



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, May 26, 2020

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 Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

### 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

Sarah B. Johnson, City Clerk, stated staff requested item 11.C. to be postponed to the June 9, 2020 City Council meeting.

Consensus of Council agreed to this change on the agenda.

### 4. Consent Calendar

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

**4A. Second Presentation:**

- 4A.A. [20-169](#) Ordinance No. 20-25 of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of a second amendment to Standby Bond Purchase Agreement by and among the City of Colorado Springs, Colorado and Wells Fargo Bank, National Association, as Tender Agent and Paying Agent and U.S. Bank National Association and a second amended and restated fee agreement between the City of Colorado Springs, Colorado and U.S. Bank National Association relating to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Improvement Revenue Bonds, Series 2008A; and providing other matters relating thereto.

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [Colorado Spring Utilities - Series 2008A SBPA Authorizing Ordinance No. 20- 4819-0907-0521 4](#)  
[Summary of Ordinance Authorizing Series 2008A SBPA Extention 4811-0295-2891 1](#)  
[Plan of Finance CC 5-12-20](#)

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

- 4A.B. [CPC CA 20-00019](#) Ordinance No. 20-27 amending Chapter 7 (Planning, Development and Building) of City Code establishing standards for Wireless Communication Facilities (WCF), including Small Cell Facilities

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD\\_WCF\\_Small\\_Cell](#)  
[CPC Staff Report\\_WCF Ordinances](#)  
[CPC\\_Minutes\\_WCFOrdinances\\_draft.pdf](#)  
[STAFF WCF Ordinances 4-27-20.pptx](#)  
[STAFF WCF Ordinances 5-12-20](#)

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

- 4A.C.** [CPC CA 20-00020](#) Ordinance No. 20-28 amending Chapter 7 (Planning, Development and Building) of City Code establishing standards specific to modifications of macro cellular communication sites on private property.

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD Eligible Facilities](#)  
[CPC Staff Report WCF Ordinances](#)

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

- 4A.D.** [CPC CA 20-00023](#) Ordinance No. 20-29 amending Chapter 7 (Planning, Development and Building) of City Code revising all references to include Small Cell Facilities and Wireless Communication Facilities (WCF) from Commercial Mobile Radio Service (CMRS)

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD-WCF LandUseTables](#)  
[CPC Staff Report WCF Ordinances](#)

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

- 4A.E.** [CPC CA 20-00024](#) Ordinance No. 20-30 amending Chapter 3 (Public Property and Public Works) of City Code establishing the allowance of small cell facilities in the right-of-way

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD Public Property](#)

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

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

- 4B.A.** [20-219](#) City Council Regular Meeting Minutes May 12, 2020

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [5-12-2020 City Council Meeting Minutes Final.pdf](#)

**The Minutes were approved on the Consent Calendar.**

**4B.B. [20-190](#)** Appointments to Boards and Commissions

Presenter:  
Michael Montgomery, Deputy City Council Administrator

**Attachments:** [052620 Boards and Commissions](#)

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

**4B.C. [20-199](#)** A resolution finding a petition for annexation of the area known as Sorpresa East Addition No. 1 Annexation consisting of 8.83 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of June 23, 2020 for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

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

**Attachments:** [RES SorpresaEastAdditionNo.1HearingDates](#)  
[Exhibit A Petition to Annex Sorpresa East](#)  
[Legal Description Sorpresa East](#)  
[Vicinity and Surrounding Uses](#)  
[Vicinity Map Sorpresa East Annex](#)  
[Public Notice Sorpresa East Annex](#)  
[Clerk Memo to Advertise Sopresa East](#)  
[Signed Resolution 29-20.pdf](#)

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

**4B.D. [CPC ZC](#)  
[19-00178](#)** Ordinance No. 20-31 amending the zoning map of the City of Colorado Springs pertaining to 0.206-acre located at 2217 Bott Avenue from R2 (Two-Family Residential) to C5 (Intermediate Business).

(Quasi-Judicial)

Related Files: CPC ZC 19-00178 and AR DP 15-00139-A1MJ19

Presenter:

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

**Attachments:** [ZC ORD PubDog](#)

[Exhibit A-legal description](#)

[Exhibit B-zoning depiction](#)

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

- 4B.E.** [AR DP 15-00139-A1 MJ19](#) The Pub Dog Development Plan for a restaurant expansion with attached dog play structure located at 2207 and 2217 Bott Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 19-00178 and AR DP 15-00139-A1MJ19

Presenter:

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

**Attachments:** [FIGURE 1 - Development Plan](#)

[7.5.502.E Development Plan Review](#)

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

- 4B.F.** [CPC ZC 19-00175](#) Ordinance No. 20-32 amending the zoning map of the City of Colorado Springs relating to 6.8 acres located at 1265 Kelly Johnson Boulevard from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center)

(Quasi-Judicial)

Related files: CPC ZC 19-00175, CPC CU 19-00176

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development  
Peter Wysocki, Planning and Community Development Director

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

[Exhibit A - Legal Description](#)

[Exhibit B - Legal Description Depicted](#)

[1 - Vicinity Map](#)

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

- 4B.G.** [CPC CU 19-00176](#) The Edison at Chapel Hills Conditional Use Development Plan to allow 171 multi-family residential units within the PBC (Planned Business

Center Zone District) at 1265 Kelly Johnson Boulevard.

(Quasi-Judicial)

Related files: CPC ZC 19-00175, CPC CU 19-00176

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

**Attachments:** [Figure 1 - Conditional Use Development Plan](#)

[7.5.704 Conditional Use Review](#)

[7.5.502.E Development Plan Review](#)

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

**4B.H.** [CPC ZC  
20-00017](#)

Ordinance No. 20-33 amending the zoning map of the City of Colorado Springs relating to 14.93 acres located northwest of the intersection of Briargate Parkway and Grand Cordera Parkway from A (Agriculture) to PBC (Planned Business Center).

(Quasi-Judicial)

Related files: CPC ZC 20-00017, CPC CP 20-00018

Presenter:

Katie Carleo, Principal Planner, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [ZC ORD BriargateCrossingEastNo.6](#)

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

[Exhibit B - Zone Change Depiction](#)

[EXHIBIT 1 Vicinity and Surrounding Uses](#)

[EXHIBIT 2 BCE No.6 Concept Plan](#)

[EXHIBIT 3 PlanCOS Supporting Map](#)

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

**4B.I.** [CPC CP  
20-00018](#)

The Briargate Crossing East Filing No. 6 Concept Plan establishing a mixed commercial, retail and office center located northwest of the intersection of Briargate Parkway and Grand Cordera Parkway.

(Quasi-Judicial)

Related files: CPC ZC 20-00017, CPC CP 20-00018

Presenter:

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

**Attachments:** [FIGURE 5 BCE No.6 Concept Plan](#)  
[7.5.501.E Concept Plans](#)

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

- 4B.J.** [CPC MP 81-16-A2MJ20](#) A Resolution for a major amendment to the Prospect Park Master Plan to change 20.63 acres from commercial to commercial and residential, located southeast of the intersection of East Fountain Boulevard and South Union Boulevard.

(Legislative)

Related Files: CPC MP 81-16-A2MJ20, CPC CP 20-00041

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:** [RES\\_ProspectParkMasterPlanAmendment](#)  
[EXHIBIT A - Master Plan Amendment](#)  
[CONTEXT MAP](#)  
[TRANSIT LOCATIONS MAP](#)  
[FIA UPDATED 05132020](#)  
[Union and Fountain MP and CP powerpoint - Teixeira](#)  
[CPC Staff Report Union and Fountain](#)  
[FIGURE 1 - MASTER PLAN AMENDMENT SITE PLAN](#)  
[FIGURE 2 - CONCEPT PLAN SITE PLAN](#)  
[FIGURE 3 - PROJECT STATEMENT](#)  
[FIGURE 4 - NEIGHBORHOOD COMMENTS](#)  
[FIGURE 5 - CONTEXT MAP](#)  
[FIGURE 6 - TRANSIT ROUTE AND BUS STOPS](#)  
[FIGURE 7 - FISCAL IMPACT ANALYSIS](#)  
[FIGURE 8 - PLANCOS](#)  
[FIGURE 9 - PROSPECT PARK MASTER PLAN ORIGINAL](#)  
[CPC Minutes ProspectParkMPA draft](#)  
[7.5.408 Master Plan](#)  
[Signed Resolution 30-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

**4B.K.** [CPC CP  
20-00041](#)

The Fountain and Union Concept plan for commercial and residential development in the PBC/cr/SS zone (Planned Business Center with Conditions of Record and Streamside Overlay, located southeast of the intersection of East Fountain Boulevard and South Union Boulevard.

(Quasi-Judicial)

Related Files: CPC MP 81-16-A2MJ20, CPC CP 20-00041

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:** [FIGURE 2 - CONCEPT PLAN SITE PLAN](#)  
[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

## Approval of the Consent Agenda

**Motion by Councilmember Pico, 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 - Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

**Excused:** 1 - Avila

## **5. Recognitions**

**5.A.** [20-227](#)

Peace Officer Memorial

Presenter:

Tom Strand, Council Member

**Attachments:** [Peace Officers Memorial Proclamation 2020](#)

Vince Niski, Chief, Colorado Springs Police Department, expressed appreciation for the Proclamation observing the men and women who had made the ultimate sacrifice in the line of duty.

Mayor Suthers presented a Proclamation recognizing May 15, 2020 as Peace Officers Memorial Day in Colorado Springs and expressed appreciation for all the law enforcement officers.



President Pro Tem Strand read the Proclamation.

Several Councilmembers expressed appreciation for the officers and their families.

**5.B.**    [20-223](#)            Colonel Thomas G. Falzarano Day

Presenter:  
Don Knight, Council Member

**Attachments:**    [Colonel Thomas G. Falzarano Day 2020](#)

Councilmember Knight gave a brief history of the 21st Space Wing, Peterson Air Force Base, CO and read the Proclamation recognizing May 12, 2020 in honor of Colonel Thomas G. Falzarano.

Stacey Falzarano, wife of Colonel Thomas G. Falzarano, expressed appreciation for the Proclamation.

**5.C.**    [20-228](#)            Colorado Day of Remembrance

Presenter:  
Richard Skorman, Council President

**Attachments:**    [Colorado Day of Remeberance](#)

President Skorman read the Proclamation recognizing May 15, 2020 as Colorado Day of Remembrance for those effected and battling COVID-19.

Councilmember Geislinger encouraged all citizens to wear face masks in public.

Councilmember Avila expressed appreciation for all the healthcare workers and explained how COVID-19 affects everyone in the community.

**5.D.**    [20-235](#)            A Resolution of appreciation of Violet Heath, Human Resources Manager in the Human Resources Department for her 18 years of service to the City of Colorado Springs

Presenter:  
Michael Sullivan, Chief Human Resources and Risk Officer, Human Resources

**Attachments:**    [Heath Retiree Resolution](#)  
[Signed Resolution 31-20.pdf](#)

Michael Sullivan, Chief Human Resources and Risk Officer, Human Resources, presented the Resolution of appreciation for Violet Heath, Human Resources Manager, for her eighteen years of service with the City of Colorado Springs.

Ms. Heath expressed appreciation for the opportunities she had been given with the City.

Councilmember Avila expressed gratitude for Ms. Heath's assistance during her time with the City.

**Motion by President Pro Tem Strand, seconded by Councilmember Avila, that the Resolution be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

- 5.E.** [20-234](#) A Resolution for the appreciation of Victoria McColm, Risk Manager in the Human Resources Department, for her 29 years of service to the City of Colorado Springs

Presenter:

Michael Sullivan, Chief Human Resources and Risk Officer, Human Resources

**Attachments:** [McColm Retiree Resolution](#)  
[Signed Resolution 32-20.pdf](#)

Michael Sullivan, Chief Human Resources and Risk Officer, Human Resources, presented the Resolution of appreciation for Victoria McColm, Risk Manager, for her twenty-nine years of service with the City of Colorado Springs.

Ms. McColm expressed appreciation for the opportunities she had been given with the City.

President Skorman expressed gratitude for all the accomplishments Ms. McColm achieved during her career.

**Motion by Councilmember Williams, seconded by Councilmember Pico, that the Resolution be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

- 5.F.** [20-233](#) A Resolution for the appreciation of Julie Zehner, Senior Paralegal in the City Attorney's Office for her 26 years of service to the City of Colorado Springs

Presenter:

Wynetta Massey, City Attorney, City Attorney's Office

**Attachments:** [JAZRetireeRes.docx](#)  
[Signed Resolution 33-20.pdf](#)

Wynetta Massey, City Attorney, City Attorney's Office, presented the Resolution of appreciation for Julie Zehner, Senior Paralegal in the City Attorney's Office, for her twenty-six years of service with the City of Colorado Springs.

Ms. Zehner expressed appreciation for the opportunities she had been given with the City.

Several Councilmembers expressed gratitude for all the accomplishments Ms. Zehner achieved during her career.

**Motion by President Pro Tem Strand, seconded by Councilmember Williams, that the Resolution be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

Councilmember Pico read a Proclamation recognizing May 25, 2020 as Memorial Day in remembrance and in honor of the fallen veterans.

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

Citizen John Olson, board member of Gold Hill Mesa Homeowner's Association, and spoke about the Gold Hill Mesa neighborhood and the findings of the Colorado Geological Survey (CGS). Wynetta Massey, City Attorney, identified the City has received several land use applications and reminded City Council regarding ex parte communications.

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

There was no Mayor's Business.

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

There were no items called off the Consent Calendar.

## **9. Utilities Business**

- 9.A.** [20-129](#) Request to Establish a Public Hearing Date for the Consideration of a Resolution for Certain Changes to Utilities Rules and Regulations

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [2020 Mid-Year URR Rate Case Filing on 5-26-20](#)  
[URR Resolution Waived DO](#)  
[2020 Plan of Finance Update 5-26-2020](#)

Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities (CSU), requested a public hearing for the July 14, 2020 City Council meeting to consider changes to CSU Utilities Rules and Regulations.

There were no comments on this item.

**Motion by Councilmember Williams, seconded by Councilmember Pico, that the Resolution to establish a Public Hearing date of July 14, 2020 for the consideration of a Resolution for certain changes to Utilities Rules and Regulations be adopted. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

**9.B. [20-173](#)**

Ordinance No. 20-34 of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds of the City; providing for the extension, betterment, other improvement and equipment of the City of Colorado Springs Utilities System; providing for the issuance and sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2020A in an aggregate principal amount not to exceed \$285,000,000, the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2020B (Private Activity) in an aggregate principal amount not to exceed \$68,500,000 and the City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2020C in an aggregate principal amount not to exceed \$110,000,000 payable solely out of the Net Revenues to be derived from the operation of the City of Colorado Springs Utilities System; authorizing the execution by the city of a Paying Agent Agreement, Escrow Agreements, a Bond Purchase Agreement and an Official Statement related thereto; and providing other matters relating thereto.

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU 2020ABC Bond Ordinance 4845-2830-0980\\_6](#)  
[Ordinance Summary \(First Publication\) 2020ABC 4845-6589-7147\\_2](#)

There were no comments on this item.

**Motion by Councilmember Williams, seconded by Councilmember Gaebler, that the Ordinance of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds of the City;**

providing for the extension, betterment, other improvement and equipment of the City of Colorado Springs Utilities System; providing for the issuance and sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2020A in an aggregate principal amount not to exceed \$285,000,000, the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2020B (Private Activity) in an aggregate principal amount not to exceed \$68,500,000 and the City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2020C in an aggregate principal amount not to exceed \$110,000,000 payable solely out of the Net Revenues to be derived from the operation of the City of Colorado Springs Utilities System; authorizing the execution by the city of a Paying Agent Agreement, Escrow Agreements, a Bond Purchase Agreement and an Official Statement related thereto; and providing other matters relating thereto be approved on first reading. The motion passed by a vote of 9-0-0

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

**9.C. [20-216](#)**

Ordinance No. 20-35 of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds of the City; providing for the issuance and sale of the City of Colorado Springs, Colorado, [Taxable] Utilities System Refunding Revenue Bonds, series 2020D [2021A] in an aggregate principal amount not to exceed \$86,000,000, payable solely out of the Net Revenues to be derived from the operation of the City of Colorado Springs Utilities System; authorizing the execution by the City of a Paying Agent Agreement, an Escrow Agreement, Bond Purchase Agreements and an Official Statement related thereto; and providing other matters relating thereto.

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU 2020D-2021A Bond Ordinance 4825-6984-1849\\_5](#)

[Ordinance Summary \(First Publication\) 2020D-2021A 4821-4735-7115\\_2](#)

There were no comments on this item.

**Motion by Councilmember Gaebler, seconded by Councilmember Williams, that the Ordinance of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds of the City; providing for the issuance and sale of the City of Colorado Springs, Colorado, [Taxable] Utilities System Refunding Revenue Bonds, series 2020D [2021A] in an aggregate principal amount not to exceed \$86,000,000, payable solely out of the Net Revenues to be derived from the operation of the City of Colorado Springs Utilities System; authorizing the execution by the City of a Paying Agent Agreement, an Escrow Agreement, Bond Purchase Agreements and an Official Statement related thereto; and providing other matters relating thereto be approved on first reading. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

## **10. Unfinished Business**

- 10.A.** [20-180](#) Ordinance No. 20-26 amending Section 104 (deposit of coins or tokens; time limits; prohibitions) of Article 15 (parking meter regulations) of Chapter 10 (motor vehicles and traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to time limitations for deposit of tokens at metered parking spaces

Presenter:

Scott Lee, Parking Enterprise Director, Parking Enterprise Fund

**Attachments:** [Metered Parking\\_ORD-2020-05-01.docx](#)

President Skorman recused himself due to his ownership of a downtown business.

Councilmember Avila stated she does not support this item because people attending church downtown in the morning hours do not have to pay for parking, but any other activities occurring in the afternoon will be charged for parking.

**Motion by Councilmember Williams, seconded by Councilmember Gaebler, that the Ordinance amending Section 104 (deposit of coins or tokens; time limits; prohibitions) of Article 15 (parking meter regulations) of Chapter 10 (motor vehicles and traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to time limitations for deposit of tokens at metered parking spaces be finally passed. The motion passed by a vote of 6-2-0-1**

**Aye:** 6 - Gaebler, Geislinger, Knight, Murray, Strand, and Williams

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

**Recused:** 1 - Skorman

## **11. New Business**

- 11.A.** [20-163](#) A Resolution authorizing the Stetson Ridge Metropolitan District No. 3 to issue debt in the form of General Obligation Limited Tax Refunding and Improvement Bonds Series 2020A and Subordinate General Obligation Limited Tax Bonds, Series 2020B (3) in an aggregate total principal amount not to exceed \$10,500,000.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Director, Planning and Community Development

**Attachments:** [Resolution StetsonRidgeMetroDist](#)  
[PowerPoint](#)  
[Attachment 1-Transmittal letter](#)  
[Attachment 2- Term Sheet \(as of 02.28.2020\)](#)  
[Attachment 3- Senior Indenture - 04-07-20](#)  
[Attachment 4- Subordinate Indenture - 04-07-20](#)  
[Attachment 5- Opinion of District Counsel](#)  
[Attachment 6- Series A Fin. Projections 4-14-20](#)  
[Attachment 7- Series B Fin. Projections 4-14-20](#)  
[Attachment 8- cost summary - all public infrastructure](#)  
[Attachment 9- Report 2R - 04.08.13 - RETech cost report](#)  
[Attachment 10- Report 3 - 05.09.13 - RETech cost report](#)  
[Signed Resolution 34-20.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, presented the Resolution authorizing the Stetson Ridge Metropolitan District No. 3 to issue debt in the form of General Obligation Limited Tax Refunding and Improvement Bonds Series 2020A and Subordinate General Obligation Limited Tax Bonds, Series 2020B (3) in an aggregate total principal amount not to exceed \$10,500,000.

Councilmember Murray stated he has concerns with the issuance of the Series 2020B bonds and requested it be tabled.

Councilmember Geislinger stated he shares Councilmember Murray's concerns, but will be supporting this item because it meets the City's standards currently in place.

Councilmember Knight stated he also has concerns with the Series 2020B bonds, but he supports the "not to exceed" clause on the Series 2020A bonds.

**Motion by Councilmember Williams, seconded by Councilmember Pico, that the Resolution approving the issuance of debt in the form of General Obligation Limited Tax Refunding and Improvement Bonds Series 2020A and Subordinate General Obligation Limited Tax Bonds, Series 2020B (3) in an aggregate total principal amount not to exceed \$10,500,000 be adopted. The motion passed by a vote of 8-1-0-0**

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

**No:** 1 - Murray

- 11.B. [20-181](#) Resolution authorizing issuance of debt by the Flying Horse Metropolitan District No. 2.

Presenter:

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

**Attachments:** [Resolution- Flying Horse 5-18-20](#)  
[2020FlyingHorseDebtPP](#)  
[Attachment 1 - Bond Submittal Issues Response](#)  
[Attachment 2- Cover Letter - Flying Horse MD No. 2 \(1\)](#)  
[Attachment 3 - Term Sheet](#)  
[Attachment 4- Supplemental Term Sheet](#)  
[Attachment 5- Draft District Bond Resolution](#)  
[Attachment 6- Draft Senior Indenture](#)  
[Attachment 7- Draft Subordinate Indenture](#)  
[Attachment 8- Draft District Counsel Opinion](#)  
[Attachment 9- Draft Bond Counsel Opinion -Series A](#)  
[Attachment 10- Draft Bond Counsel Opinion- Series B](#)  
[Attachment 11- Financial Projections](#)  
[Attachment 12- Cost Summary](#)  
[Signed Resolution 35-20.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented a Resolution authorizing issuance of debt by the Flying Horse Metropolitan District No. 2 in an aggregate amount not to exceed \$52 million in the form of General Obligation Limited Tax Refunding Bonds, Series 2020A and Series 2020B and summarized the City Council requested change in language to limit the discharge dates and mill levy imposition terms of these bonds to no later than 2059.

Doug Stimple, Classic Communities, LLC, representing the applicant, stated the net value savings to the tax payer is \$2.5 million.

Councilmember Murray stated he disagrees with Mr. Stimple's calculations.

**Motion by Councilmember Williams, seconded by Councilmember Pico, that the Resolution approving the authorization for the Flying Horse Metropolitan District No. 2 to issue debt in the form of general obligation limited tax refunding bonds in a combined principal (par) amount not to exceed \$52,000,000 be adopted. The motion passed by a vote of 8-1-0-0**

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



No: 1 - Murray

11.C. [20-226](#) A Resolution Amending City Council Resolution No. 53-17

Presenter:

Jeff Greene, Chief of Staff for Mayor

Bob Cope, Economic Development Officer

**Attachments:** [RES\\_Cimino\\_3rd\\_amended.doc](#)

This item was postponed to the June 9, 2020 City Council meeting.

**Motion by Councilmember Geislinger, seconded by President Pro Tem Strand, that the Resolution Amending City Council Resolution No. 53-17 be postponed to the June 9, 2020 City Council meeting. The motion passed by a vote of 9-0-0**

**Aye:** 9 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

14.A. [20-229](#)

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), (b) and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issues to be discussed involve: (1) legal advice and consultation with the City Attorney regarding ex parte communications; and (2) negotiation consultation and strategy discussion regarding an economic development matter; and (3) legal advice and settlement consultation with the City Attorney regarding a pending litigation 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:** [05112020ClosedSession](#)

Wynetta Massey, City Attorney, 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 an electronic Closed Executive Session. The issue to be discussed involves (2) negotiation consultation and strategy discussion regarding an economic development 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 Closed Executive.

## **12. Public Hearing**

- 12.A. [CPC PUZ 19-00090](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 61.71 acres located southeast of Powers Blvd and Highway 83 from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 du/ac)

(Quasi-Judicial)

Related File: CPC PUP 19-00091

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

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

[Exhibit A - Legal Description](#)

[Exhibit B - Legal Description Depicted](#)

[Vicinity Map](#)

[Kettle Creek North Presentation](#)

[CPC Staff Report - Kettle Creek](#)

[Figure 1 - Concept Plan](#)

[Figure 2 - Project Statement](#)

[Figure 3 - Surrounding Area & Context Map](#)

[Figure 4 - Neighborhood Comments](#)

[Figure 5 - Briargate Master Plan](#)

[Kettle Creek North - Additional Public Comments](#)

[CPC Minutes KettleCreek draft](#)

[7.5.603.B Findings - ZC](#)

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

[City Planning Commission Minutes - 4.30.20](#)

Hannah Van Nimwegen, Senior Planner, Planning and Community Development, presented the Ordinance amending the zoning map relating to 61.71 acres known as Kettle Creek located southeast of Powers Blvd and Highway 83 from A (Agriculture) to PUD (Planned Unit Development). She gave a brief overview of the vicinity map, applications, site details, public notification, public involvement, and concept plan. Ms. Van Nimwegen identified the land suitability analysis, urban to rural transition, traffic analysis, master plan, compatibility with Plan COS, and staff recommendations.

Todd Frisbie, City Traffic Engineer, stated Academy School District 20 agreed to change the proposed North Fork Elementary School start time to later in the morning than Pine Creek High School to address some of the traffic volume and congestion.

Councilmember Geislinger asked what the City's responsibility is with Howells Road, Old Ranch Road, and Shoup Road. Mr. Frisbie identified how the roads will connect and stated it will require some annexations from the County.

Councilmember Knight asked about the County's protection of Howells Road. Mr. Frisbie stated there were grievances made in the past from residents regarding any extension of Howells Road.

Councilmember Knight asked if the traffic analysis reaching a level of service (LOS) of F would only occur during when school is in session. Mr. Frisbie confirmed it would be and the analysis also assumes additional development in the area.

Councilmember Knight asked if there are any other intersections within the City that are at a LOS D or F. Mr. Frisbie stated the intersections at Austin Bluffs and Woodmen, Austin Bluffs and Academy Boulevard, Fountain and Academy, and most intersections along Woodmen Road to the east of Academy Boulevard are at LOS D. Councilmember Knight requested a list of intersections within the City and their LOS. Mr. Frisbie agreed to provide that information.

Councilmember Williams asked how will the City ensure the school district will address the traffic issues. Mr. Frisbie stated the biggest traffic concern is in the morning and the school district is working with the City to find

solutions.

Councilmember Murray stated the developer needs to work out a way to build out Howell Road so they do not start out with a traffic level of service LOS F.

Councilmember Gaebler asked if this development was included in the Briargate master plan. Ms. Van Nimwegen confirmed it was and when the property was annexed, there was a stipulation that there would be no connection to Howells Road.

President Pro Tem Strand asked about emergency access into the development. Brett Lacey, Fire Marshall, Colorado Springs Fire Department, stated in the event of an evacuation, there would have to be coordination with the Colorado Springs Police Department (CSPD) as well as the El Paso County Sheriff's Office, but the development is problematic in regards to the concentration and access points and they will work with the Traffic Engineering Department to ensure egress and ingress.

Councilmember Knight disclosed that he received an email from Sam Bryant who he plays golf with and that the egress out of the area is a major concern of his.

Councilmember Geislinger asked if the El Paso County Sheriff's Office has been involved with this project. Fire Marshall Lacey stated he not aware of them being currently involved in this process.

John Maynard, N.E.S, Inc., representing the applicant, presented a vicinity map and photos of the site and went over the land suitability analysis, which included slope, vegetation, environmental constraints, and composite. He gave a brief overview of the Briargate master plan and concept plan.

Councilmember Geislinger asked if the County has addressed the concerns with traffic. Mr. Maynard stated the original annexation agreement dictates that there is to be no extension of Howells Road in order to keep the urban/rural interface defined.

Councilmember Murray asked if the developer would be willing to contact the County in regards to access to Howells Road. Mr. Maynard stated that would need to be a City request since there are already nine access points

into the parcel.

Councilmember Williams asked if the original master plan anticipated the Trails, Open Space, and Parks (TOPS) acquisition or the designation of the Preble's meadow jumping mouse habitat. Mr. Maynard identified the area proposed for open space.

Councilmember Williams asked if the proposed density of three to four dwelling units per acre is for the remaining 61-acres. Mr. Maynard confirmed it is.

Councilmember Knight asked how many homes are anticipated for the parcels. Ms. Van Nimwegen stated approximately 500 to 600 homes.

Councilmember Knight asked how many people could be evacuated in an hour. Fire Marshall Lacey stated there are many factors that would have to be analyzed in order to answer that question.

Councilmember Williams asked if Howells Road was being utilized for equestrian purposes. Ms. Van Nimwegen confirmed the neighbors did indicate that in the public meetings.

Citizens Sam Bryant and Andrew Hits spoke in opposition of the proposed items.

Mr. Maynard stated he spoke with a representative for the North Fork elementary school regarding emergency access that would connect the school to the eastern portion of the Venezia property, but they stated their infrastructure would be located on the west side of the site. He stated there is a system of roadways that will allow multiple ways to access Thunder Mountain Avenue and Old Ranch Road and the traffic LOS has met the required tests. He said it is possible to connect Golden Meadow Way to Powers Boulevard as an emergency egress, but that would require coordination with the Colorado Department of Transportation (CDOT), the Homeowners Association (HOA) of North Fork, and the developer of the North Fork subdivision.

Councilmember Knight stated if Red Cavern Road connected to Powers Boulevard, it would be a suitable solution for emergency access as well as an access road to the intersection of Highway 83 and Kettle Creek North.

Mr. Maynard stated there is a significant canyon which would cost millions of dollars to bridge.

Councilmember Pico asked if the ability to evacuate this development is adequate. Mr. Lacey stated because the two access points both exit onto Old Ranch Road, traffic would need to be diverted both south and west by direction of CSPD or traffic signal lights which is not their preferred method of evacuation.

President Skorman asked if this parcel of land was ever envisioned as open space. Mr. Maynard stated there has been discussions between the property owner and TOPS regarding the acquisition of 160-acres of land north of this parcel.

Councilmember Knight asked how big of an obstacle it would be to add an emergency access to Powers Boulevard. Jeff Greene, Chief of Staff, stated it would require a special permitting process with the State. Mr. Frisbie stated CDOT considers Powers Boulevard a freeway so they are very protective of access outside of the interchanges, but he will contact them regarding the possibility of an emergency access.

**Motion by Councilmember Gaebler, seconded by Councilmember Pico, that the Ordinance amending the rezone of 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre), 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 approved on first reading.**

The motion was superseded by the motion to postpone the item until the August 11, 2020 City Council meeting.

**Motion by Councilmember Murray that the Ordinance amending the rezone of 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre), 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 postponed to the August 11, 2020 City Council meeting. The motion failed for lack of a second.**

Councilmember Knight stated he supports a postponement until the June 9, 2020 City Council meeting to allow staff to discuss with CDOT the possibility of an emergency access road onto Powers Boulevard. Mr. Lacey stated even though access is not desirable, yet workable, emergency access roads are not maintained, unenforceable, and

completely unpassable. Mr. Frisbie explained that the State Highway Access Code states emergency access roads onto state freeway systems are not permissible, but he will still follow up with them.

Councilmember Williams stated because this provides a lower density level than the annexation agreement and the Planning Commission approved this with a 7-1 vote, he supports the original motion for approval.

President Pro Tem Strand asked what the impact of a two-week delay would be to applicant. Mr. Maynard stated a two-week postponement is acceptable.

Councilmember Williams stated the zone change should not be postponed, only the concept plan.

Councilmember Knight stated if the zone change is approved without the concept plan, this area could be built out at an even higher density. Wynetta Massey, City Attorney, stated the zone change cannot be voted on without the accompanying concept plan.

**Motion by Councilmember Knight, seconded by Councilmember Geislinger, that the Ordinance amending the rezone of 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre), 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 postponed to the June 9, 2020 City Council meeting. The motion passed by a vote of 5-4-0-0**

**Aye:** 5 - Avila, Geislinger, Knight, Murray, and Strand

**No:** 4 - Gaebler, Pico, Skorman, and Williams

**12.B.** [CPC PUP  
19-00091](#)

The Kettle Creek North Concept Plan for a single-family residential development with density between three and four dwelling units per acre, generally located south and east of the Powers Boulevard and Highway 83 intersection.

(Quasi-Judicial)

Related File: CPC PUZ 19-00090

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

**Attachments:** [Figure 1 - Concept Plan](#)  
[7.5.501.E Concept Plans](#)  
[7.3.605 PUD Concept Plan](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Knight, seconded by Councilmember Geislinger, that the concept plan for Kettle Creek North based upon the findings that the concept plan complies with the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605 be postponed to the June 9, 2020 City Council meeting. The motion passed by a vote of 7-2-0-0**

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

**No:** 1 - Pico

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

There were no items added to the Agenda.

### **14. Executive Session**

#### **14.A. [20-229](#)**

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), (b) and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issues to be discussed involve: (1) legal advice and consultation with the City Attorney regarding ex parte communications; and (2) negotiation consultation and strategy discussion regarding an economic development matter; and (3) legal advice and settlement consultation with the City Attorney regarding a pending litigation matter.

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Presenter:

Wynetta Massey, City Attorney

**Attachments:** [05112020ClosedSession](#)

Wynetta Massey, City Attorney, 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 an electronic Closed Executive Session. The issue to be discussed involves (1) legal advice and consultation with the City Attorney regarding ex parte communications; and (3) legal advice and settlement consultation with the City Attorney regarding a pending litigation 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 Closed Executive.

### **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