



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

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Monday, February 8, 2021

10:00 AM

Council Chambers

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### How to Watch the Meeting

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Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)  
- CenturyLink Channel 18

### 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

### 2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated item 8.F. will be taken at 1:00 PM.  
Consensus of City Council agreed to this change on the agenda.

### 3. Regular Meeting Comments

President Skorman stated items 11.A. through 11.F. will be taken at 11:00 AM at the February 9, 2021 City Council meeting and polled City Council regarding voting on these items at the February 23, 2021 City Council meeting.

Councilmember Avila stated there will be two poets and a gospel singer for item 5.A. at the February 9, 2021 City Council meeting.

Consensus of City Council agreed to these changes on the agenda.

### 4. Review of Previous Meeting Minutes

4.A. [21-094](#) City Council Work Session Meeting Minutes January 25, 2021

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [1-25-21 City Council Work Session Meeting Minutes Final](#)

The minutes of the January 25, 2021 Work Session meeting were approved by Consensus of City Council.

Councilmember Geislinger requested his comment regarding item 7.C. be amended to “Instead of focusing on the fact that the City is installing bike lanes, the narrative needs to start with the neighbors are asking for traffic calming and the City is responding to the neighbor’s requests to address traffic calming by installing bike lanes.” He also requested, in regard to item 8.E., that staff provide the baseline for when Mayor Suthers set the City’s goal of 1,000 affordable housing units and how the City is progressing toward and potentially raising that goal. Steve Posey, HUD Program Manager, Planning and Community Development, stated they will provide that information.

## **5. Executive Session**

### **5A. Open**

There was no Open Executive Session.

### **5B. Closed**

There was no Closed Executive Session.

## **6. Staff and Appointee Reports**

There were no Staff and Appointee Reports.

## **7. Presentations for General Information**

### **7.A. [21-093](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 2-8-21](#)

There were no comments on this item.

## **8. Items for Introduction**

### **8.A. [21-087](#) A Resolution to increase the Stormwater Service Fees effective July 1, 2021**

Presenter:

Richard Mulledy, Stormwater Enterprise Manager

**Attachments:** [Resolution\\_Stormwater Fee Increase.docx](#)  
[Exhibit A](#)  
[Stormwater Enterprise Fee Increase\\_2.05.21](#)

Mayor Suthers introduced the Resolution establishing the new Stormwater Plan Review Fee effective July 1, 2021. He gave a brief history of the City's stormwater issues, Stormwater Enterprise (SWENT) program, and explained the need for a stormwater fee increase.

Councilmember Geislinger and President Skorman expressed appreciation for the efforts of the City Attorney's Office and SWENT.

Richard Mulledy, SWENT Manager, provided an overview of the applicable City Code, existing revenue, SWENT Obligations, goals and guiding principles, assumptions, options for rate increase, and property examples.

Councilmember Geislinger asked if the City would be responsible for paying the difference in the cost for the consent decree mandatory stormwater projects if the fees are not increased. Mr. Mulledy confirmed it would.

Councilmember Williams, Councilmember Knight, Councilmember Murray, and President Skorman stated they support Option 2.

Councilmember Knight stated he appreciates the Executive branch not proposing future fee increases, but there may be additional federal mandates which may create the need for another increase.

**8.B.** [21-052](#) An Amended 2021 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

**Attachments:** [USAFA BID - Amended 2021 Operating Plan - 2-11-2021](#)  
[USAFA BID - Amended 2021 Operating Plan - 2-11-2021\(Redline\)](#)  
[USAFA BID - 2021 Operating Plan - Original](#)  
[PowerPoint\\_USAFA\\_2021AmendedOpsPlan](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, presented the amended 2021 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District (BID).

Councilmember Knight requested the amended plan be updated to reflect the existing debt obligations include the developer advanced and outstanding interest debt and stated the additional amount of the 2020 developer advancements should be closer to 200K than 92K.

Councilmember Murray requested a breakdown of the maximum authorized indebtedness for the district is \$565M since the tax-exempt hotel is not being included. Dan Schnepf, Blue and Silver Development Partners, LLC, representing the district, stated they will get the information from the directly from the underwriters. Charae McDaniel, Chief Financial Officer, stated the district debt does not have anything to do with building the hotel only public infrastructure. Eric Smith, Blue and Silver Development Partners, LLC, representing the applicant, stated it included the visitor's center, and public infrastructure related to bringing water, sewer, electric, gas, and the roadway, to the project. Mr. Schueler stated the cap City Council would be approving has a \$90M limit.

Councilmember Geislinger stated going forward the City Auditor will be reviewing BIDs and BID expenditures and providing reports to City Council.

**8.C.**    [21-081](#)

A Resolution Approving the Issuance of Debt by Copper Ridge Metropolitan District in the Form of a Limited Tax Obligation Loan in a Principal Amount Not to Exceed a Principal Amount of \$6,000,000.

(Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

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

[PowerPoint](#)

[1- Transmittal Memo\\_Copper Ridge Met Dist\\_January 2021](#)

[2- Copper Ridge Term Sheet 12.16](#)

[3- Copper Ridge MD 2021 Loan Agreement](#)

[4- CRMD Cash Flow Model 1.19.2021](#)

[5- CRMD 2021 Loan Improvements Map](#)

[6- Draft District Opinion letter](#)

[7- Stifel External Financial Advisor Cert\\_CRMD\\_January 2021](#)

Carl Schueler, Comprehensive Planning Manager, Planning and

Community Development, provided a summary of the Resolution approving the issuance of debt in the form of a limited tax obligation loan not to exceed \$6 million by the Copper Ridge Metropolitan District. He presented the district location map, district history, allocation of proceeds, future residential property exclusions, debt within the \$85M debt limit, and questions presented from the Budget Committee.

Councilmember Williams asked when the intersection with I-25 is scheduled to open. Gary Erickson, Copper Ridge, LLC, representing the district, stated the end of June 2021.

Mr. Schueler stated the district requested to remove the four percent interest rate from the Resolution in case it changes by the time of closing. Consensus of City Council agreed. President Pro Tem Strand requested City Council be notified if the interest rate exceeds four percent. Mr. Schueler agreed to keep City Council informed.

- 8.D.**    [21-089](#)    A Resolution Repealing Resolution 137-18 and Amending Resolution 254-80 Regarding The Lodgers And Automobile Rental Tax Citizens' Advisory Committee

Presenter:

Jill Gaebler, Councilmember District #5  
Wayne Williams, Councilmember At-large  
Michael Montgomery, Deputy City Council Administrator

**Attachments:**    [LART\\_MembershipRES-2021-01-27](#)

[Resolution 137-18](#)

[Res 254-80](#)

Michael Montgomery, Deputy City Council Administrator, presented the Resolution adopting the Rules and Procedures for the Lodgers and Automobile Rental Tax (LART) Citizens' Advisory Committee and stated it adds an ex officio position from the automobile rental industry.

There were no comments on this item.

- 8.E.**    [21-010](#)    An ordinance authorizing the issuance and delivery of the City's Series 2021 multi-family housing revenue bonds for the Academy Heights Apartments project in one or more series, in the aggregate principal amount of \$22,000,000

Presenter:

Steve Posey, HUD Program Manager, Planning & Community

Development  
John Bales, Fred Marienthal, Kutak Rock LLP  
Peter Wysocki, Director of Planning and Community Development

**Attachments:** [2021 Ordinance - Colorado Springs Academy Heights](#)  
[2021 Tax Regulatory Agreement - Colorado Springs Academy Heights](#)  
[2021 Project Loan Agreement - Colorado Springs Academy Heights](#)  
[2021 Funding Loan Agreement - Colorado Springs Academy Heights](#)  
[Bond Ordinance Academy Heights](#)

Steve Posey, HUD Program Manager, Planning and Community Development, presented the Ordinance authorizing the issuance and delivery of the City's Series 2021 multi-family housing revenue Private Activity Bonds (PAB) for the Academy Heights Apartments project in the amount of \$22M for a 201-unit affordable housing project. He provided a brief background of the Resolution, PAB allocations, site plan, project description, alignment with HomeCOS.

Councilmember Williams asked how much will be available in 2021 PAB. Mr. Posey stated a little over \$26M.

- 8.F. [CPC ZC 20-00161](#) A Resolution of the City of Colorado Springs adopting design standards for the Historic Preservation Overlay associated with Old North End Historic District.

(Legislative)

Related Files: CPC ZC 20-00161

Presenter:

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

**Attachments:** [Resolution\\_ONENDesignStandards](#)  
[Exhibit A - ONE HP Overlay Zone Design Standards](#)  
[ONEN Standards - HPB Staff Memo](#)  
[ONEN Design Standards Materials](#)  
[Ordinance 11-147](#)  
[PublicComments](#)  
[SHPO Email162021](#)  
[CC\\_ONEN Design Standards\\_DJS\\_rev](#)  
[Updated - ONEN Design Standards Pres](#)  
[Dec HPB minute ONEN Design Standards\\_DRAFT](#)

Daniel Sexton, Principal Planner, Planning and Community Development, presented the Resolution adopting design standards for the Historic Preservation Overlay (HPO) associated with Old North End (ONE). He gave an overview of the application, vicinity map with overlay zone, site details, public notification and involvement, purpose and use of design standards. Mr. Sexton went over guidelines versus standards, potential conflicts, alignment with PlanCOS, HistoricCOS, IBC, and Secretary of Interior, and staff recommendation.

Councilmember Geislinger asked if these design standards are applicable to a district which encompasses 675 properties. Mr. Sexton stated they are, but as guidelines.

Councilmember Gaebler asked if there were any documentation of City Council approving the design standards at the time the Historic Preservation Overlay was approved in 2000. Mr. Sexton stated there was not.

Councilmember Gaebler asked if the ONE has considered implementing and enforcing design standards through a Homeowner's Association (HOA) instead of City Code. Mr. Sexton stated it was presented to them as an option.

Councilmember Knight commented there is other areas of the City which have design standards. Mr. Sexton stated this is the only design standards being applied to a HPO zone.

Mike Anderson, representing the ONE, provided a definition of the issue, genesis history of North End design standards, flawed approval, and subsequent use of design standard in October 2000. He identified the consequences of not having approved design standards, a simple solution, process for development/adoption of design standards defined in City Code, Historic Preservation Board recommendation, and need for future review.

Councilmember Williams stated there were seventy-four residents of the ONE opposed to the proposed design standards in 2000 so it may not have been an oversight for City Council to not approve the design standards and asked why the ONE does not just adopt the guidelines as opposed to standards. Mr. Anderson stated guidelines would not be as

enforceable as law. Councilmember Williams stated he is concerned these design standards may not provide enough flexibility.

Councilmember Geislinger requested why there is a sense of urgency regarding these proposed design standards. Mr. Anderson stated they believe the issues they have seen in the past four months with multiply and escalate. Councilmember Geislinger stated this is counterintuitive if approving these standards will be avoiding civic exchanges of possible differences of opinion. Mr. Anderson stated everyone has already been operating under the assumption that these guidelines were already standards.

Councilmember Gaebler stated she hesitates to approve twenty-year-old guidelines which have several out of date components and a more thorough review needs to be discussed. Mr. Anderson stated it is extremely difficult to get a HOA to agree to a specific set of covenants.

Councilmember Murray stated there needs to be a consistent application of standards, not guidelines.

Councilmember Knight stated this area is not comparable to an HOA because it has a HPO which is in City Code and the Historic Preservation Board had a public hearing and has recommended this set of standards to City Council. He stated there should a public hearing at the February 23, 2021 City Council meeting.

President Skorman stated these guidelines are very effective, well-planned, and should be codified in City Code. He stated opening the door for a public process may not be necessary for this item.

Councilmember Williams stated the language of the design standards is very confusing because it refers to it as both guidelines and standards. Mr. Anderson stated they are the same standards as what has been used for the past twenty years and is worded very carefully so they are guiding the aesthetic aspect toward historic preservation and are not hard black and white standards, but they need to be ratified by City Council in order for the Historic Preservation Board to function. Jeff Greene, Chief of Staff, stated he will review this request with staff, give a recommendation to City Council at the February 22, 2021 Work Session, and then City Council can vote on it at the February 23, 2021 City Council meeting.



Councilmember Geislinger stated there needs to be an outreach to the ONE neighborhood regarding the revision of the standards going forward.

President Pro Tem Strand recommended this item move forward for a vote.

Councilmember Knight stated twenty-year old standards need to be reviewed and this neighborhood may qualify for a neighborhood plan.

## **9. Items Under Study**

- 9.A. [CPC CA 20-00005](#) Update on the amendment of City Code Chapter 7 (Zoning and Subdivision Regulations)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Dimensional Standards & Uses - Comparison Summary](#)

[ReToolCOS\\_Update](#)

Morgan Hester, Principal Planner, Planning and Community Development, provided the update on RetoolCOS and identified there was a discrepancy in the draft Module 2 which removed the R-2 zoning district and that they are working with Clarion Associates to correct the error. She gave an overview of the intent of R-Flex Districts, dimensional standards in existing residential zoning districts in existing developments, residential use tables, and provided a comparison of existing versus proposed.

President Pro Tem Strand commented these changes would only apply to new development and asked how residents will be informed that this does not affect existing zones. Ms. Hester identified how they will notify the public.

President Pro Tem Strand asked when RetoolCOS will be completed. Ms. Hester stated they anticipate Spring of 2022.

Councilmember Gaebler stated she supports flexibility with the regulations regarding setbacks.

Councilmember Knight stated he supports R-Flex zones but would like developers to still be able to build R-1 or R-2 districts. Peter Wysocki, Director of Planning and Community Development stated R-1 and R-2 are permitted in R-Flex zones. Councilmember Knight stated he wants a

developer to have the choice to build solely single-family homes if that is what the market desires. Mr. Wysocki stated the R-Flex low is modeled after the R-1 6000, but they will look into it further.

Councilmember Knight stated he does not support changing the setbacks within existing neighborhoods that would allow residents to build a house fifty percent larger without the neighbors being allowed to oppose. Mr. Wysocki stated the reduction in front yard setbacks would allow homeowners the flexibility to add a front porch, extend the living room, or add on to the master bedroom without the need to apply for a variance. Councilmember Knight suggested a compromise between changing the front yard and side yard setbacks.

Councilmember Geislinger asked what type of feedback has been received from the stakeholders. Ms. Hester stated it has been positive and they have expressed appreciation for the additional flexibility which is being proposed.

- 9.B.**     [21-078](#)     A Resolution Repealing Resolution 42-13 And Any Previous Resolutions Adopting Other Amendments To Prior Editions Of The “City Of Colorado Springs Rules And Procedures Of City Council” And Adopting The “City Of Colorado Springs Rules And Procedures Of City Council” Effective March 9, 2021

Presenter:

Emily Evans, City Council Administrator

Michel Montgomery, Deputy City Council Administrator

Carly Hoff, Legislative Analyst II

**Attachments:**   [Rules Council Presentation 02.22.2021](#)

[DRAFT 2021 Rules and Procedures of City Council Resolution](#)

[Rules and Procedures of City Council Work Session Revisions](#)

[02.16.2021 - CLEAN](#)

[Rules and Procedures of City Council Work Session Revisions](#)

[02.16.2021 - REDLINE](#)

Michael Montgomery, Deputy City Council Administrator, presented the Resolution adopting the “City of Colorado Springs Rules and Procedures of City Council” effective March 9, 2021. He gave an overview of the purpose of the rewrite, previous City Council action, stakeholder process, major revisions, virtual meetings, and next steps.

Councilmember Geislinger requested additional review of the proposed changes for electronic meetings not only for City Council, but also for public

participation.

Councilmember Williams stated he is not comfortable with the statement “Disclosure of confidential information is a violation of the City Code of Ethics” because sometimes a disclosure may be inadvertent. Tracy Lessig, Division Chief, City Attorney’s Office, stated that line is directly from the City’s Code of Ethics and it is a violation regardless if it was intentional.

Councilmember Williams recommended removing the language “appointments to these Boards, Commissions, and Committees shall be assigned equally in number when possible and ratified by the entire City Council.” because often times there is overlapping functions and there are not enough boards and commissions within the City for each Councilmember to be appointed to an equal number. Emily Evans, City Council Administrator, agreed to remove that line.

Councilmember Williams recommended removing the sentence “Councilmembers should give the appearance of active listening, by looking at the speaker and being aware of facial expressions” because often he is reviewing related documentation during presentations. Councilmember Geislinger stated not being dismissive by certain facial expressions is appropriate.

Councilmember Williams stated regarding quasi-judicial items, he believes site visits are appropriate since many times Councilmember have already been to the site. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the intent of that language was not to discourage site visits, but that they should be disclosed as well as the impression of the site visit.

Councilmember Murray stated motions to reconsider should not be allowed with quasi-judicial items after the public hearing and vote has been conducted and if they are allowed, there should be specific verbiage included which states all persons who were present at the public hearing are also present at the reconsideration. Councilmember Gaebler stated the quasi-judicial process does not need to be changed, but there could be some language regarding when there can be a revisit of a quasi-judicial item. Councilmember Williams stated a reconsideration should be the determination of the City Council President. Councilmember Geislinger agreed that all parties in the public hearing should be notified of and

involved in the reconsideration.

**10. Councilmember Reports and Open Discussion**

President Pro Tem Strand stated he attended the retirement of Joan Wilson who worked for twenty-three years with the Colorado Springs Police Department.

**11. Adjourn**

There being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk