



# City of Colorado Springs

## Regular Meeting Agenda - Final City Council

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

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Tuesday, October 27, 2020

10:00 AM

Council Chambers

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### 1. Call to Order

### 2. Invocation and Pledge of Allegiance

### 3. Changes to Agenda/Postponements

### 4. Consent Calendar

**These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)**

### 4A. Second Presentation:

- 4A.A.** [20-525](#) Ordinance No. 20-71 amending Multiple Sections Within Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Animal Fees

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [Attachment A Animal Control Fee Update](#)  
[Attachment B - Other City Animal Licensing Fees](#)  
[AnimalControlFeesORD-2020-09-08](#)

- 4A.B.** [20-515](#) Ordinance No. 20-72 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](#)

- 4A.C.** [20-461](#) Ordinance No. 20-73 amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the Parking Enterprise Fund in the amount of \$1,100,000 for additional funding of smart technology parking meters

Presenter:

Scott Lee, Parking Enterprise Director  
Chris Wheeler, City Budget Manager

**Attachments:** [Supplemental Approp Ord - Parking Enterprise for smart meters](#)

- 4A.D.** [19-731](#) Ordinance No. 20-74 amending Section 102 (Definitions), Section 105 (Prohibition on Sale of Cigarettes or tobacco products in vending machines), and Section 106 (Tobacco Product Placement) of Part 1 (No Smoking in Public Places or Workplaces Except in Those Areas Designated for Smoking) of Article 6 (Public Health and Sanitation - No Smoking in Public Places) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to limitations on tobacco products in vending machines and tobacco product placement and providing penalties for the violation thereof

Presenter:

Tom Strand, City Councilmember

Marc Smith, Corporate Division Chief and Legislative Counsel, City Attorney's Office

**Attachments:** [Tobacco Placement ORD-2020-09-15-clean.docx](#)

[HB2020a 1001 signed](#)

[HB20-1001 State Bill Summary](#)

- 4A.E.** [20-539](#) Ordinance No. 20-75 creating a new Section 213 (Unlawful Transfer of Tobacco and Tobacco Products) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the unlawful transfer of tobacco and tobacco products and providing penalties for the violation thereof

Presenter:

Tom Strand, City Councilmember

Marc Smith, Corporate Division Chief and Legislative Counsel, Office of the City Attorney

**Attachments:** [Tobacco Possession Transfer ORD-2020-09-15-clean.docx](#)

**4A.F.** [CPC A  
18-00116](#)

Ordinance No. 20-76 annexing to the City of Colorado Springs that area known as Mazariegos Addition No. 1 consisting 0.165 of an acre.

(Legislative)

Related Files: CPC A 18-00116R, CPC A 18-00116, CPC ZC 19-00141, CPC PFP 20-00082

Presenter:

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

**Attachments:** [ORD\\_MazariegosAdditionNo.1Annexation](#)  
[Exhibit A - MazariegosLegalDescription](#)  
[Exhibit B - Mazariegos Annexation Agreement](#)

**4A.G.** [CPC ZC  
19-00141](#)

Ordinance No. 20-77 amending the zoning map of the City of Colorado Springs pertaining to 0.165 of an acre located at 4221 Date Street establishing a R-5 (Multi-Family Residential) zone

(Legislative)

Related Files: CPC A 18-00116R, CPC A 18-00116, CPC ZC 19-00141, CPC PFP 20-00082

Presenter:

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

**Attachments:** [ZC\\_ORD\\_MazariegosAdditionNo.1](#)  
[Exhibit A\\_ZC LegalDescription](#)  
[Exhibit B\\_ZC Depiction](#)

- 4A.H. [CPC A 19-00064](#) Ordinance No. 20-78 annexing to the City of Colorado Springs that area known as Dickerson Addition No. 1 consisting of 0.414 of an acre.

(Legislative)

Related Files: CPC A 19-00064R, CPC A 19-00064, CPC PFP 20-00056, CPC ZC 20-00055

Presenter:

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

**Attachments:** [ORD\\_DickersonAdditionNo.1Annex](#)  
[Exhibit A - DickersonAnnexationLegal](#)  
[Exhibit B\\_Dickerson Annexation Agreement](#)

- 4A.I. [CPC ZC 20-00055](#) Ordinance No. 20-79 amending the zoning map of the City of Colorado Springs pertaining to 0.331 of an acre located southwest of Siferd Boulevard and Rosalie Street establishing the R-5 (Multi-family Residential) zone.

(Legislative)

Related Files: CPC A 19-00064R, CPC A 19-00064, CPC PFP 20-00056, CPC ZC 20-00055

Presenter:

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

**Attachments:** [ZC\\_ORD\\_DickersonAdditionNo.1](#)  
[Exhibit A](#)  
[Exhibit B](#)

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

- 4B.A. [20-591](#) City Council Regular Meeting Minutes October 13, 2020

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [10-13-2020 City Council Meeting Minutes Final.pdf](#)

- 4B.B.** [20-600](#) Request for Approval Amount of Settlement in Case No. 16-CV-02745-JLK

Presenter:

Wynetta Massey, City Attorney/Chief Legal Officer

- 4B.C.** [CPC ZC 20-00008](#) An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 0.73-acre from Intermediate Business with Planned Provisional Overlay (C5/P) to Intermediate Business (C5), located at 4430 Forrest Hill Road.

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [ZC\\_ORD\\_4430ForrestHillRoad](#)  
[Exhibit A - Legal](#)  
[Exhibit B - Zone Change](#)  
[Vicinity Map](#)  
[CC\\_4430 Forrest Hill Rd\\_staff\\_DJS](#)  
[CPC Report 4430 Forrest Hill Rd](#)  
[Development Plan](#)  
[Project Statement](#)  
[Nonuse Variance Project Statement](#)  
[PlanCOS Vision Map](#)  
[Public Comment](#)  
[Ordinance 82-146](#)  
[Context Map](#)  
[7.5.603 Findings - ZC](#)

**4B.D.** [CPC DP  
20-00009](#)

A Development Plan an eight (8) unit residential project located at 4430 Forrest Hill Road.

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:**

[Development Plan](#)

[7.5.502.E Development Plan Review](#)

**4B.E.** [CPC NV  
20-00069](#)

A Nonuse Variance from City Code Section 7.3.104(A), to allow the reduction of the front setback to 16 feet where the required setback is 20 feet for an 8-unit residential project located at 4430 Forrest Hill Road

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:**

[Development Plan](#)

[7.3.104.A Agricultural-Residential-Spec Use-Traditional Neighborhood zone sta](#)

[7.5.802.B Nonuse Variance Criteria](#)

- 4B.F.** [CPC NV 20-00070](#) A Nonuse Variance from City Code Section 7.3.104(A), to allow the reduction of the rear setback to 13 feet where the required setback is 25 feet for an 8-unit residential project located at 4430 Forrest Hill Road.

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Development Plan](#)  
[7.5.802.B Nonuse Variance Criteria](#)  
[7.3.104.A Agricultural-Residential-Spec Use-Traditional Neighborhood zone str](#)

- 4B.G.** [20-545](#) An Ordinance amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the Grant Fund in the amount of \$67,013,392, the Airport Grant Fund in the amount of \$24,340,290, and the CDBG Grant Fund in the amount of \$1,811,610 for the Coronavirus Aid, Relief, and Economic Security Act (CARES) grants funding response to and recovery from the coronavirus pandemic.

**Attachments:** [CARES Act GrantsSuppAppORD-2020-09-17](#)  
[Granicus File 20-545 CARES Grant Supplemental Appropriation PowerPoint 10](#)  
[Bureau of Justice Assistance FY 2020 Coronavirus Emergency Supplemental F](#)  
[CARES Act Airport Grants – Frequently Asked Questions](#)  
[Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Govern](#)  
[FEMA PA Eligibility Policy for COVID\\_FINAL.9.1.20.signed](#)  
[Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infec](#)

- 4B.H.** [20-570](#) An Ordinance Repealing Ordinance No. 17-37 and Dissolving the Colorado Springs Commission on Aging

Presenter:

Jill Gaebler, City Councilmember

**Attachments:** [CommissionAgingDissolutionORD-2020-09-22](#)  
[Ord-no.-17-37 Comm Aging](#)



- 4B.I.** [20-504](#) Resolution authorizing the Banning Lewis Ranch Metropolitan District No. 3 to Issue Series 2020 General Obligation Limited Tax Refunding Bonds in an Aggregate Principal Amount Not to Exceed \$11,000,000.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [RES\\_BLRMetroDistNo3BondRefunding](#)

[1- BLR 3 - Financing - Cover Letter](#)

[2- BLR 3 - DA Davidson Board Presentation - Proposed Financing](#)

[3- BLR 3 - Term Sheet](#)

[4- BLR 3 - Financing Plan](#)

[5- Indenture - Banning Lewis Ranch MD No. 3](#)

[6- BLR 3 - 2020 Bond Issuance - Form GC Opinion](#)

[PowerPoint](#)

- 4B.J.** [20-314](#) Approval of the Proposed 2021 Operating Plan and Budget for the Briargate Center Business Improvement District and Specifically Allowing for a Temporary Increase in the Operating Mill Levy of up to 13.000 Mills

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Briargate Center OPERATING PLAN AND BUDGET\(00779611-2 xAF7F5 10-12-20 BIDpresentation](#)

- 4B.K.** [20-312](#) Approval of the Proposed 2021 Operating Plan and Budget for the Barnes & Powers South Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan - Barnes Power South BID\(4285147.1\) Rev](#)

- 4B.L.** [20-311](#) Approval of the Proposed 2021 Operating Plan and Budget for the Barnes & Powers North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan & Budget - Barnes Powers North BID - revised\(4298629](#)

- 4B.M. [20-315](#)** Approval of the Proposed 2021 Operating Plan and Budget for the Creekwalk Marketplace Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2021 Operating Plan - Creekwalk Marketplace BID\(4284505.1\) Rev](#)
- 4B.N. [20-316](#)** Approval of the Proposed 2021 Operating Plan and Budget for the First and Main Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2021 Operating Plan - First Main BID\(4285430.1\) Rev 10.16.20](#)  
[First Main BID - redline 10.16.20](#)
- 4B.O. [20-317](#)** Approval of the Proposed 2021 Operating Plan and Budget for the First and Main Business Improvement District No. 2
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2021 Operating Plan - First Main BID No. 2\(4285048.1\) Revised 10.16.20](#)  
[First and Main BID No. 2 - redline 10.16.20](#)
- 4B.P. [20-318](#)** Approval of the Proposed 2021 Operating Plan and Budget for the First and Main North Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2021 Operating Plan - First Main North BID Rev](#)
- 4B.Q. [20-320](#)** Approval of the Proposed 2021 Operating Plan and Budget for the Interquest North Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2021 Operating Plan and Budget - Interquest North BID\(4283608.1\) Rev 10.16.:](#)  
[Interquest North BID - redline 10.16.20](#)

- 4B.R. [20-321](#)** Approval of the Proposed 2021 Operating Plan and Budget for the Interquest South Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2021 Operating Plan and Budget - Interquest South BID\(4285889.1\) Rev](#)
- 4B.S. [20-322](#)** Approval of the Proposed 2021 Operating Plan and Budget for the Interquest Town Center Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2021 Operating Plan - Interquest Town Center BID\(4285091.1\) rev 10.16](#)
- 4B.T. [20-323](#)** Approval of the Proposed 2021 Operating Plan and Budget for the MW Retail Business Improvement District
- Presenter:  
Carl Schueler, Planning Manager - Comprehensive Planning
- Attachments:** [2021 Operating Plan and Budget - MW Retail BID\(4286157.1\) Rev 10.16](#)
- 4B.U. [20-324](#)** Approval of the Proposed 2021 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2021 Operating Plan - Powers and Woodmen BID\(4284734.1\) Revised 10.16.20](#)  
[Powers and Woodmen Commercial BID - redline 10.16.20](#)
- 4B.V. [20-325](#)** Approval of the Proposed 2021 Operating Plan and Budget for the SW Downtown Colorado Springs Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2021 Operating Plan - SW Downtown BID - revised\(4300355.1\) 10.16.20](#)  
[SW Downtown BID - redline 10.16.20](#)

## **5. Recognitions**

- 5.A. [20-538](#) A Proclamation celebrating the 50th Anniversary of the Defense Support Program Satellite Launch

Presenter:  
Don Knight, City Councilmember District #1

**Attachments:** [DSP Final](#)

- 5.B. [20-556](#) A Proclamation observing October 2020 as Breast Cancer Awareness Month

Presenter:  
Jill Gaebler, Councilmember District #5

**Attachments:** [Breast Cancer Awareness Month 2020](#)

- 5.C. [20-561](#) Presentation of the Colorado Chapter of the American Planning Association Recognition of Tejon Street as a recipient of the 2020 Great Places Award

Presenter:  
Ryan Tefertiller, Planning Manager, Planning and Community Development Department  
Peter Wysocki, Planning Director, Planning and Community Development Department

**Attachments:** [GP\\_CATEGORY-CERTIFICATE-Tejon-DPCS\\_REV](#)  
[Tejon\\_Street-ColoradoSprings-reduced size Oct 2020](#)

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

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

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

## **9. Utilities Business**

- 9.A.** [20-480](#) Public Hearing for the Consideration of Resolutions Setting Natural Gas and Electric Rates Within the Service Areas of Colorado Springs Utilities, Certain Changes to Natural Gas and Electric Rate Schedules, and Water and Wastewater Rates

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [10-27-2020 CC Rate Hearing-Resolutions & Tariffs](#)  
[Agenda 2021 Rate Case](#)  
[City Attorney Instructions-2021 Rate Case](#)  
[Issues For Decision-2021 Rate Case](#)  
[10-27-20 CC 2021 Rate Case Hearing Presentation](#)  
[REVISED 10-27-20 CC 2021 Rate Case Hearing](#)

- 9.B.** [20-543](#) A Resolution Setting the Electric Cost Adjustment and Industrial Service - Large Power and Light Supply Credit Rates effective November 1, 2020

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [10-27-2020 CC Mtg-ECA Resolution](#)  
[ECA Sheet 2.9 E Rate Tbl - Final](#)  
[ECA Sheet 2.9 E Rate Tbl - Redline](#)  
[09-2020 ECA Schedule 1](#)  
[10-27-2020 CC ECA-GCA](#)

- 9.C.** [20-544](#) A Resolution Setting the Gas Cost Adjustment effective November 1, 2020

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [10-27-2020 CC Mtg-GCA Resolution](#)  
[GCA Sheet 2.4 G Rate Tbl - Final](#)  
[GCA Sheet 2.4 G Rate Tbl - Redline](#)  
[09-2020 GCA Schedule 1](#)

- 9.D. [20-540](#) An Ordinance Approving the Annual Budget for Colorado Springs Utilities and Appropriating Monies for the Several Purposes Named in the Annual Colorado Springs Utilities Budget for the Year Ending December 31, 2021

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [2021 Annual Budget Formal Ord](#)  
[2020-10-27 CC Prelim Budget](#)

- 9.E. [20-541](#) An Ordinance Identifying and Accepting the Annual Sources of Funds for Colorado Springs Utilities for the Year Ending December 31, 2021

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [2021 Annual Source Funds Ord](#)

## **10. Unfinished Business**

## **11. New Business**

- 11.A. [20-319](#) Approval of the Proposed 2021 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan Greater Downtown BID](#)  
[2021 BID General Fund Summary](#)

- 11.B. [20-326](#) Approval of the Proposed 2021 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District, Subject to an Amended Operating Plan and Budget Being Approved Prior to Formal Debt Issuance

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [USAFA BID - 2021 Operating Plan - Revised II - Oct 8 2020 \(4298034\\_1\)](#)

- 11.C. [20-550](#) Resolution Approving an Extension of Time for the USAFA Visitors Center Business Improvement District to Issue Series A, B and C Bonds Previously Authorized by Resolution No. 103-19

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Bob Cope, Economic Development Officer

**Attachments:** [RES\\_USAFAVisitorsCenterBIDExtension10-27-revision](#)

[RES\\_USAFAVisitorsCenterBIDExtension](#)

[1- Transmittal Letter 9-25-20](#)

[2- Resolution 103-19](#)

- 11.D. [20-588](#) Proposed update to the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals

Presenter:

Danielle Delgado, HR Manager, Human Resources Department

**Attachments:** [Policy 30 Sworn PPM Draft - Political Activity](#)

[Policy 42 Civilian PPM Draft - Political Activity](#)

- 11.E. [20-594](#) A resolution adopting the final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Black Forest Fire Rescue Protection District

Presenter:

Frederick Stein, Public Safety Attorney

**Attachments:** [Black Forest Exclusion City Resolution-FINAL](#)

[Black Forest Fire AgreementJoint Plan for Exclusion-BlackForest-FINAL10-20](#)

[CumbreVista Filings12-ExA-1](#)

[Forest Meadows Filing1-ExA-2](#)

- 11.F. [20-595](#) A resolution adopting final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Falcon Fire Protection District

Presenter:

Frederick Stein, Public Safety Attorney

**Attachments:**

[Falcon Fire Exclusion City Resolution-FINAL](#)

[Falcon Fire Agreement Joint Plan for Exclusion-CLEAN-DRAFT-10-20-20](#)

[Shilo Mesa Annex-GIS-ExA](#)

[Quail Brush Creek Map Exhibit A-2](#)

[Shiloh Mesa Exclusion Properties-Updated4-9-20](#)

## **12. Public Hearing**

- 12.A. [CPC CU 20-00060](#) An appeal of the Planning Commission's decision to approve the Sundance at Rock Creek Conditional Use Development plan for a 240 unit apartment complex located southwest of the intersection of Pine Oaks Road and Highway 115.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:**

[Applicant Appeal Statement](#)

[Staff - Sundance at Rock Creek- LJT](#)

[Vicinity Map](#)

[Aerial Vicinity Map](#)

[CPC Staff Report Sundance at Rock Creek](#)

[Conditional Use Development Plan](#)

[Project Statement](#)

[Public Comments](#)

[Context Map](#)

[Access Road Applicant Comments](#)

[PlanCOS Vibrant Neighborhoods Framework Map](#)

[7.5.704 Conditional Use Review](#)

[7.5.502.E Development Plan Review](#)

## **13. Added Item Agenda**

## **14. Executive Session**



**15. Adjourn**