



# City of Colorado Springs

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

## Meeting Minutes City Council

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Thursday, December 19, 2019

2:00 PM

Council Chambers

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### **1. Call to Order**

**Present:** 9 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Bill Murray, Councilmember Don Knight, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

### **2. Invocation and Pledge of Allegiance**

President Skorman led the Pledge of Allegiance.

### **3. Changes to Agenda/Postponements**

Councilmember Pico requested item 4A.E. be removed from the Consent Calendar.

Consensus of Council agreed to this change on the agenda.

### **4. Consent Calendar**

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

#### **4A. Second Presentation:**

##### **4A.A. [19-668](#)**

Ordinance No. 19-94 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$154,652 for three additional projects and events as recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

Laurel Prud'homme, Chair, LART Citizen Advisory Committee

**Attachments:** [Ordinance for LART 2019 Additional Events-Nov 2019](#)  
[11-25-19 LART Resolution Exhibit A 2019 - CAC recommendations](#)  
[REVISED 8-29-18](#)

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

- 4A.B.** [19-661](#) Ordinance No. 19-95 amending Ordinance No. 14-20, Section 3; Repealing Ordinance No. 18-9; and Prescribing the Salary of the City Attorney

Presenter:  
Mike Sullivan, Human Resources Director  
Mayor John Suthers

**Attachments:** [CityAtty-MasseySalaryORD-2019-09-19.docx](#)

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

- 4A.C.** [19-662](#) Ordinance No. 19-96 repealing Ordinance No. 19-32 (approving the salary of the City Auditor) and prescribing the salary of the City Auditor

Presenter:  
Mike Sullivan, Human Resources Director  
Council President, Richard Skorman

**Attachments:** [CityAuditor-NesterSalaryORD\\_2019-09-19.docx](#)

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

- 4A.D.** [19-611](#) Ordinance No. 19-98 of the City of Colorado Springs, Colorado authorizing the termination by the City of existing Interest Rate Exchange Agreements delegating to the Utilities Chief Executive Officer or the Utilities Chief Planning and Financial Officer (or the Acting Chief Planning and Financial Officer, as applicable) the authority to determine the financial terms of transactions terminating such agreements; ratifying action heretofore taken and relating to such agreements; 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:** [Swap Termination Ordinance 2019 4848-8831-7352\\_3 clean](#)

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

- 4A.F.** [19-686](#) Ordinance No. 19-100 Authorizing the Execution and Delivery by the City of Colorado Springs of a Site Lease Between the City, as Lessor, and DNT Asset Trust, a Wholly Owned Subsidiary of JPMorgan Chase Bank,

N.A., as Lessee, and, in Connection Therewith, a Lease Purchase Agreement Between the City, as Lessee, and DNT Asset Trust, a Wholly Owned Subsidiary of JPMorgan Chase Bank, N.A., as Lessor, with Respect to Certain Real Property for the Purpose of Refinancing Current Obligations of the City; Authorizing Officials of the City to Take All Action Necessary to Carry Out the Transactions Contemplated Hereby, and Providing for Related Matters

Presenter:

Charae McDaniel, Chief Financial Officer  
Thomas J. Florczak, Deputy City Attorney

**Attachments:** [Colorado Springs CAB Refinancing Lease Ordinance-v11-26-2019.docx](#)  
[Colorado Springs 2019 \(CAB Refinancing\) Site Lease.docx](#)  
[Colorado Springs 2019 \(CAB Refinancing\) Lease Purchase Agreement.doc](#)

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

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

**4B.A.** [19-745](#) City Council Regular Meeting Minutes December 5, 2019

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [12-5-2019 City Council Meeting Minutes Final.pdf](#)

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

**4B.B.** [20-005](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

**Attachments:** [121919 Boards and Commissions.pdf](#)

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

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

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

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

#### **5. Recognitions**

There were no Recognitions.

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

Citizen Jaymen Johnson read an excerpt from the movie *Meet John Doe*.

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

There was no Mayor's Business.

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

- 4A.E.** [19-721](#) Ordinance No. 19-99 amending Part 13 (Water Shortage) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to water shortage

Presenter:

Michael Gustafson, Senior Attorney, City Attorney's Office

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU-WSO\\_ORD-2019-12-8](#)

Councilmember Pico stated he not opposed to most of the content of the Ordinance and is in favor of conservation measures, but is concerned about the three-day per week restrictive watering and the Ordinance should identify what will be enforced at every level. He stated the City has one of the best water conservation programs in the state and if a half percent of revenue is cut on conservation, it will not be made up for in raising rates.

Councilmember Gaebler stated she supports this item because if the right kinds of plants are planted, three days of watering per week is adequate and the City should be working towards that goal. She stated the City should be leaders in conservation efforts for the area.

**Motion by Councilmember Gaebler, seconded by Councilmember Murray, that the Ordinance No. 19-99 amending Part 13 (Water Shortage) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to water shortage be finally passed. The motion passed by a vote of 7-2-0-0**

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

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

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

- 10.A. [19-663](#) Ordinance No. 19-97 repealing Section 3 of Ordinance No. 18-120 (setting the salary of the City Council Administrator) and setting the salary of the City Council Administrator

Presenter:

Mike Sullivan, Human Resources Director  
Council President, Richard Skorman

**Attachments:** [Emily Evans Salary Ordinance \(December 2019\).docx](#)

There were no comments on this item.

**Motion by Councilmember Murray, seconded by Councilmember Williams, that the Ordinance repealing Section 3 of Ordinance No. 18-120 (setting the salary of the City Council Administrator) and setting the salary of the City Council Administrator at \$103,584, together with applicable benefits, effective December 28, 2019 be finally passed. The motion passed by a vote of 8-1-0-0**

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

**No:** 1 - Knight

- 10.B. [CPC CA 19-00137](#) Ordinance No. 19-101 amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Section 1704 (Short Term Rental Unit) of Part 17 (Short Term Rental Unit) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Short Term Rental Units and Providing Penalties for the violation thereof

Presenter:

Morgan Hester, Principal Planner  
Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD\\_ShortTermRentalDensity](#)

Citizen Joshua Kolnitys requested City Council consider how the third-party enforcement organization will regulate short term rental units which list their properties as minimum rentals for longer than thirty days.

**Motion by Councilmember Murray, seconded by President Pro Tem Strand, the Ordinance amending Chapter 7 (Planning, Development and Building) of City Code pertaining to the density of short term rental units as amended Owner Occupied Definition = 185 days with a military exemption, Minimum Buffer = 500-foot buffer between non-owner occupied STR units, Single-family Residential = Non-owner occupied STR units prohibited 5-4-0-0 be finally passed. The motion passed by a vote of 5-4-0-0**

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

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

**11. New Business**

There was no New Business.

**12. Public Hearing**

There was no Public Hearing.

**13. Added Item Agenda**

There were no items added to the Agenda.

**14. Executive Session****14.A. [20-006](#)**

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 a Closed Executive Session. The issues to be discussed involve: (1) legal advice and negotiation consultation with the City Attorney, determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding an economic development matter; and (2) legal advice and negotiation consultation with the City Attorney regarding a land disposition matter.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a 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:** [12192019ClosedSession](#)

[12192019Added Item Notice](#)

Wynetta Massey, City Attorney, stated in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves legal advice and negotiation consultation with the City Attorney, determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding an economic development matter.

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

### **15. Adjourn**

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

Sarah B. Johnson, City Clerk