



City of Colorado Springs

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

Meeting Minutes Council Work Session

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

Monday, March 13, 2023

10:00 AM

Council Chambers

How to Watch the Meeting

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Estimated agenda item times are provided for planning purposes and do not constitute notice of a specific time for any item. Items may take more or less time than estimated. City Council may amend the order of items.

1. Call to Order and Roll Call

- Present** 7 - Councilmember Yolanda Avila, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, President Tom Strand, and Councilmember Wayne Williams
- Excused** 2 - Councilmember Stephannie Fortune, and Councilmember Mike O'Malley

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

Councilmember Donelson requested additional information regarding item 4B.D. on the March 14, 2023 Consent Calendar. Ben Bolinger, Legislative Counsel, City Attorney's Office, stated this item is a quasi-judicial item unanimously approved by the Planning Commission.

Councilmember Donelson asked what City property is being disposed of in item 4B.H. Councilmember Williams explained this right-of-way property is not needed for Airport operations.

4. Review of Previous Meeting Minutes

- 4.A. [23-154](#) City Council Work Session Meeting Minutes February 27, 2023

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [2-27-23 City Council Work Session Meeting Minutes Final](#)

President Pro Tem Helms commented that the minutes reflect very large discussions on multiple items which illustrates how Council took everything very serious.

The minutes of the February 27, 2023 Work Session were approved by Consensus of City Council.

5. Presentations for General Information

There were no Presentations for General Information.

6. Staff and Appointee Reports

6.A. [23-153](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 3-13-23](#)

Councilmember Donelson asked for additional information regarding the Resolution for the Decommissioning of Drake scheduled for the April 11, 2023 City Council meeting. Andy Colosimo, Manager, Governmental Affairs, Colorado Springs Utilities (CSU), stated CSU will be pulling that item from the Agenda Planner because it is not quite ready yet.

Councilmember Donelson asked if the three agreements under Utilities Business scheduled for the March 28, 2023 City Council meeting are related to the Regional Water Agreement. Mr. Colosimo stated they are separate items.

7. Items for Introduction

7.A. [22-543](#) A Resolution of the City of Colorado Springs approving a Service Plan for the Kettle Creek North Metropolitan District Nos. 1- 4 serving an area north and east of Powers Boulevard and State Highway 83

Presenter:

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

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)[Exhibit 1 - Service Plan - Kettle Creek North MD Nos. 1-4](#)[Staff PowerPoint- Kettle Creek North Metros](#)[Applicant Budget Committee PowerPoint - Kettle Creek North](#)[Transmittal Letter - Kettle Creek North MD Nos. 1-4](#)[Kettle Creek Metro Districts Map](#)[Redline Comparison - Kettle Creek North MD Nos. 1-4](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, stated staff requests and the applicant concurs that the Resolution approving a Service Plan for the Kettle Creek North Metropolitan District Nos. 1- 4 serving an area north and east of Powers Boulevard and State Highway 83 be postponed to a later date.

President Strand asked if this item had already gone before the Planning Commission. Mr. Schueler explained that since this is not a Planning Commission item, it is a district item which goes to City Council after it has gone to the Budget Committee. Peter Wysocki, Planning and Community Development Director, clarified the project itself was scheduled to go to the Planning Commission, but was postponed at the request of the applicant.

Councilmember Donelson asked if City Council should wait until the project is approved before the metropolitan district is considered. Mr. Wysocki stated it is not uncommon for the City Council to establish metropolitan districts before land use entitlements are approved. Councilmember Donelson stated he is concerned with approving the financing without the projects being approved which would provide the tax base to pay the debt off.

Councilmember Henjum asked why the applicant has requested a postponement. Mr. Wysocki stated it is due to access to Howells Road and the transfer of ownership from El Paso County to Colorado Springs.

7.B. [23-102](#)

A Resolution of the City of Colorado Springs approving an Amended and Restated Service Plan for the Gold Hill North Metropolitan District Nos. 1 and 2 Serving an area South and West of Downtown Colorado Springs.

Presenter:

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

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)

[Exhibit 1 - Amended and Restated Service Plan - Gold Hill North MD Nos. 1 & 2](#)

[Staff Powerpoint Gold Hill North MD Nos. 1 & 2](#)

[Applicant Budget Committee PowerPoint - Gold Hill North MD Nos. 1 & 2](#)

[Amended and Restated Service Plan Cover Letter - Gold Hill North MD Nos. 1 & 2](#)

[Updated Redline Comparison - Gold Hill North MD Nos. 1 & 2](#)

[Original Service Plan - Gold Hill North MD Nos. 1 & 2](#)

[Signed Resolution No. 49-23.pdf](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving an amended and restated service plan for the Gold Hill North Metropolitan District Nos. 1 and 2 Serving an area South and West of Downtown. He provided an overview of the summary, vicinity map, district boundaries, mill levy caps, public improvements, financial plan, bond financing, aspects which will not change, questions/comments from the Budget Committee, and next steps.

Councilmember Henjum asked what purpose will the Gold Hill North Metropolitan District No. 1 serve. Mr. Schueler is it to provide flexibility for different phases of the project.

Councilmember Henjum asked if the same Board will represent all the districts. Mr. Schueler confirmed it will at this point in time, but going forward it will change as development occurs.

Councilmember Murray asked why the tax rate of the property is being doubled. Mr. Schueler stated generally speaking, on the residential side, developers in districts have enough qualifying public improvements that thirty mills, Gallagher adjusted, is not enough to bond against.

Councilmember Murray asked what happens if there is leftover money which is not specifically allocated. Mr. Schueler stated the district must have eligible improvement cost in order to issue debt. Russ Dykstra, Spencer Fane, representing the district, stated Federal Internal Revenue Service (IRS) Code requires that any bond funds which are not spent within three years must be rebated back to the bond holder.

Colorado approving the issuance of the Upper Cottonwood Creek Metropolitan District No. 3 Limited Tax General Obligation Bonds, Series 2023 in the amount not to exceed \$4,115,000 and related bond documents, for a district located in the Wolf Ranch area in northern Colorado Springs

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)

[Staff PowerPoint UCC MD 3 & 4 Bond Issues](#)

[Applicant 2023-02-23 Upper Cottonwood Creek MD No 3 BC PowerPoint](#)

[2023 Bond Issuance Cover Letter to Colorado Springs](#)

[2023-01-30 Upper Cottonwood Creek MD No. 3 2023 Cash Flows](#)

[Draft Bond Resolution - UCC MD No. 3](#)

[2023-02-01 Upper Cottonwood Creek No. 3 Fairness Letter](#)

[2023 Draft GC Bond Opinion - UCC MD No. 3](#)

[Draft Bond Counsel Opinion - UCC MD No. 3](#)

[Signed Resolution No. 40-23.pdf](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolutions approving the issuance of the Upper Cottonwood Creek Metropolitan District No. 3 Limited Tax General Obligation Bonds, Series 2023 in the amount not to exceed \$4,115,000 and related bond documents, and the Upper Cottonwood Creek Metropolitan District No. 4 Limited Tax General Obligation Bonds, Series 2023, and related bond documents in an amount not to exceed \$23,375,000 for districts located in the Wolf Ranch area in northern Colorado Springs. He provided an overview of the summary, vicinity map, district boundaries, district history/evolution, questions/comments from the Budget Committee, and next steps.

Councilmember Henjum what the amount over the ten percent evaluation this district's debt exceeds. Mr. Schueler explained the requirements of City Charter pertaining to ten percent evaluation.

7.D. [23-108](#)

A Resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of the Upper Cottonwood Creek Metropolitan District No. 4 Limited Tax General Obligation Bonds,

Series 2023, and related bond documents in an amount not to exceed \$23,375,000 for a district located in the Wolf Ranch development in northern Colorado Springs.

Presenter

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Planning and Community Development Director
, Planning and Community Development Director

Attachments: [Resolution](#)

[Applicant Upper Cottonwood Creek MD No 4 2023 BC PowerPoint](#)

[2023-02-02 Upper Cottonwood Creek MD No. 4 2023 - Bond Cash Flows](#)

[2023-02-02 Upper Cottonwood Creek MD No. 4 - 2023 LT GO](#)

[Fairness Letter by RBC](#)

[Draft Bond Resolution - UCC MD No. 4](#)

[2023 Draft GC Bond Opinion - UCC4](#)

[Draft Bond Counsel Opinion - UCC MD No. 4](#)

[Signed Resolution No. 41-23.pdf](#)

Please see comments in Agenda item 7.C.

7.E. [23-106](#)

A Resolution of the City of Colorado Springs approving a Service Plan for the Creekwalk Metropolitan District serving an area in the South Nevada Avenue Corridor

Presenter:

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

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)

[Exhibit 1- Revised Service Plan - Creekwalk Metropolitan District - 2023 03 01](#)

[Revised Cover Letter - Creekwalk MD - 2023](#)

[Staff PowerPoint- Creekwalk](#)

[Applicant Budget Committee Hearing Presentation - Creekwalk MD](#)

[Revised Redline Comparison - Creekwalk MD](#)

[Signed Resolution No. 50-23.pdf](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a Service Plan for the Creekwalk Metropolitan District serving an area in the South Nevada Avenue Corridor. He provided an overview of the summary, location map, map of proposed district with future inclusion areas, mill levies/authorized debt, next steps, financial plan, bond

structure/parameters, contingencies, questions/comments from the Budget Committee, and timeline.

President Strand asked if there are four parcels included in the initial district boundaries and how many are proposed. Mr. Schueler confirmed there were and any future inclusions would need to be preauthorized by City Council.

Councilmember Donelson asked if a comparison regarding the bonding capacity for the new proposed area of inclusion was provided to Councilmember O'Malley. Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority (CSURA), stated the developer did call Councilmember O'Malley regarding his questions and it is his understanding that Councilmember O'Malley is now confident with the project. Councilmember Donelson requested that he and other Councilmembers receive the same comparison information. Mr. Walker agreed to provide that material.

Councilmember Murray stated they need assurances from the URA and the developer that everything is above board, honest, and tracking with what was originally intended for this area.

Councilmember Donelson asked if URA funds can be used to purchase property. Mr. Walker confirmed they can, but on this particular project, funds will not be used for land acquisition.

- 7.F. [23-156](#) Ordinance No. 23-17 incorporating various amendments to the Code of the City of Colorado Springs 2001, as amended, as it relates to Chapter 7 (Unified Development Code) to coincide with the adoption of Unified Development Code.

Presenter:

Ben Bolinger, Legislative Counsel

Attachments: [UDC-CodeScrubALLChapters-2023-03-1](#)
[Signed Ordinance No. 23-17.pdf](#)

Ben Bolinger, Legislative Counsel, City Attorney's Office, presented the Ordinances incorporating various amendments to the City Code, as it relates to Chapter 7 (Unified Development Code) to coincide with the adoption of Unified Development Code (UDC) and amending the zoning map of the City to implement the UDC as it defines zone districts. He stated on February 14, 2023, the UDC was approved by City Council to

replace Chapter 7 of City Code and in the other Chapters of City Code there are many references to Chapter 7 which need to be corrected.

- 7.G. [ZONE-23-00](#) Ordinance No. 23-18 amending the zoning map of the City of Colorado Springs to implement the Unified Development Code as it defines zone districts
[06](#)

Presenter:
Morgan Hester, Planning Supervisor
Ben Bolinger, City Attorney

Attachments: [CPC Staff Report](#)
[ZC-UDC_PCRzoning-2023-03-07](#)
[Exhibit A - Zone District Conversions](#)
[Signed Ordinance No. 23-18.pdf](#)

Morgan Hester, Planning Supervisor, Planning and Community Development, presented the Ordinance amending the zoning map of the City to implement the UDC as it defines zone districts. She stated the renaming of zone districts is the next step to the RetoolCOS project and provided an overview of the comparison charts.

President Pro Tem Helms asked if the overlay for the United States Air Force Academy was located from the center of the airfield versus the Academy. Ms. Hester confirmed it was.

Councilmember Donelson asked what the minimum size a property can be and still apply for RFlex-zoning. Ms. Hester stated small parcels are eligible to apply for spot zoning but will be reviewed by Planning staff and often do not recommend approval for these types of rezoning requests. Peter Wysocki, Director, Planning and Community Development, provided an overview of the process of the review of zone change requests which is largely remaining the same.

Councilmember Donelson asked if the City is running out of space for industrial use and if there is a concern regarding running out of commercial use space. Ms. Hester stated she does not have any information which shows the City is running out of commercial properties.

Councilmember Donelson asked why the Accessory Dwelling Unit (ADU) overlay was included even though none currently exist. Ms. Hester stated it was in order for all the overlay districts to be in one location for clarity.

Councilmember Donelson asked how consensus is defined in the section of Area Design Standards Overlay (ADSO). Ms. Hester stated part of the Code for ADSO is the requirement for either working through a neighborhood plan or a stakeholder engagement plan and that criteria is outlined. Councilmember Donelson asked what percentage of the stakeholders does it take to be considered a consensus. Ms. Hester stated the consultant advised against setting a specific percentage and because this is new process, Planning staff will be involved in the process. Mr. Wysocki stated City Council would make the final decision on the ADSO during a zone change hearing.

Councilmember Donelson asked if the Planned Cultural Resort (PCR) designation is new. Ms. Hester stated it is not, they are retaining it. Ben Bolinger, Legislative Counsel, City Attorney's Office, stated the two options were to either amend the PCR to allow the three existing PCR properties to keep it or force the properties to rezone. Councilmember Donelson asked if no other properties will be allowed to become PCR. Mr. Bolinger stated that is correct.

Councilmember Murray asked when the last time a rezoning request was not recommended by the Planning Department. Mr. Wysocki stated last week.

8. Items Under Study

There were no Items Under Study.

9. Councilmember Reports, Open Discussion and Takeaways

Councilmember Murray stated he has been contacted by numerous citizens and people running for office regarding the use of City resources in a campaign ad. Ben Bollinger, Legislative Counsel, City Attorney's Office, stated there were findings released on Friday, March 10, 2023, but he is not prepared to make a comment on the investigation. Wynetta Massey, City Attorney, City Attorney's Office, stated in addition to the findings released regarding the Fair Campaign Practices Act stating there was no use of City resources, there were thirteen attachments which had the investigative report, witness statements, and photographs.

Councilmember Donelson asked if other candidates are allowed to have pictures of Colorado Springs Fire Department (CSFD) equipment in the

background. Ms. Massey stated if it did not interfere with operations, it was not arranged, and they are taking photos from a public right-of-way, it is fair game.

Councilmember Avila stated International Women's Day was March 8, 2023, she is part of the Latina Equity Foundation which held an education conference on March 4, 2023, and encouraged everyone to vote in the upcoming April 4, 2023 General Municipal Election.

President Pro Tem Helms stated he and several other Councilmembers attended the Council of Neighbors and Organizations (CONO) University leadership Panel.

Councilmember Henjum read a message from the Colorado Transportation Advisory Board (CTAB) in which they thanked Scott Barnhart for his service to CTAB and expressed support of the study of the proposed greenway along the Constitution Avenue extension, and stated she and CONO are hosting a meeting in preparation for the beginning of the neighborhood network planning for District 5 on Friday, March 17, 2023 from 3:00PM-5:00PM at the CONO office.

Councilmember Williams stated he attended the CONO University leadership panel, St. Patrick's Day parade, will participate in the Daniel's Fund scholarship interviews, and expressed appreciation to the Public Works Department for the work regarding the advancement of the Pikes Peak Rural Transportation Authority (PPRTA) funding for the Marksheffel Road project.

President Strand stated District 2 and District 4 held Town Hall meetings, he and several Councilmembers attended the Permit Partner system launch, Prospect Lake meeting, Women in Construction group meeting, Region 16 Opioid Council, and Youth in Arts Breakfast.

Councilmember Murray stated Councilmember Fortune is in their thoughts and prayers.

10. Executive Session

10A. Open

10A.A. [23-162](#)

Patricia Cadilli as the lineal heir to Margaret L. Miller v. Wesley Bryan Cosgrove and the City of Colorado Springs 23CV030143

The Civil Action Investigation Committee has recommended that the City represent the above-named Firefighter as required by the Colorado Governmental Immunity Act. The Firefighter was acting in the course and scope of his employment and was acting in good faith. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.

Presenter:

Wynetta Massey, City Attorney

Attachments: [3-13-2023 Open Exec Session](#)

Ben Bolinger, Legislative Counsel, City Attorney's Office, stated with the recommendation of the Civil Action Investigation Committee, the City is requesting authorization to defend.

President Strand polled City Council regarding authorizing the City to represent the employee. Consensus of City Council agreed.

Councilmember Henjum asked what the difference is between standards for a criminal action and a civil action. Wynetta Massey, City Attorney, stated this is a civil suit where the City has been sued and the City is required to defend City employees whereas in a criminal matter, the City is not required to defend.

Councilmember Williams and President Pro Tem Helms stated they supports the recommendation to defend in this matter.

Councilmember Donelson requested the history of any previous Fire or Police employees which have requested the City to represent them in a criminal case.

10B. Closed**10B.A. [23-167](#)**

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 a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney, discussing strategy for negotiations and instructing negotiators regarding an economic development and incentive

agreement.

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

Presenter:

Wynetta Massey, City Attorney

Attachments: [2023-3-13 - Closed Session - Economic Development Agreement](#)

Ben Bolinger, Legislative Counsel, City Attorney's Office, stated that 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 a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney, discussing strategy for negotiations and instructing negotiators regarding an economic development and incentive agreement.

President Strand polled City Council regarding the desire to proceed with a Closed Executive Session. At least two-thirds of City Council agreed to proceed in an electronic Closed Executive Session.

10. 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