



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, January 26, 2021

10:00 AM

Council Chambers

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1. Call to Order

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

Councilmember Knight left the meeting at approximately 3:00 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Councilmember Geislinger.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Skorman stated item 11.C. will be taken first on the Agenda and Mayor's Business will be taken before Citizen Discussion.

Councilmember Gaebler requested item 4A.A. 4, Councilmember Murray requested item 4A.I., and Citizen David Gilroy requested 4B.M. and 4B.N

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.B. [CPC CA 20-00144](#) Ordinance No. 21-02 amending Section 504 (HS - Hillside Area Overlay) of Part 5 (Overlay 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 grading and erosion control.

Presenter:
Erin Powers, Senior Technical Engineer
Richard Mulledy, Stormwater Enterprise Manager

Attachments: [Ordinance HS-O](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.C. [CPC CA 20-00148](#) Ordinance No. 21-03 amending Section 508 (SS - Streamside Area Overlay) of Part 5 (Overlay 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 grading and erosion control.

Presenter:
Erin Powers, Senior Technical Engineer
Richard Mulledy, Stormwater Enterprise Manager

Attachments: [Ordinance SS-O](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.D. [CPC CA 20-00149](#) Ordinance No. 21-04 amending Part 9 (Subdivision Drainage Facilities) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control and stormwater quality.

Presenter:

Erin Powers, Senior Technical Engineer
Richard Mulledy, Stormwater Enterprise Manager

Attachments: [Ordinance Drainage Facilities](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.E.** [CPC CA 20-00150](#) Ordinance No. 21-05 repealing and reordaining Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control and stormwater quality standards and providing penalties and remedies for the violation thereof.

Presenter:

Erin Powers, Senior Technical Engineer
Richard Mulledy, Stormwater Enterprise Manager

Attachments: [SW-GEC-7-7-15-ORD-2020-11-10-clean](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.F.** [21-048](#) Ordinance No. 21-08 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the general municipal election conducted by mail ballot to be held on April 6, 2021, amending section 7-90 (c) of the City Charter eliminating a thirty (30) word limitation on ballot titles for tax or bonded debt increases, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance

Presenter:

Wayne Williams, City Councilmember

Attachments: [Charter-Amendment-TABOR-Word-Limitation-2021-01-04\(2\) sec-7-90-DRAFT 2004-PPRTA-Ballot-Language-1](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.G.** [CPC A 19-00157](#) Ordinance No. 21-09 annexing the area known as Jovenchi-1 Addition No. 1 Annexation located northwest of New Life Drive and Interquest Parkway consisting of 2.088 acres.

(Legislative)

Related Files: CPC A 19-00157R, CPC A 19-00157, CPC ZC 20-00034

Presenter:

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

Attachments: [ORD Annexation Jovenchi-1AdditionNo.1](#)
[Exhibit A - JOVENCHI Annexation Legal](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.H.** [CPC ZC 20-00034](#) Ordinance No. 21-10 amending the zoning map of the City of Colorado Springs pertaining to 2.088 acres located northwest of New Life Drive and Interquest Parkway establishing the A (Agricultural) zone.

(Legislative)

Related Files: CPC A 19-00157R, CPC A 19-00157, CPC ZC 20-00034

Presenter:

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

Attachments: [ZC ORD Jovenchi-1No.1Addition](#)
[Exhibit A - Legal Desc JOVENCHI](#)
[Exhibit B - JOVENCHI Rezone Exhibit](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.J.** [CPC A 19-00022](#) Ordinance No. 21-13 annexing to the City of Colorado Springs that area known as Banning Lewis Ranch Annexation consisting of 887.08 acres.

(Legislative)

Related Files: CPC A 19-00022R, CPC A 19-00022, CPC MP 19-00123, CPC PUZ 19-00124, CPC PUP 19-00125

Presenter:

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

Attachments: [ORD Annexation BanningLewisRanchNorth](#)
[Exhibit A - Legal Description BLR North Annexation](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.K.** [CPC PUZ 19-00124](#) Ordinance No. 21-14 amending the zoning map of the City of Colorado Springs pertaining to 807.51 acres located along the north and south side of Woodmen Road between Mohawk Road and Golden Sage Road

establishing a PUD/AO (Planned Unit Development; commercial, industrial, civic, single-family residential, multi-family residential, open space and parks as defined by the Banning Lewis Ranch North Zoning and Design Standards with maximum residential density of 2800 dwelling units and Airport Overlay) zone.

(Legislative)

Related Files: CPC A 19-00022R, CPC A 19-00022, CPC MP 19-00123, CPC PUZ 19-00124, CPC PUP 19-00125

Presenter:

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

Attachments: [ORD EstablishmentOfZone BanningLewisRanchNorth](#)
[Exhibit A - BLR-North Zoning Legal Description](#)
[Exhibit B BLR-North Zoning Depiction](#)

This Ordinance was finally passed on the Consent Calendar

4B. First Presentation:

4B.A. [21-070](#) Special City Council Regular Meeting Minutes January 11, 2021

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [1-11-21 Special City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [21-071](#) City Council Regular Meeting Minutes January 12, 2021

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [1-12-2021 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.C. [21-075](#) Appointments to Boards, Commissions, and Committees

Presenter:

Michael Montgomery, Deputy City Council Administrator

Attachments: [012621 Boards Commissions and Committee Appointments](#)

This Item was approved on the Consent Calendar.

- 4B.D.** [20-683](#) An Ordinance Amending Ordinance No. 20-92 (2021 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the amount of \$3,912,580 to transfer monies received from the periodic reconciliation with UC Health to the Colorado Springs Health Foundation

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Supplemental Approp Ord for MHS for UCH recon payment - 01 11 21](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.E.** [20-660](#) An ordinance amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$1,862,882, and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$72,147, which will be transferred to the General Fund and is included in the \$1,862,882, for the retention of 2019 fiscal year revenue above the 2019 fiscal year revenue and spending limitations (TABOR Cap), approved by voters in the November 2020 coordinated election to be retained and spent for the benefit of public safety

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Ordinance for Supplemental - 2019 TABOR Public Safety](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.F.** [20-681](#) An ordinance amending Section 115 (Automated Vehicle Identification System (AVIS)) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to AVIS Procedures.

Presenter:

Vince Niski, Chief of Police

Jeff Strossner, Commander SED

Attachments: [MuniCt-AVIS_AmendmentCh10-1-115-DRAFT.docx](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.G.** [21-049](#) A Resolution Authorizing the Disposal of City Real Property to the Colorado Department of Transportation (“CDOT”)

Presenter:

Greg Phillips, Director of Aviation

Colorado Springs Airport

Attachments: [CDOT Resolution bjb 12.30.20](#)
[Exhibit A - COSA Drainage Parcel](#)
[Resolution 10-21](#)

This Resolution was adopted on the Consent Calendar.

- 4B.H.** [21-050](#) A Resolution Authorizing The Acquisition Of Real Property Owned By School District No. 11, a/k/a Colorado Springs School District 11

Presenter:
Greg Phillips, Director of Aviation
Colorado Springs Airport

Attachments: [D-11 Resolution-12.30.20](#)
[Exhibit B - FAA Letter - D11 COS 163 Determination](#)
[Exhibit A - D-11 Property Legal Description](#)
[Resolution 11-21](#)

This Resolution was adopted on the Consent Calendar.

- 4B.I.** [21-016](#) A resolution designating The Colorado Springs Gazette as the official City of Colorado Springs newspaper for the publication of ordinances, notices, and other legal advertisements.

Presenter:
Bret Waters, Deputy Chief of Staff
Sarah Johnson, City Clerk

Attachments: [PublishingNewspaperDesignationRES-2020-12-17](#)
[City Code of Colorado Springs-1.1.114](#)

This Resolution was adopted on the Consent Calendar.

- 4B.J.** [CPC MPA](#)
[04-00043-A6](#)
[MJ20](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving a Major Master Plan amendment to the Hills Properties Master Plan, changing the land use designation from Office and Hospital to Residential and Open Space.

(Legislative)

Related Files: CPC MPA 04-00043-A6MJ20, CPC PUZ 20-00119, and CPC PUP 20-00120

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

Attachments: [RES MasterPlanAmendment HillsProperties](#)
[Exhibit A - Master Plan Amendment](#)
[CPC Report Overlook at Centennial & Fillmore](#)
[PUD Zone Change](#)
[PUD Concept Plan](#)
[Project Statement](#)
[PlanCOS Vision Map](#)
[CGS Letter](#)
[Fiscal Impact Analysis](#)
[Context Map](#)
[7.5.408 Master Plan](#)
[CC Overlook@Centennial&Fillmore DJS](#)
[Evergreen Overlook Centennial and Fillmore City Council Meeting 1-26-21 final](#)
[CPC Minutes OverlookAtCentennial draft](#)

This Resolution was adopted on the Consent Calendar.

- 4B.K.** [CPC PUZ 20-00119](#) An Ordinance amending the zoning map of the City of Colorado Springs relating to 42.784 acres from Planned Unit Development: Hospital, Office, Medical Office, and General Commercial to Planned Unit Development: Residential and Open Space; Density of 15-24.99 Dwelling Units Per Acre; Maximum Building Height of 75 Feet

(Quasi-Judicial)

Related Files: CPC MPA 04-00043-A6MJ20, CPC PUZ 20-00119, and CPC PUP 20-00120

Presenter:

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

Attachments: [ORD ZoneChange OverlookatCentennial](#)
[Exhibit A - PUD Zone Change Legal](#)
[Exhibit B - PUD Zone Change](#)
[Vicinity Map](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.L.** [CPC PUP 20-00120](#) A PUD Concept Plan for the Overlook at Centennial & Fillmore project illustrating the framework for a mixed use development, located northeast of the Centennial Boulevard and Fillmore Street intersection.

(Quasi-Judicial)

Related Files: CPC MPA 04-00043-A6MJ20, CPC PUZ 20-00119, and CPC PUP 20-00120

Presenter:

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

Attachments: [PUD Concept Plan 8.5 x 11](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Williams, seconded by President Pro Tem Strand, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

5. Recognitions

- 5.A. [21-030](#) Ordinance No. 21-06 appointing Jacqueline Rowland as City Auditor and prescribing her duties, compensation and tenure in office

Presenter:

Richard Skorman, City Council President

Attachments: [Ord Appt. Rowland \(Dec 2020 final\)](#)

Municipal Judge Hayden Kane swore in Jacqueline Rowland as City Auditor.

Ms. Rowland expressed appreciation for the appointment and identified the core values, powers, and duties of the Office of the City Auditor.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that this Ordinance appointing Jacqueline Rowland as City Auditor and prescribing her duties, compensation and tenure in office. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

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

Citizen Mathew Parkhouse spoke against the enabled vagrant camps within the City.

Susan Davies, Trails, Open Space and Parks (TOPS) stated they are grateful for the TOPS initiative being removed from today's Agenda to allow additional time for public participation, a good outcome, and to improve the TOPS program.

7. Mayor's Business

- 7.A. [21-066](#) Nomination to appoint Eddie Rodriguez to serve out the term created by the vacancy from Donnis Martin's resignation on the Colorado Springs Housing Authority Board. The term would be set to expire on April 1, 2022.

Presenter:
Mayor John Suthers

Attachments: [2021 January CSHA Memo to CC.pdf](#)
[Eddie Rodriguez - Resume.pdf](#)

Mayor John Suthers presented the nomination to appoint Eddie Rodriguez to serve out the term created by the vacancy from Donnis Martin's resignation on the Colorado Springs Housing Authority Board. He stated the term is set to expire on April 1, 2022.

Mr. Rodriguez expressed appreciation for the nomination.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Appointment for Eddie Rodriguez to serve out the remaining term created by the vacancy from Donnis Martin's resignation on the Colorado Springs Housing Authority Board, set to expire on April 1, 2022 be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

8. Items Called Off Consent Calendar

- 4A.A. [CPC ZC](#)
[17-00068](#) Ordinance No. 21-01 amending the zoning map of the City of Colorado Springs pertaining to 3.43 acres located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue, from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential) for development of 72 apartments.

(Quasi-Judicial)

Related Files: CPC ZC 17-00068, CPC DP 18-00048

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ZC ORD VueDesMonts](#)

[Exhibit A - Zone Change Legal Description](#)

[Exhibit B - Zone Change Depiction](#)

[Vicinity Map](#)

Tasha Brackin, Senior Planner, Planning and Community Development, presented the Ordinance amending the zoning map pertaining to 3.43 acres located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue for development of 72 apartments. She gave an overview of the application, vicinity map, site information, public notification, area zoning, development plan, Midland Master Plan context, landscape plan, compatibility with PlanCOS, and development plan elevations.

Councilmember Knight asked if the existing zone overlaps with another zone. Ms. Brackin stated it does not. Councilmember Knight asked how much is already zoned R-5. Ms. Brackin stated approximately one half acre.

Mark Long, Echo Global Logistics, representing the applicant, stated this is an infill site with mixed zoning, City staff does not believe industrial would be as good a use of the land as apartments, Planning Commission unanimously approved this project, and they have complied with all City standards and requirements. He provided a background of the property and the public review process,

Citizens Tracy Crowell, Beaty Nelsestuen, William Heydman, and Brian Baugh spoke in opposition of the project.

Councilmember Williams requested the location and height allowance for the high rise overlay. Ms. Brackin identified where the designation is located and stated the height allowance is a formula which allows an increase by a factor of three for the floor area ratio. Councilmember Williams asked what the height allowance is for industrial zones. Ms. Brackin stated forty feet.

President Skorman asked why a traffic study was not conducted. Ms. Brackin stated the traffic is estimated using the standard formula of the traffic engineering manuals which established the expected generation of thirty-nine vehicles per hour during peak hours and five hundred trips per day. Todd Frisbie, City Traffic Engineer, stated the use and anticipated trip generation was relatively small compared to the existing traffic on the streets which is allowed by current zoning.

President Skorman requested additional information regarding the drainage concerns brought up by Mr. Heyden. Jeff Bailey, Engineering Program Manager, stated he spoke with the drainage report design engineer and requested the drainage channel be designed to smallest possible section at the lowest slope which would carry the least amount of flow.

Councilmember Geislinger asked when the residential development at the intersection of the southwest side of Lower Gold Camp Road and Rio Grande were developed. Ms. Brackin stated early 2000's.

Councilmember Geislinger asked if there were previous plans to build a six to seven story building on this site. Ryan Lloyd, Echo Architecture, stated there was a prior plan to build a five story building with one level of underground parking, but it was not well received by the neighborhood so the current developer reduced the height and density of the project.

Councilmember Williams asked where the dumpsters will be located. Mr. Lloyd stated they are adjacent to the parking lot and are at least forty feet or more away from neighboring property lines. Councilmember Williams asked if the applicant would be amenable to moving the dumpster. Mr. Lloyd said they will look at locating the dumpster enclosure near the parking lot island.

President Skorman asked the applicant to address the concerns presented by the neighboring residents. Mr. Long stated there will be sidewalks installed around the site, the density is not as great as what is allowed, there will be more than the required number of parking spaces, parking on the street is illegal, traffic engineers have determined this project will fit within the neighborhood, the entrance to the apartments is off from Lower Gold Camp Road, and the residents of the apartments have a right to clear windows rather than opaque ones.

President Skorman asked if the proposed units will be market or attainable. Mr. Long stated they will be market.

Councilmember Gaebler stated this project is a good compromise for the area.

Councilmember Geislinger stated with the existing zoning, the owner is permitted to build in a manner which would have similar impacts to surrounding residents.

Councilmember Williams stated he believes this is an appropriate use of the property.

President Skorman and Councilmember Avila stated they will not be supporting this item due to the lack of a traffic study.

Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.43 acres located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue, from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential) for development of 72 apartments as amended. The motion passed by a vote of 7-2-0-0

Aye: 7 - Gaebler, Geislinger, Knight, Murray, O'Malley, Strand, and Williams

No: 2 - Avila, and Skorman

- 4A.I.** [CPC A 19-00134](#) Ordinance No. 21-11 annexing the area known as Peak Center Addition No. 1 Annexation located east of Voyager Parkway along Old Ranch Road consisting of 11.36 acres.

(Legislative)

Related Files: CPC A 19-00134R, CPC A 19-00134, CPC ZC 20-00032, CPC CP 20-00033

Presenter:

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

Attachments: [ORD Annexation PeakCenterAdditionNo.1](#)

[Exhibit A - Peak Center Annexation Addition No. 1 Legal Description](#)

[APPLICANT PRESENTATION Peaks Recovery Annex 1-12-2021](#)

Councilmember Murray requested the Ordinance annexing the area known

as Peak Center Addition No. 1 Annexation located east of Voyager Parkway along Old Ranch Road consisting of 11.36 acres be postponed until the May 11, 2021 City Council meeting to allow the community to address issues involving covenants, legal issues, and environmental concerns.

Councilmember Geislinger stated procedurally, they are not permitted to postpone this item because there has already been a public hearing and a first vote.

Councilmember Knight stated he had asked City staff and the applicant at the public hearing if there were any covenants in place and there were none presented, but since that hearing, there has been documentation regarding covenants provided to City Council which could be grounds for reopening the public hearing for the February 9, 2021 City Council meeting.

Councilmember Williams stated the process for the evidence of these covenants to be presented was at the public hearing which was properly noticed and held two weeks ago.

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated this was a publicly noticed annexation hearing, State annexation statutes require a minimum of one-hour testimony before the hearing can be postponed, and the City generally does not have the authority to supersede private covenants because they are private contractual matters.

Peter Wysocki, Planning and Community Development Director, stated the annexation and related zoning change were previously approved on first reading by City Council on January 12, 2021 as well as the concept plan and the public hearing for those items were publicly noticed for January 12, 2021, not the second reading date.

Councilmember Gaebler stated the issue of covenants was brought up during the public hearing and because covenants are a private matter which should not be considered for this item, there is no reason for a postponement.

Councilmember Geislinger stated City Council has zero jurisdiction over interpreting or evaluating covenants so even if any covenants exist, it would not apply to this review criteria.

Andrea Barlow, NES, Inc., representing the applicant, stated there is no master plan for Springcrest, the only covenant found on file for Springcrest is dated September 9, 1960, does not apply to the applicant's lots, and terminated on January 1, 1970.

Brian FASTERLING, Springcrest Neighborhood Alliance, stated there was a covenant amendment placed on the applicant's property which was filed on November 4, 1963 and it was extended twice for ten year periods with no specific expiration clause. He stated this information was obtained after the January 12, 2021 hearing.

President Pro Tem Strand asked what the impact of a delay would be. Ms. Barlow stated it would be significant because the project has already been delayed substantially due to the impact of COVID-19 and the applicant has a client base which needs to be served.

Councilmember Knight asked if the zone change would have to be reversed if the covenant prevails in court. Mr. Smith stated unless a District Court challenges it, the zoning would remain the same.

Councilmember Williams stated the City's current zoning code does not require all covenant disputes to be resolved prior to coming before City Council and the current covenant dispute will not be resolved within the next two weeks.

Councilmember Geislinger stated there needs to be a future discussion related to covenants and how it should apply to RetoolCOS, but if City Council attempts to interpret a potential covenant for this property, they could be subject to litigation.

Councilmember Knight withdrew his second for the motion to postpone item 10.B.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that Ordinance No. 21-11 annexing the area known as Peak Center Addition No. 1 Annexation located east of Voyager Parkway along Old Ranch Road consisting of 11.36 acres be finally passed. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, O'Malley, Skorman, Strand, and Williams

No: 1 - Murray

- 4B.M.** [CPC ZC 20-00116](#) An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 7.38 acres located southwest of the Rio Vista Drive and Barnes Road intersection from PUD/AO (Planned Unit Development: multi-family with an Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay)

(Quasi-Judicial)

Related Files: CPC ZC 20-00116 and CPC CP 20-00117

Presenter:

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

Attachments: [ZC ORD Rio Vista](#)

[Exhibit A - Legal Description](#)

[Exhibit B-Zone Change](#)

[Vicinity Map](#)

Daniel Sexton, Principal Planner, Planning and Community Development, presented the Ordinance amending the zoning map pertaining to 7.38 acres located southwest of the Rio Vista Drive and Barnes Road intersection. He gave an overview of the applications, vicinity map with zoning, site information, context map, and proposed zone change. He went over the concept plan, traffic, drainage, conformance with PlanCOS, and staff recommendations.

Max Gansline, The Staenberg Group, representing the applicant, gave a brief history of the project.

Citizen David Gilroy spoke in opposition of the proposed project.

Councilmember Geislinger asked why multi-family was not considered for this project. Mr. Gansline stated this is an extension of their Powers Point Center project which has had significant success, there are three hundred apartment units is planned for behind Burlington, the UCHealth campus is proposed to the south, the project site has very steep terrain which had to be considered in regards to planning traffic and access, and the demand for commercial use definitely exists.

Councilmember Williams stated the Pikes Peak Area Council of Governments is prioritizing the issues with the intersection of Powers Boulevard and Barnes Road with a grade separated interchange and if the traffic conditions become unsafe, the commercial access can be modified.

Councilmember Knight and Councilmember Gaebler stated this project will improve the City's tax base and they support it.

Motion by Councilmember Knight, seconded by President Pro Tem Strand, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 7.38 acres from PUD/AO (Planned Unit Development: multi-family with an Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay), based upon the findings that the zone change meets the review criteria as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

4B.N. [CPC CP 20-00117](#) A Concept Plan for the Rio Vista Commercial project located at 4250 Rio Vista Drive.

(Quasi-Judicial)

Related Files: CPC ZC 20-00116 and CPC CP 20-00117

Presenter:

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

Attachments: [Concept Plan Project Statement](#)

[Concept Plan](#)

[7.5.501.E Concept Plans](#)

Please see comments in Agenda item 4B.M.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the concept plan for the Rio Vista Commercial project, based upon the findings that the request meets the review criteria for granting a concept plan, as set forth in City Code Section 7.5.501(E) be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

9. Utilities Business

9.A. [21-034](#) A Resolution Setting the Electric Cost Adjustment and Industrial Service - Large Power and Light Supply Credit Rates effective February 1, 2021

Presenter:

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [01-26-2021 CC Mtg-ECA Resolution - Alt](#)
[ECA Sheet 2.9 E Rate Tbl - Redline - Alt](#)
[ECA Sheet 2.9 E Rate Tbl - Final - Alt](#)
[ECA Schedule 1 \(02-01-2021\) - Alt](#)

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities, presented the Resolutions decreasing the Electric Cost Adjustment (ECA) rate to 1.95 cents per kilowatt hour and Gas Cost Adjustment (GCA) rate to 18.12 per hundred cubic feet of natural gas effective February 1, 2021. He stated this will result in a monthly decrease of \$6.28 for an average residential bill.

President Pro Tem Strand requested the savings amounts for other customer types. Mr. Shewey stated the total monthly commercial typical bill will decrease by approximately \$98.33 and the total monthly industrial typical bill will decrease by approximately \$2,200.00.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Resolution Setting the Electric Cost Adjustment and Industrial Service - Large Power and Light Supply Credit Rates effective February 1, 2021 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

9.B. [21-035](#) A Resolution Setting the Gas Cost Adjustment effective February 1, 2021

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [01-26-2021 CC Mtg-GCA Resolution](#)
[GCA Sheet 2.4 Rate Tbl - Redine](#)
[GCA Sheet 2.4 Rate Tbl - Final](#)
[GCA Schedule 1 \(02-01-2021\)](#)

Please see comments in Agenda item 9.A.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Resolution Setting the Gas Cost Adjustment effective February 1, 2021 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

10. Unfinished Business

- 10.A. [21-031](#) Ordinance No. 21-07 repealing Ordinance No. 19-97 and prescribing the salary of the City Council Administrator

Presenter:

Michael Sullivan, Chief Human Resources and Risk Officer
Richard Skorman, City Council President

Attachments: [Salary Ordinance \(Evans - Jan 2021\)](#)

President Skorman and Councilmember Geislinger expressed appreciation for Emily Evans, City Council Administrator.

Councilmember Geislinger stated this increase is due to a market analysis of the position. Jeff Greene, Chief of Staff, gave a brief overview of the components of a salary market analysis.

Motion by Councilmember Avila, seconded by Councilmember Geislinger, that the Ordinance repealing Ordinance No. 19-97 and prescribing the salary of the City Council Administrator be finally passed. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Gaebler, Geislinger, Murray, O'Malley, Skorman, Strand, and Williams

No: 1 - Knight

- 10.B. [CPC ZC 20-00032](#) Ordinance No. 21-12 establishing an OC/CR/SS (Office Complex with Conditions of Record and Streamside Overlay) zone district located east of Voyager Parkway along Old Ranch Road and consisting of 9.76 acres.

(Legislative)

Related Files: CPC A 19-00134R, CPC A 19-00134, CPC ZC 20-00032, CPC CP 20-00033

Presenter:

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

Attachments: [ORD EstablishmentofZone PeakCenterAdditionNo.1](#)

[Exhibit A - Legal Desc PeakCenterAdditionNo.1](#)

[Exhibit B - Zone Establishment PeakCenterAdditionNo.1](#)

[7.5.603.B Findings - ZC](#)

Please see comments in Agenda item 4B.I.

Motion by Councilmember Murray that the Ordinance establishing 9.76 acres as an OC/CR/SS (Office Complex with Conditions of Record and Streamside Overlay) zone district with conditions of record to prohibit dormitory, fraternity,

sorority, multi-family swelling, automotive rentals, food sales, funeral services, hotel/motel, mini warehouses, restaurants, general retail, cemetery, education institutions, hospitals, medical marijuana and mining operations; based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) be postponed to the February 8, 2021 City Council meeting. The vote failed for lack of second.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that the Ordinance establishing 9.76 acres as an OC/CR/SS (Office Complex with Conditions of Record and Streamside Overlay) zone district with conditions of record to prohibit dormitory, fraternity, sorority, multi-family swelling, automotive rentals, food sales, funeral services, hotel/motel, mini warehouses, restaurants, general retail, cemetery, education institutions, hospitals, medical marijuana and mining operations; based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) be finally passed. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Gaebler, Geislinger, O'Malley, Skorman, Strand, and Williams

No: 2 - Knight, and Murray

11. New Business

11.A. [21-033](#)

An Ordinance Creating Part 14 (Temporary Rebate Of 2% General Fund Portion Of City Sales Tax For Qualifying Restaurants For Lost Revenue As A Result Of The Economic Disruptions Due To The Presence Of Coronavirus Disease 2019 (Covid-19) Of Article 7 (Sales And Use Tax) Of Chapter 2 (Business Licensing Liquor Regulation And Taxation) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Temporary Rebate Of City Sales Tax

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [SalesTax-RebateCOVID-ORD-2020-01-06](#)

President Skorman recused himself due to owning a restaurant.

Councilmember Geislinger requested this type of relief be extended to similarly impacted businesses such as hospitality and tourism.

Councilmember Williams stated the City and County have been working collaboratively on this effort.

Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Ordinance Creating A Temporary Rebate Of the 2% General Fund Portion Of City Sales Tax For Qualifying Restaurants As Assistance For Lost Revenue As A Result Of The Economic Disruptions Due To The Presence Of Coronavirus

Disease 2019 (Covid-19) be approved on first reading. The motion passed by a vote of 8-0-0-1

Aye: 8 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Strand, and Williams

Recused: 1 - Skorman

11.B. [21-085](#) An Ordinance creating a six (6) month moratorium on the enforcement of certain zoning code violations related to carports in front-yard setbacks

(Legislative)

Presenter:

Peter Wysocki - Director, Planning & Community Development

Attachments: [CarportMoratoriumORD-2021-01-14](#)

Peter Wysocki, Director, Planning and Community Development, presented the Ordinance creating a six-month moratorium on the enforcement of certain zoning code violations related to carports in front-yard setbacks. He defined carport as an attached or detached structure covered by a solid or lattice roof and supported by poles or columns, intended for the off-street parking of motor vehicles, and having three or more permanently open sides where the only enclosed side is a shared wall with a lawfully constructed building or accessory structure.

President Pro Tem Strand asked if structures which do not meet the definition of carport will need to be removed. Mr. Wysocki stated they will either need to be modified to meet the definition or removed.

Councilmember Geislinger suggested a representative of a casualty insurance group be included in the stakeholder's process to confirm the carports protection of vehicles. Mr. Wysocki agreed.

Motion by Councilmember Avila, seconded by Councilmember Williams, that the Ordinance creating a six (6) month moratorium on the enforcement of certain zoning code violations related to carports in front-yard setbacks be approved on first reading. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Gaebler, Geislinger, Murray, O'Malley, Skorman, Strand, and Williams

Absent: 1 - Knight

11.C. [21-083](#) A Resolution submitting to the registered qualified electors of the city of Colorado Springs, Colorado, at the General Municipal Election conducted by mail ballot to be held on Tuesday, April 6, 2021, the question of extending the sales and use tax for Trails, Open Space and Parks program ("TOPS") for ____ years, providing for the form of the

ballot title and text, providing for certain matters with respect to the election, and providing the effective date of this resolution

Presenter:

Richard Skorman, President of City Council

Tom Strand, President Pro-Tem of City Council

Attachments: [TOPS Extension Ballot QuestionRES CLEAN \(002\)](#)

President Skorman stated several Councilmembers were in favor of removing the Resolution submitting the ballot question of extending the sales and use tax for Trails, Open Space and Parks program (TOPS) to the April 5, 2021 General Municipal Election from today's City Council meeting Agenda.

Corey Sutella, Medicine Wheel Trail Advocates, stated they support the TOPS program extension and requested City Council develop a very strong plan regarding how to use TOPS to address the issues within the park system. He stated he is very concerned with the plan to submit this ballot question in November 2021, but supports City Council with finding ways to address this item properly.

President Pro Tem Strand stated the reason behind removing this item from today's Agenda is to allow additional time to prepare for possible funding increases and an additional extension of the TOPS program.

Councilmember Murray stated he supports putting the extension on the April 6, 2021 ballot .

Councilmember Williams stated he does not believe the City is ready for this item to go on the April 6, 2021 ballot.

Citizen Lee Milner requested City Council continue to move forward with addressing what they can now with the TOPS process, but getting parks funding put together by August of this year in order to be ready for the November 2021 election would be an extremely tight schedule.

Councilmember Knight stated he does not support using general fund money to support a ballot question for an organization which has their own source of funding and he is not certain this will be achievable by August 2021.

Councilmember Geislinger stated the discussion on TOPS needs to continue with extensive public engagement in order to address everything property.

President Skorman supports a broader discussion and would like to see the extension go on the November 2021 ballot.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Resolution submitting to the registered qualified electors of the city of Colorado Springs, Colorado, at the General Municipal Election conducted by mail ballot to be held on Tuesday, April 6, 2021, the question of extending the sales and use tax for Trails, Open Space and Parks program (“TOPS”) for ____ years, providing for the form of the ballot title and text, providing for certain matters with respect to the election, and providing the effective date of this resolution be withdrawn from the January 26, 2021 City Council meeting Agenda. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, O'Malley, Skorman, Strand, and Williams

No: 1 - Murray

11.D. [21-047](#)

An Ordinance Amending Section 105 (Candidates for Election) of Part 1 (Employee Rules and Regulations) of Article 4 (City Employees) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to City Employee Candidacy for Election

Presenter:

Michael Sullivan, Chief Human Resources and Risk Officer

Tracy Lessig, City Attorney's Office

Attachments: [Employee Candidacy Ordinance Final](#)

Tracy Lessig, Division Chief, City Attorney's Office, presented Ordinance Option 1 which amends City Code and requires a City employee to resign when they decide to run for City-elected or appointed office and if they choose to run for State, County, School Board, or Colorado Springs Utilities service area office, they would need to receive permission by the Mayor or City Council and would have to resign once elected or appointed into office.

There were no comments on this item.

Motion by Councilmember Knight, seconded by Councilmember Geislinger, that the Ordinance amending Section 105 (Candidates for Election) of Part 1 (Employee Rules and Regulations) of Article 4 (City Employees) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to City Employee Candidacy for Election be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Gaebler, Geislinger, Knight, Murray, O'Malley, Skorman, Strand, and Williams

12. Public Hearing

There was no Public Hearing.

13. Added Item Agenda

Jeff Greene, Chief of Staff, made a formal recommendation that a formal public hearing for the Park Land Dedication Ordinance (PLDO) items be held at the February 9, 2021 City Council meeting. Consensus of Council agreed to Mr. Green's recommendation.

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