs Utilities, stated two of the properties proposed for disposal have subdivision exemption provisions and Colorado Springs Utilities (CSU) wanted to make City Council aware the appraised fair market value of the properties may change.

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Resolution declaring real property to be surplus and authorizing the disposal of real property to holders of rights of first refusal for the appraised value was adopted on the Consent Calendar. The motion passed by a vote of 9-0-0-0

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

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A.** [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 stated the southeast needs development which revitalizes the community, but will be supporting this item because it meets the requirements for approval.

Motion by Councilmember Gaebler, seconded by Councilmember Pico, 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 be finally passed. The motion passed by a vote of 9-0-0

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

- 10.B.** [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](#)

There were no comments on this item.

Motion by Councilmember Pico, seconded by Councilmember Gaebler, 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 finally passed. The motion passed by a vote of 8-1-0-0

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

No: 1 - Avila

- 10.C.** [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-foot 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](#)

There were no comments on this item.

Motion by Councilmember Pico, seconded by Councilmember Gaebler, 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 finally passed. The motion passed by a vote of 9-0-0

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

- 10.D.** [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](#)

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Ordinance approving 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/AO (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 an 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 finally passed. The motion passed by a vote of 9-0-0

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

11. New Business

- 11.A. [19-289](#)** Ordinance No. 19-70 including certain property into the USAFA Visitor's Center Business Improvement District.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [Ordinance- USAFA Visitors Center BID Inclusions10-8-19clean](#)
[Exhibit A- Signed Petition of Inclusion](#)
[Exhibit B- Notice of Inclusion \(2\)](#)
[Attachment 1- 2019-10-8 Affidavit of Publication - Ntc of Inclusion - USAFA BID](#)
[PowerPoint USAFABID Inclusions-Exclusion](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development presented an Ordinance including and excluding certain property into the USAFA Visitor's Center Business Improvement District (BID). He provided City Council updated documents related to the legal advertisement which was published in the Gazette versus the Transcript.

Citizen Deborah Stout-Meiningner asked how much of the United States Air Force Academy (USAFA) will be included into the USAFA Visitor's Center Business Improvement District and why the agreement has not been signed yet. Mr. Schueler stated approximately 36 acres of the USAFA is proposed for inclusion. He stated both the inclusion and exclusion agreements have been signed.

Councilmember Knight stated the letter to include came from Jennifer L. Miller, Deputy Assistant Secretary of the Air Force for Installations and the letter for exclusion came from the property owner.

Motion by Councilmember Knight, seconded by Councilmember Pico, that the Ordinance including certain properties into the boundaries of the USAFA Visitor's Center Business Improvement District be approved on first reading. The motion passed by a vote of 9-0-0

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

11.B. [19-288](#) Ordinance No. 19-71 excluding certain property from the USAFA Visitor's Center Business Improvement District.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [USAFA BID - Exclusion Ordinance - 10-8-19](#)
[Exhibit A- Signed Petition for Exclusion-USAFA VC EUL](#)
[Exhibit B- Notice of Exclusion](#)
[Attachment 1 2019-10-8 Affidavit of Publication - Ntc of Exclusion - USAFA BID](#)

Please see comments in Agenda item 11.A.

Motion by Councilmember Williams, seconded by President Pro Tem Strand, that the Ordinance excluding certain property from the USAFA Visitor's Center Business Improvement District be approved on first reading. The motion passed by a vote of 9-0-0

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

- 11.C.** [19-389](#) Ordinance No. 19-72 amending Article 4 (Public Health and Sanitation-Garbage, Refuse, and Rubbish) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to waste disposal within a bear management area

Presenter:

Jan McHugh-Smith, CEO Humane Society of the Pikes Peak Region
Frank McGee, Area Wildlife Manager Colorado Parks and Wildlife

Attachments: [Bear Smart ORD-2019-10-09-Final.docx](#)

[Bear Smart Taskforce PP July.2019](#)

[Summary of Colorado Ordinances](#)

[Bear Management Area Map](#)

[Colorado Springs City Council Bear Trash Presentation](#)

[Bear Smart Taskforce PP July.2019.pptx](#)

Jan McHugh-Smith, CEO Humane Society of the Pikes Peak Region, presented the Ordinance pertaining to waste disposal within a bear management area. In the latest version of the Ordinance, she stated she is concerned that removing the requirement to have the trash receptacles put away between the hours of 5:00 AM to 7:00 PM for employment-related purposes would weaken its effectiveness and the City's ability to enforce it.

Councilmember Knight stated he does not believe it would be unenforceable if the waste receptacles are moved on the day of rather than a specific time frame.

Mitch Hammes, Neighborhood Services Manager, stated both methods are enforceable for voluntary compliance, but the built in exclusion would put the onus on Code Enforcement to prove if the resident was at work or not.

Councilmember Geislinger asked if the specific time frame was critical in terms of bear behavior. Frank McGee, Area Wildlife Manager, Colorado Parks and Wildlife, stated some type of time-based regulation is better than none.

Nancy Wilson, Manitou Springs Bear Smart Task Force, stated the Manitou Springs Ordinance includes a specific time frame which has assisted their Code Enforcement Officer in regards to bear management.

Councilmember Pico stated he supports citizens having the flexibility of when they put out their trash.

Councilmember Williams asked when bears are most active. Mr. McGee stated usually during dusk and dawn, but in the fall, they are feeding twenty hours a day to prepare for hibernation.

Councilmember Williams asked if it would be the City's burden to prove the resident was not at work. Marc Smith, Corporate Division Chief, Office of the City Attorney, confirmed that, as drafted, it would be the City's burden. Councilmember Williams recommended that employment-related circumstances preventing compliance with the Ordinance be revised as an affirmative defense.

Mr. Smith stated the employment-related circumstance could be included as an affirmative defense and has prepared draft language to address this situation. Councilmember Geislinger stated he is comfortable having this defense included for consideration.

Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Ordinance amending Article 4 (Public Health and Sanitation-Garbage, Refuse, and Rubbish) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to waste disposal within a bear management area as modified to include version two of the Ordinance with the addition of a defense for the owner or occupant not present due to an employment-related circumstance be approved on first reading. The motion passed by a vote of 9-0-0-0

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

- 11.D.** [19-402](#) A resolution establishing and adopting a bear management area map in the City of Colorado Springs

Presenter:

Mitch Hammes, Neighborhood Services Manager

Attachments: [BearAreaMap-RES 07-15-19-clean](#)
[Exhibit A - Bear Management Area Map](#)
[Signed Resolution 96-19.pdf](#)

Please see comments in Agenda item 11.C.

Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Resolution establishing and adopting a Bear Management Area Map within the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0-0

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

- 11.E. [19-528](#)** A resolution accepting and endorsing recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2020 budget

Presenter:

Laurel Prud'homme, Chair, LART Citizens' Advisory Committee
Charae McDaniel, Chief Financial Officer

Attachments: [LART Resolution - 2020 Projects](#)
[2020 LART Resolution Exhibit A Recommendations](#)
[Signed Resolution 97-19.pdf](#)

Councilmember Knight recused himself because Challenger Learning Center applied for funding and his wife is on their board.

Citizen Rob Fredell, President and CEO, Challenger Learning Center, gave an overview of their space and science educational programs and identified their application for \$40,000 was denied by the Lodgers and Automobile Rental Tax (LART) Advisory Board. Councilmember Gaebler commented that the LART Citizens' Advisory Committee evaluates each project funding application logically and thoroughly for appropriate use of LART funds. Laurel Prud'homme, Chair, (LART) Citizens' Advisory Committee, stated one of the key funding requests for this particular application was for staffing which LART typically does not put funding toward staff positions.

Bob Sallee, Pikes Peak Observatory, gave an overview of their mobile science, technology, engineering and mathematics (STEM) lab and conference and stated they also did not receive any LART funding.

Councilmember Pico stated because both of these organization are bringing conferences to the area, the LART Citizens' Advisory Committee should reconsider recommending them for funding.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Resolution accepting and endorsing recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2019 budget be adopted. The motion passed by a vote of 8-0-1-0

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

Recused: 1 - Knight

- 11.F. [19-426](#) Resolution Approving an Amended and Restated Service Plan for The Sands Metropolitan District Nos. 1-3 and The Sands Metropolitan District No. 5.

Presenter:

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

Attachments: [Resolution](#)

[Exhibit 1- The Sands 1-3 and 5 \(Ridge\) Amended and Restated Service Plan - Final II - Oct 1 2019](#)

[Attachment 1- Transmittal Letter- Executive Summary- 08-26-2019](#)

[Attachment 2-2018 IGA-Resolution 76-18](#)

[Attachment 3- The Sands 1-4 - 1986 Service Plan](#)

[Attachment 4- RedlineSP-The Sands 1-3 and 5 Sep 12 2019](#)

[Attachment 5- Financial Plan- 9.3.2019](#)

[Attachment 6- Ridge at Sand Creek PUD 2.7.19](#)

[Attachment 7- Ridge at Sand Creek - Engineer Estimate](#)

[PowerPoint](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving an amended and restated service plan for the Sands Metropolitan District Nos. 1-3 and The Sands Metropolitan District No. 5. He provided a brief summary of the breakout of the total maximum debt authorization for each of the districts.

Councilmember Geislinger, Councilmember Knight, and Councilmember Murray stated they will not be supporting this item because this would be precedent setting and will create a centralized district which is making decisions for detached, non-geographically located neighborhoods which is contradictory to what the developer identified as distinct neighborhoods. Mr. Schueler stated the debt authorization is fully segregated and staff is comfortable recommending it.

Jeff Mark, Landhuis Corporation, representing the district, stated this would not be precedent setting because it is already allowed and has been done before in several metropolitan districts across other jurisdictions across the Front Range.

Councilmember Williams, President Skorman, and Councilmember Pico stated it would be a financial benefit to taxpayers to combine the administration of the districts.

Councilmember Geislinger stated he recognizes it is legal and allowable, but the cost savings is minimal, it would be precedent setting, and a further

policy discussion is needed.

President Pro Tem Strand asked if a delay to review the policy would be beneficial. Mr. Schueler stated District No. 5 would like to establish the mill levy before the end of the year. Mr. Mark stated their foundation will be donating one-third of the property for a Habitat for Humanity Development in District No. 5 which is dependent on the establishment of the metropolitan district. Pat Hrbacek, representing the district, stated due to the November 2019 election timeframe for the formation of District No. 5, there would be loss of financial efficiencies if it was delayed.

Jeff Greene, Chief of Staff, stated he does not see an issue with a separate district because it is a logical, reasonable request which is already allowable by state statute and City Code.

Councilmember Williams asked if this would be precedent setting from a legally binding standpoint. Marc Smith, Corporate Division Chief, Office of the City Attorney stated from strictly a legal perspective, he does not believe so. Councilmember Geislinger asked if consistency in application review could be considered as legally precedent setting. Mr. Smith stated it should be reviewed on a fact-based case by case basis.

Mr. Schueler identified other districts in the City which have geographically separated areas. Councilmember Knight explained the differences between those separations and the current item. Mr. Mark stated the districts will have completely separate budgets and maintenance.

Councilmember Williams stated imposing a new policy decision without going through the policy change process would be inappropriate.

Councilmember Pico stated the central management of this district would be very limited and it would not cause a negative impact to the City or the residents.

President Skorman stated it would make the districts more efficient.

Motion by Councilmember Pico, seconded by Councilmember Williams, that the Resolution Approving an Amended and Restated Service Plan for The Sands Metropolitan District Nos. 1-3 and The Sands Metropolitan District No. 5 (A/K/A The Ridge at Sand Creek) be adopted. The motion failed by a vote of 4-5-0-0

Aye: 4 - Pico, Skorman, Strand, and Williams

No: 5 - Avila, Gaebler, Geislinger, Murray, and Knight

11.G. [19-291](#)

A Resolution authorizing issuance of debt by the Tuscan Foothills Village Metropolitan District in the form of Limited Tax General Obligation Convertible Capital Appreciation Bonds in an aggregate principal

amount of \$1,100,000.

(Legislative Item)

Presenter:

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

Attachments: [City Resolution Approving Debt Issuance 2019-08-13](#)

[Attachment 1-TFVMD - CO Springs Submittal Letter](#)

[Attachment 2- Term Sheet - Tuscan Foothills Village MD \(8.15.19\)](#)

[Attachment 3- Form of CCAB Series 2019 Bond](#)

[Attachment 4- Financial Projections](#)

[Attachment 5 - Reimbursable Cost Summary](#)

[Attachment 6 -General Counsel Opinion Letter, 2019-08-16](#)

[PowerPoint](#)

[Signed Resolution 98-19.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Development Department, presented the authorization of Tuscan Foothills Village Metropolitan District to issue debt in the amount of \$1.1 M in the form of Limited Tax General Obligation Convertible Capital Appreciation Bonds.

There were no comments on this item.

**Motion by President Pro Tem Strand, seconded by Councilmember Murray, that this Resolution be adopted Proposed Motion:
Adopt a resolution authorizing issuance of debt by the Tuscan Foothills Village Metropolitan District in the form of limited tax general obligation convertible capital appreciation bonds, Series 2019 in the aggregate principal amount of 1,100,000.. The motion passed by a vote of**

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

No: 1 - Knight

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

16. General Improvement Districts:

Following adjournment of the regular City Council meeting, City Council shall reconvene as the Colorado Springs Board of Directors of the Briargate General Improvement District, for action on the following item:

- 16.A.** [19-403](#) Request to set November 26, 2019 as the Public Hearing date for consideration of adopting the proposed 2020 Colorado Springs Briargate General Improvement District Budget and to advertise as required by law

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [Briargate GID 2020 Budget](#)

There were no comments on this item.

Motion by Boardmember Knight, seconded by Boardmember Murray, to establish November 26, 2019 as the date of the Public Hearing to consider the 2020 Colorado Springs Briargate General Improvement District budget be approved. The motion passed by a vote of 9-0-0

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

Following adjournment of the Board of Directors of the Briargate General Improvement District, City Council shall reconvene as the Colorado Springs Marketplace at Austin Bluffs General Improvement District, for action on the following item:

- 16.B.** [19-404](#) Request to set November 26, 2019 as the Public Hearing date for consideration of adopting the proposed 2020 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [MAB GID 2020 Budget](#)

There were no comments on this item.

Motion by Boardmember Williams, seconded by Boardmember Strand, to establish November 26, 2019 as the date of the Public Hearing to consider the 2020 Colorado Springs Marketplace at Austin Bluffs General Improvement District budget be approved. The motion passed by a vote of 9-0-0-0

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

Following adjournment of the Board of Directors of the Colorado Springs Marketplace at Austin Bluffs General Improvement District, City Council shall reconvene as the Colorado Springs Spring Creek General Improvement District, for action on the following item:

- 16.C.** [19-413](#) Request to set November 26, 2019 as the Public Hearing date for consideration of adopting the proposed 2020 Colorado Springs Spring Creek General Improvement District Budget and to advertise as required by law

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Spring Creek GID 2020 Budget](#)

There were no comments on this item.

Motion by Boardmember Strand, seconded by Boardmember Williams, to establish November 26, 2019 as the date of the Public Hearing to consider the 2020 Colorado Springs Spring Creek General Improvement District budget be approved. The motion passed by a vote of 9-0-0-0

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