



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, July 14, 2020

10:00 AM

Council Chambers

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### 1. Call to Order

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

**Excused:** 1 - Councilmember Don Knight

Councilmember Murray was excused from approximately 1:30 - 2:00 PM.

Councilmember Knight arrived at approximately 4:45 PM.

### 2. Invocation and Pledge of Allegiance

Councilmember Geislinger read an Invocation provided by Pastor Phil Steiger from Living Hope Church.

President Skorman led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

President Skorman stated the Emergency Ordinance requiring the public to utilize face coverings in public places within the City will be postponed to

the July 27, 2020 City Council Work Session meeting.

Citizens Mike Schmidt, Barry Farah, Alaina Pallard, Beth Fisher, and Jay Inman spoke in opposition of the Ordinance.

Citizen Toby Brown requested the El Paso County Health Department provide their opinion within the next two weeks and the Ordinance be voted on then.

Councilmember Geislinger stated Dr. Joel Yuhas, UCHealth, sent an email stating there has been a five to six times increase in hospitalizations due to COVID-19 and there is an upwards trend of cases continuing.

Councilmember Pico stated he requested El Paso County Health Department to make a presentation or statement to City Council, but they did not respond and according to their website COVID-19 cases are declining

Councilmember Williams stated the El Paso County Health Department is taking precautionary steps, but at the present time, making wearing masks mandatory is not one of them.

Councilmember Murray stated it is not a matter of if, but when masks will be mandatory to stop the spread of the disease

Councilmember Avila stated the comments made by Dirk Draper, Colorado Springs Chamber of Commerce and EDC, at the July 13, 2020 Work Session were credible and reflective of the business community. She stated she supports the delay and would also like to hear from the El Paso County Health Department.

**11.C.** [20-386](#)

Indefinite Postponement of an Emergency Ordinance Requiring the Public to Utilize Face Coverings in Public Places Within the City of Colorado Springs Due to the Public Health Emergency Caused by the 2019 Novel Coronavirus, and Providing Penalties for Violation Thereof

Presenter:

Richard Skorman, City Council President

**Attachments:** [Emerg Face Covering-ORD-2020-07-10 \(003\).docx](#)

President Skorman stated the Emergency Ordinance requiring the public to utilize face coverings in public places within the City will be postponed to

the July 27, 2020 City Council Work Session meeting.

Citizens Mike Schmidt, Barry Farah, Alaina Pallard, Beth Fisher, and Jay Inman spoke in opposition of the Ordinance.

Citizen Toby Brown requested the El Paso County Health Department provide their opinion within the next two weeks and the Ordinance be voted on then.

Councilmember Geislinger stated Dr. Joel Yuhas, UCHealth, sent an email stating there has been a five to six times increase in hospitalizations due to COVID-19 and there is an upwards trend of cases continuing.

Councilmember Pico stated he requested El Paso County Health Department to make a presentation or statement to City Council, but they did not respond and according to their website COVID-19 cases are declining

Councilmember Williams stated the El Paso County Health Department is taking precautionary steps, but at the present time, making wearing masks mandatory is not one of them.

Councilmember Murray stated it is not a matter of if, but when masks will be mandatory to stop the spread of the disease

Councilmember Avila stated the comments made by Dirk Draper, Colorado Springs Chamber of Commerce and EDC, at the July 13, 2020 Work Session were credible and reflective of the business community. She stated she supports the delay and would also like to hear from the El Paso County Health Department.

**Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Emergency Ordinance requiring the public to utilize face coverings in public places within the City of Colorado Springs due to the public health emergency caused by the 2019 Novel Coronavirus be postponed until the July 28, 2020 City Council meeting and a statement provided by the El Paso County Health Department at the July 27, 2020 Work Session. The motion passed by a vote of 7-1-1-0**

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

**No:** 1 - Murray

**Excused:** 1 - Knight

#### **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 ZC 20-00026](#) Ordinance No. 20-42 amending the zoning map of the City of Colorado Springs pertaining to 4.48 acres located at 2520 Arlington Drive from R-1 6000/CU (single-family residential with a conditional use) to R5 (multi-family residential).

(Quasi-Judicial)

Related Files: CPC ZC 20-00026 and CPC CP 20-00027

Presenter:

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

**Attachments:** [ZC\\_ORD\\_SolidRockChristianCtr](#)

[Exhibit A - Legal description](#)

[Exhibit B - Zoning depiction](#)

[Aerial Vicinity Map](#)

[Signed Ordinance 20-42.pdf](#)

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

- 4A.B. [CPC A 19-00068](#) Ordinance No. 20-45 annexing to the City of Colorado Springs that area known as Sorpresa East Addition No. 1 consisting of 8.83 acres.

(Legislative)

Related Files: CPC A 19-00068-R, CPC A 19-00068, CPC PUZ 19-00138, CPC PUP 19-00139

Presenter:

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

**Attachments:** [ORD\\_AnnexSorpresaEastAdditionNo.1](#)

[Exhibit A](#)

[Signed Ordinance 20-45.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [CPC PUZ 19-00138](#) Ordinance No. 20-46 amending the zoning map of the City of Colorado Springs pertaining to 8.83 acres located southeast of Sorpresa Lane and Gilpin Peak Drive establishing the PUD/AO (Planned Unit Development: single-family residential, 8 DU/AC, 35-foot maximum building height with Airport Overlay) zone

(Legislative)

Related Files: CPC A 19-00068-R, CPC A 19-00068, CPC PUZ 19-00138, CPC PUP 19-00139

Presenter:

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

**Attachments:** [ZC\\_ORD\\_SorpresaEastAdditionNo.1](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - ZoneChangeDepiction](#)

[Signed Ordinance 20-46.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

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

- 4B.A.** [20-345](#) City Council Regular Meeting Minutes June 23, 2020

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [6-23-2020 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

- 4B.B.** [20-365](#) The City Clerk reports that on July 1, 2020 there was filed with her a petition for the annexation of Lighthouse Baptist Church Addition No.1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Vicinity for Lighthouse](#)

[Petition for Lighthouse](#)

This Item was approved on the Consent Calendar.

**4B.C. [20-367](#)** Appointments to Boards and Commissions

Presenter:

Michael Montgomery, Deputy Council Administrator

**Attachments:** [07142020 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

**4B.D. [20-293](#)** A Resolution Approving an Economic Development Agreement Between the City of Colorado Springs and Project Next

Presenter:

Bob Cope, Economic Development Officer

**Attachments:** [Project Next Economic Development Agreement](#)  
[Project Next EDA City Council Work Session June 22](#)  
[Project Next Resolution](#)

This Resolution was adopted on the Consent Calendar.

**4B.E. [20-309](#)** A Resolution Approving an Intergovernmental Agreement for Renewal of the CDL Third Party Testing Unit License between the City of Colorado Springs and the State of Colorado

Presenter:

Jim Muth, City Safety/Risk Management

**Attachments:** [Item 20-309 Resolution \(CDL Testing IGA\)](#)  
[City of Colorado Springs CDL IGA 2020](#)

This Resolution was adopted on the Consent Calendar.

**4B.F. [20-278](#)** A Resolution declaring the intent of the City of Colorado Springs to issue its Multifamily Housing Revenue Bonds to finance the construction of an affordable multifamily housing development known as Academy Heights

Presenter:

Steve Posey, HUD Program Manager, Planning & Community Development

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [RES\\_AcademyHeightsInducement](#)  
[Prelim Inducement Res Academy Heights](#)  
[Signed Resolution 50-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G. [20-301](#)** An Ordinance Amending And Creating New Sections Within 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 Sales Tax Marketplace Facilitators And Economic Nexus  
Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [2 - SalesTax-MarketplaceFacilitatorORD-2020-06-22\(clean\)](#)

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

- 4B.H. [20-302](#)** An Ordinance Amending Article 9 (Lodgers, Campgrounds And Automobile Rental Tax) Of Chapter 2 (Business Licensing, Liquor Regulation And Taxation) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Lodgers, Campgrounds And Automobile Rental Tax  
Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [SalesTax-LART ORD-2020-06-17](#)

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

- 4B.I. [20-303](#)** A Resolution Approving The Intergovernmental Agreement Between The City Of Colorado Springs And Colorado Department Of Revenue For The Purpose Of Permitting Access To The Sales And Use Tax Software (SUTS System)  
Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [4 - Resolution for Finance-CDOR SUTS IGA - 07-13-20](#)  
[5 - Exhibit A - IGA - SUTS User Agreement CDOR Local Jurisdiction Signed Resolution 51-20.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.J. [20-372](#)** Request for approval of settlement amount in Case No. 13CV1469  
  
Presenter:  
Wynetta Massey, City Attorney/Chief Legal Officer

**This Item was approved on the Consent Calendar.**

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

**Motion by Councilmember Gaebler, 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 8-0-1-0

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

**Excused:** 1 - Knight

## **5. Recognitions**

### **5.A. [20-294](#) A Resolution Designating July as National Park and Recreation Month**

Presenter:

Karen Palus - Parks, Recreation and Cultural Services Director

**Attachments:** [071420 - 2020 Park and Rec Month Resolution Signed Resolution 52-20.pdf](#)

Councilmember Gaebler read the Resolution Designating July as National Park and Recreation Month.

Karen Palus, Parks, Recreation and Cultural Services Director, presented the Resolution designating July as National Park and Recreation Month and gave an overview of several events such as the youth summer camps, Cottonwood Trail Connection, One-Year-Out Sesquicentennial Celebration, 2B Project, and Bancroft Park ribbon cutting ceremony.

President Skorman and Councilmember Avila expressed appreciation for the availability of parks during these difficult times.

**Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, that the Resolution to designate July as Park and Recreation Month.. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Knight

### **5.B. [20-343](#) Rental Housing Assistance Awareness Day**

Presenter:

Dave Geislinger, Council Member

**Attachments:** [Rental Housing Assistance Awareness Day](#)

Laura Nelson, Executive Director, Apartment Association of Southern Colorado, gave a brief overview of the effect of COVID-19 and the need for rental assistance in the community.

Steve Posey, HUD Program Manager, Community Development Division, stated several entities have been discussing the current situation with rental



households and what is going to happen if certain jobs are restricted or eliminated as the economy reopens. He spoke about available grant funding and making sure every resource has been considered.

Councilmember Geislinger read the Proclamation recognizing July 14, 2020 as Rental Housing Assistance Awareness Day.

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

Citizens Colleen Murphy and Andrea Holzer spoke about the duplicative coverage and tax being charged to the Northeast neighborhoods for the Black Forest Fire District. Councilmember Pico stated the City disagrees with the statement made by the Black Forest Fire Chief and the City has worked diligently to put a fire response plan in place and hope to get it resolved soon through District Court.

Citizens LaDonna Robertson, Laurel Anne Flahive, Beth Fisher, Thea Jackson, Sandy Behr, Julie Lee, Jay Inman, Karen White, Patsy (last name not identified), Deb Perkins, Mary Louise Fiddler, Willa Beaugard, Mandy Rodebaugh, Carmen Bontrager, Justin Lee, and Amanda Colt, spoke in opposition of the Emergency Ordinance requiring the public to utilize face coverings in public places within the City.

Citizens Timothy Vilgiate, Karen White, Ted Brassfield, Bear Wilson, Nick Marsh, and Mike Windebank, spoke in favor of the Emergency Ordinance requiring the public to utilize face coverings in public places within the City.

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

There were no Mayor's Business.

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

There were no items called off the Consent Calendar.

## **9. Utilities Business**

- 9.A. [20-260](#) An ordinance of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Standby Bond Purchase Agreement among the City of Colorado Springs, Colorado, Wells Fargo Bank, National Association, as Tender Agent, and TD Bank, N.A., the Fee Agreement between the City of Colorado Springs, Colorado and TD Bank, N.A., and the Official Statement for the Utilities System Revenue Bonds previously issued by the City to which the Agreement relates; ratifying certain action heretofore taken.

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU Ordinance Approving Replacement SBPA](#)

[Summary of Ordinance Approving Replacement SBPA \(2007A Bonds\) 4816-0678..](#)

[Plan of Finance Update CC 7-14-20](#)

Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities, presented the Ordinance authorizing the execution and delivery of the Standby Bond Purchase Agreement (SBPA), Fee Agreement for the Official Statement for the Utilities System Revenue Bonds. He stated this addresses the backstop for the Series 2007A bond issue with an expiration date in September 2020. Mr. Shewey identified the City has elected to replace it with TD Bank which offers a slight discount over the existing bank.

Councilmember Murray was not present for this vote.

**Motion by Councilmember Williams, seconded by Councilmember Pico, that the Ordinance of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Standby Bond Purchase Agreement among the City of Colorado Springs, Colorado, Wells Fargo Bank, National Association, as Tender Agent, and TD Bank, N.A., the Fee Agreement between the City of Colorado Springs, Colorado and TD Bank, N.A., and the Official Statement for the Utilities System Revenue Bonds previously issued by the City to which the Agreement relates; ratifying certain action heretofore taken be approved on first reading. The motion passed by a vote of 7-0-2-0**

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

**Excused:** 2 - Knight, and Murray

**9.B.** [20-129](#)

Public Hearing for the Consideration of a Resolution for Certain Changes to the Utilities Rules and Regulations Tariff

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [07-14-20 CC 2020 Mid-Year Rate Case Resolution](#)  
[Rate Hearing Agenda 2020 Mid-Year](#)  
[City Attorney Instructions Mid-Year 2020](#)  
[2020 Mid-year Rate Case Supplemental Filing](#)  
[07-14-20 CC 2020 Mid-Year Rate Case Hearing](#)  
[Signed Resolution 53-20.pdf](#)

Chris Bidlack, City Attorney's Office, Colorado Springs Utilities Division, read the Colorado Springs Utilities rate-setting standards and the quasi-judicial role of City Council. He requested suspension of Part 4 1(C) of the Rules and Procedures of City Council to allow for the consideration of the tariff proposal and revisions directly following the conclusion of the public hearing. He stated the changes will be implemented August 1, 2020.

Councilmember Murray was not present for this vote.

**Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, to suspend Part 4 (I) (c) of the Rules and Procedures of City Council, Post-Hearing Procedures, for this rate hearing. The motion passed by a vote of 7-0-2-0**

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

**Excused:** 2 - Knight, and Murray

Mr. Bidlack polled City Council in regards to receiving any ex parte communication. City Council did not indicate any ex parte communication.

Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities, presented the changes to the Utilities Rules and Regulations Tariff and gave an overview of the current and proposed policy,

City Council had no changes to the draft documents.

**Motion by President Pro Tem Strand, seconded by Councilmember Avila, that the Resolution regarding proposed changes to Utilities Rules and Regulations be adopted. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Knight

## **10. Unfinished Business**

- 10.A.** [20-282](#) Ordinance No. 20-44 creating the Citizens' Accountability Advisory Committee to the City Council of the City of Colorado Springs

Presenter:

Richard Skorman, City Council President and Third District Representative

Wayne Williams, City Council At-Large Representative

**Attachments:** [LETAC ORD](#)

[Signed Ordinance 20-44.pdf](#)

Jacob Lonergan stated the Citizens' Accountability Advisory Committee needs to be transparent concerning funding and it should not involve taxpayer dollars.

Citizens Brent Windebank Ted Brassfield, Timothy Vilgiate, and Mark Raab stated they support the Committee and increased accountability and transparency from both the Committee and the Colorado Springs Police Department.

Citizens Derek Matthews Robbie Johnson, Renee Alexander, Justin Baker, Martin Lewis, and Adriana Lane stated this Committee needs to move forward quickly.

President Pro Tem Strand stated this item will continue to take priority and they will be reviewing the over 800 applications as quickly as they can, but they want to make sure it is done right.

Councilmember Avila stated she is concerned that this is only an advisory committee with no authority and she does not know what will happen to this committee with future City Councils. She stated the committee needs to have at least three representatives from District 4, two from District 5, and two from District 5.

President Skorman stated he agrees with Councilmember Avila's statement of representation.

Citizens Diane Stober and Jasmine Dunn requested City Council make their process of vetting the applications available to the public

Councilmember Pico stated all demographic backgrounds are affected by police use of force and agrees that the City needs to be accountable for CSPD, use of force, and it needs to be transparent.

**Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Ordinance No. 20-44 creating the Citizens' Accountability Advisory**

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**Committee to the City Council of the City of Colorado Springs be finally passed.  
The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Knight

- 10.B.** [CPC PUZ 20-00002](#) Ordinance No. 20-43 amending the zoning map of the City of Colorado Springs pertaining to 7.29 acres located north and east of the Austin Bluffs Parkway and Research Parkway intersection from PUD/CR/AO (Planned Unit Development with a Condition of Record and Airport Overlay) to PUD/AO (Planned Unit Development: 30-foot maximum building height, single-family attached units, density range of 8 to 11.99 dwelling units per acre with an Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MP 07-00061-A8MN20, CPC PUZ 20-00002, CPC PUD 20-00003

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

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

[Exhibit A - Legal Description](#)

[Exhibit B - Legal Description Depicted](#)

[Surrounding Zoning & Land Uses](#)

[Vicinity Map](#)

[7.5.603.B Findings - ZC](#)

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

[Signed Ordinance 20-43.pdf](#)

Councilmember Geislinger recused himself due to being a staff member at St. Gabriel the Archangel Catholic Church located at Austin Bluffs Parkway and Research Parkway.

There were no comments on this item.

Councilmember Murray was not present for this vote.

**Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Ordinance changing the zoning of 7.29 acres from PUD/CR/AO (Planned Unit Development with a Condition of Record and Airport Overlay) to PUD/AO (Planned Unit Development: 30-foot maximum building height, single-family attached units, density range of 8 to 11.99 dwelling units per acre with an Airport**

Overlay), 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 6-0-2-1

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

**Recused:** 1 - Geislinger

**Excused:** 2 - Knight, and Murray

## **11. New Business**

- 11.A. [20-239](#) A Resolution of the City Council of the City of Colorado Springs Approving Issuance of Limited Tax General Obligation Series 2020 Bonds by the Interquest Town Center Business Improvement District in an Amount Not to Exceed \$2,860,000

(Legislative Item)

Presenters:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

**Attachments:** [Resolution](#)

[ITC PowerPoint](#)

[Attachment 1- Transmittal Letter](#)

[Attachment 2- Draft District Bond Resolution](#)

[Attachment 3- Bond Details](#)

[Attachment 4- Preliminary Financing Numbers](#)

[Attachment 5- Draft General Counsel Opinion](#)

[Attachment 6- Draft Bond Counsel Opinion](#)

[Attachment 7- External Financial Advisor Opinion](#)

[Attachment 8- Summary of Improvements Costs](#)

[Attachment 9- Improvements Map](#)

[Attachment 10- Summary of Interest Rates for Privately Placed Debt](#)

[Attachment 11 Interquest Town Center Cost Detail](#)

[Attachment 12.a- 2020-06-01 RBCCM Memo for Interquest Town Center BID vfinal](#)

[Attachment 12.b- 2020-06-02 Interquest TC Comps - Corrected](#)

[Signed Resolution 54-20.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, presented the justification of the seven percent

interest rate and verification of the cost estimates as requested by City Council at the June 8, 2020 Work Session meeting.

There were no comments on this item.

**Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Resolution of the City Council of the City of Colorado Springs approving issuance of Limited Tax General Obligation Series 2020 Bonds by the Interquest Town Center Business Improvement District in an amount not to exceed \$2,860,000 be adopted. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Knight

- 11.B. [20-225](#) A Resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a Special Municipal Election and to participate in a Coordinated Election to be held on Tuesday, November 3, 2020, and providing the effective date of this resolution.

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Reso to Participate in Nov Election Signed Resolution 55-20.pdf](#)

There were no comments on this item.

**Motion by Councilmember Geislinger, seconded by President Pro Tem Strand, that the Resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a Special Municipal Election and to participate in a Coordinated Election to be held on Tuesday, November 5, 2019, and providing the effective date of this resolution be adopted. The motion passed by a vote of 8-0-1-0**

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

**Excused:** 1 - Knight

## **12. Public Hearing**

- 12.A. [AR R 20-00323-HP B](#) An appeal of the Historic Preservation Board's denial of a Report of Acceptability for the removal and replacement of a window on the eastern elevation of the residence located at 1611 Wood Avenue.

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning and Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [Notice&Appeal Statement](#)[Project Statement](#)[June 1, 2020 Historic Preservation Board Minutes](#)[1999 Building Permit Plans](#)[PPRBD - Deputy Building Official Response](#)[Vicinity Map](#)[Section 7.5.1605.C](#)[7.5.906 \(B\) Appeal](#)[Old North End Historic Preservation Overlay Zone Districts Standards](#)

Gaby Serrano, Planner II, Planning and Community Development, stated this is an appeal of the Historic Preservation Board's (HPB) denial of a Report of Acceptability for the removal and replacement of a window on the eastern elevation of the residence located at 1611 Wood Avenue. She gave a brief overview of the vicinity map/zoning, appeals, general information, public notice and involvement, history of the property, appeal statement and the proposal to remove/replace eastern window and change the windows in the southern sunroom, deliberations, and staff recommendations.

Councilmember Williams asked if the alley was vacated, there would not be a need for the application to the HPB. Ms. Serrano stated this alley is not vacated.

Councilmember Gaebler asked if there is a conflict between current code and historic preservation guidelines. Ms. Serrano confirmed it can stay as it is and remain legal.

Councilmember Geislinger asked why this home is listed on the National Registry of Historic Places. Ms. Serrano stated it was registered in 1982 because it was a Victorian architecture style due to the gable ends and the Historic Preservation Overlay was not placed on the home until 1999 which was after the sunroom enclosure was built. Councilmember Geislinger asked if there were any limitations on this home due to it being on the registry. Peter Wysocki, Planning and Community Development Director, stated the National Registry of Historic Places is a deal between the property owner and the state and the Historic Preservation Overlay requires the City to not erode or eliminate architectural significance or it may jeopardize the City's status as a Certified Local Government (CLG) with historic preservation. Megan Herington, Assistant Director, Planning



and Community Development, read the current requirements of History Colorado.

Councilmember Williams asked if the owner approved the Historic Preservation Overlay. Mr. Wysocki stated the City is not required to obtain everyone's consent when an overlay is placed.

Councilmember Williams asked if the property owner knew there was an overlay when the property was purchased in June 2018. Ms. Serrano stated it may have been noticed on the title commitment or if they called into the Planning and Community Development office.

Dr. Mario Soto, owner, representing the appellant, stated he was not aware of how complicated this request was going to be, the alley-facing window is eighteen inches or less from the floor and was expanded in size in 1999, it is a safety issue, the proposed trim will be the same style as the rest of the house, and the alterations will take the house back to more of what the original structure was.

Councilmember Geislinger asked why the window cannot be made smaller to the original size. Dr. Solo stated aesthetics from the inside.

Dr. Soto stated the sunroom may have been an open air tuberculosis porch, but when it was enclosed in 1999, it removed the historical significance of it. He stated by reducing the number of windows it will make it look better and allow temperature control of the room to make it a more functional space.

Councilmember Geislinger stated the Historical Preservation Overlay was placed on the house after the sunroom had been built. Dr. Soto stated the historical aspect of that room was removed when it was enclosed.

Councilmember Williams asked if the HPB articulated how the twenty-year old sunroom structure would have an effect on the historical significance of the house. Ms. Serrano stated changing the windows will change the architectural style of the structure.

Ms. Herington stated the HPB was not provided a schematic of the proposed changes to the sunroom windows.

Councilmember Gaebler asked if there is a penalty if the sunroom appeal is approved by City Council. Ms. Serrano stated the appellant would need to provide staff with a plan for the proposed reduction in the number of windows.

Jeff Greene, Chief of Staff, asked if the appellant considered going back to the HPB after the proposed schematic was drawn. Dr. Soto stated it was not considered at the time.

Mr. Greene asked if there is a timing issue with the contractor. Dr. Soto confirmed there is.

Mr. Greene asked if City Council approves the appeal if it would jeopardize the City's standing with the Historic Preservation Plan or its relationship with the state. Ms. Herington stated the HPB is being asked to find that the proposal does or does not meet the criteria from 7.5.1605(c) which is the Historic Preservation Overlay and if City Council finds differently from the Board and it is based on the criteria, it would not have any bearing on the City's CLG status.

Councilmember Gaebler suggested staff present the schematics of the sunroom to the HPB and see if a compromise can be reached. Dr. Soto stated it is a frustrating process and at a minimum would like a decision made on the bathroom window today.

Councilmember Geislinger asked if the appeal on the sunroom windows could be postponed for two weeks so that the schematics can be provided as part of the appeal. Wynetta Massey, City Attorney, stated requests of any additional postponements shall only be for good cause and if new or additional evidence is set forth as grounds for a postponement, the appeal may be referred to Planning Commission, FBZ, or HPB for further hearing and recommendations.

Councilmember Williams asked if the schematic meets the criteria, could City staff approve it administratively. Mr. Wysocki stated because it is an exterior modification which requires a building permit, staff does not have approval authority, the HPB reviews it. Councilmember Williams asked if City Council put a condition in the motion to approve and if those conditions are met, if the Planning and Community Development Department could approve it. Mr. Wysocki and Ms. Massey confirmed they

could if City Council set the discretionary criteria.

Councilmember Pico asked if the windows were on the job site and essentially the same windows. PJ Snow, General Contractor for the appellant, confirmed they were.

Councilmember Pico stated he does not see a significant change from the design standards that were put in place regarding the window being changed from horizontal to vertical.

**Motion by Councilmember Pico, seconded by Councilmember Gaebler, Motion by Councilmember Pico, seconded by Councilmember Gaebler, to uphold the appeal and overturn the action of the Historic Preservation Board to deny the Report of Acceptability for removal and replacement of a vertical window with a horizontal window on the eastern elevation of 1611 Wood Avenue, based on the finding that the request met the review criteria in City Code Section 7.5.1605 (C) and the appeal met the appeal requirements of City Code Section 7.5.906(B). The motion passed by a vote of 6-2-1-0**

**Aye:** 6 - Gaebler, Murray, Pico, Skorman, Strand, and Williams

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

**Excused:** 1 - Knight

- 12.B.** [AR R](#) An appeal of the Historic Preservation Board's denial of a Report of  
[20-00354-HP](#) Acceptability for the removal of eight (8) windows and installation of four  
[B](#) (4) windows in the existing sunroom on the southern elevation of the  
residence located at 1611 Wood Avenue.

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning and Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [Project Statement for the Report of Acceptability](#)

[Sunroom\\_photos](#)

[1999 Building Permit Plans - Sunroom](#)

[Section 7.5.1605.C](#)

[7.5.906 \(B\) Appeal](#)

Councilmember Pico stated he does not see the need for schematics to be provided to City staff because it is the same style of window and trim and the historical integrity of that structure was already broken when it was enclosed.

Councilmember Gaebler stated she believes the appeal should be approved today with the understanding the schematics would be provided to and reviewed by City staff. She said once staff administratively approved the plan, the appellant could move forward with the work.

Councilmember Geislinger stated his concern is if staff does not approve the plan, the appellant would have to start the whole process over again.

Wynetta Massey, City Attorney, stated if City Council approves the appeal today with the schematics being reviewed by staff afterward, City Council will have to ensure staff has the appropriate level of understanding of what City Council would want approved.

Jeff Greene, Chief of Staff, stated if City Council approved the appeal today, they could include a condition which states staff will provide City Council a report in two weeks of where the applicant has met the requirements as outlined in this discussion.

Peter Wysocki, Planning and Community Development Director, requested City Council provide additional parameters regarding the dimensions and locations of the windows. Councilmember Geislinger stated those specifics can be worked out between staff and the appellant.

Dr. Soto stated he is fine with a two-week postponement.

**Motion by Councilmember Geislinger, seconded by President Pro Tem Strand, to postpone the appeal to the July 28, 2020 City Council meeting to allow the appellant to provide the schematics of the modified sunroom for consideration by City staff. The motion passed by a vote of 6-2-1-0**

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

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

**Excused:** 1 - Knight

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

There were no items added to the Agenda.

### **14. Executive Session**

#### **14.A. [20-375](#)**

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a) and (b), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed

involves legal advice and consultation with the City Attorney regarding a land conveyance matter.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may conduct an electronic Closed Executive Session. Each City Councilmember participating in the electronic Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the electronic Closed Executive Session is present or able to hear the matters discussed as part of the electronic Closed Executive Session. If consent to the electronic Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney

**Attachments:** [07142020Closed.docx](#)

Wynetta Massey, City Attorney, stated in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed involves legal advice and consultation with the City Attorney regarding a land conveyance matter.

President Skorman polled City Council regarding the desire to proceed with an electronic Closed Executive Session. At least two-thirds of City Council agreed to proceed in an electronic Closed Executive Session. Each City Councilmember participating the electronic Closed Executive Session affirmatively stated for the record that no other member of the public not authorized to participate in the electronic Closed Executive Session was present or able to hear the matters discussed as part of the electronic Closed Executive Session.

## **15. Adjourn**

Upon completion of the Closed Executive Session, there being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk