



# City of Colorado Springs

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

## Meeting Minutes City Council

*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.*

Tuesday, June 12, 2018

1:00 PM

Council Chambers

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

**Present:** 8 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and President Richard Skorman

**Excused:** 1 - Councilmember Tom Strand

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

The Invocation was made by Courtney J. Wright from Church for All Nations.

President Skorman led the Pledge of Allegiance.

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

Carly Hoff, Legislative Assistant, stated the applicant requested items 11.A. and 10.C. - 10.I. pertaining to The Sands Annexation be postponed to the June 26, 2018 City Council meeting. She also said the appellant has requested item 12.C. related to the North Cheyenne Cañon Park Master and Management Plan appeal be postponed to the June 26, 2018 City Council meeting and there will be an added item to Recognitions in regards to Immigrant Heritage Month.

Consensus of Council agreed to these changes 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. [18-0207](#)**

Ordinance No. 18-56 authorizing the termination by the City of existing

Interest Rate Exchange Agreements; delegating to the Utilities Chief Executive Officer and the Utilities Chief Planning and Finance Officer 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:

Bob Leshner, Manager, Treasury and Finance  
Eric Tharp, Acting CEO, Colorado Springs Utilities

**Attachments:** [Swap Termination Ordinance No. 18- \(48158302v4\).docx](#)  
[2018 Plan of Finance 5-22-2018.pptx](#)

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

- 4A.B. [18-0232](#)** Ordinance No. 18-57 of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds: Series 2018A-1

Presenter:

Bob Leshner, Manager, Treasury and Finance  
Eric Tharp, Acting CEO, Colorado Springs Utilities

**Attachments:** [2018 Plan of Finance 5-22-2018.pptx](#)  
[1 Bond Ordinance - 2018A - ARIAL 11 \(v.4\) - City Council \(48431293v1\).DOCX](#)  
[2 Ordinance Summary \(First Publication\) - 2018A \(48427607v1\).DOC](#)  
[3 BPA - 2018A-1, A-2, A-4 Rev Bonds - DRAFT 4.26.18 \(48377396v2\) \(2\).DOCX](#)  
[4 BPA - 2018A-3 Rev Bonds - DRAFT 5-7-18 \(48422406v1\) \(2\).DOCX](#)  
[5 Paying Agent Agreement - 2018A \(48373766v1\) \(2\).DOC](#)  
[6 Escrow Agreement - 2018A-3 \(48373694v1\) \(2\).DOC](#)  
[7 DOCSOC-#1878533-v6-CSU 2018A POS.DOCX](#)  
[8 DOCSOC-#1888774-v1-Continuing Disclosure Certificate.DOCX](#)  
[Signed Ordinance 18-57](#)

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

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

- 4B.A. [18-0258](#)** City Council Regular Meeting Minutes May 22, 2018

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [5-22-2018 City Council Meeting Minutes Final.pdf](#)

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

**4B.B. [18-0261](#)** Appointments to Boards and Commissions

Presenter:  
Jacquelyn Puett, Assistant to Council

**Attachments:** [061218 Boards and Commissions](#)

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

**4B.C. [18-0162](#)** Ordinance No. 18-65 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation in the amount of \$230,000 to the City Capital Improvement Program fund for Parks, Recreation, and Cultural Services (PRCS) projects as recommended by the LART Citizens' Advisory Committee

Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [2018 LART Projects - Exhibit A](#)  
[Supplemental Approp Ord for Trf from LART to CIP 202 for PRCS](#)

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

**4B.D. [18-0185](#)** Ordinance No. 18-66 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Arterial Roadway Fund in the amount of \$500,000 for the purpose of accommodating higher than expected reimbursement payments

Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [Supplemental Approp Ord - Arterial Roadway Fund](#)  
[EXHIBIT A to Memo for Arterial Roadway Bridge Fund Supplemental Appropriation Ordinance](#)

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

**4B.E. [18-0218](#)** Ordinance No. 18-67 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Airport Grants Fund in the amount of \$13,500,000 for the Rehabilitation of Taxiway G project at the Colorado Springs Airport and to the Airport Capital Improvement Program Fund in the amount of \$1,215,000 for a transfer into the Airport Grants Fund for grant match

**Attachments:** [Supplemental Approp Ord - Airport Discretionary Grant from FAA.docx](#)

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

**4B.F. [18-0224](#)** A Resolution approving a substantial amendment to the 2015-2019

Consolidated Plan for submittal to the U.S. Department of Housing and Urban Development (HUD)

Presenter:

Catherine Duarte, Senior Analyst, Community Development Division

**Attachments:** [Council resolution for 2018 Substantial Amendment May2018](#)  
[2015-2019 Consolidated Plan\\_2018 substantial amendment](#)  
[Summary of Changes 2018 Substantial Amendment to the Consolidated Plan](#)  
[2018 ConPlan Amendment - Presentation May21](#)  
[Catholic Charities HOME TBRA Amendment 2018](#)  
[CHAP Official Comment 5-10-2018](#)  
[Housing Instability Rental Assistance Program](#)  
[Signed Resolution 56-18](#)

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

**4B.G. [18-0141](#)**

A Resolution approving an Intergovernmental Agreement between the City of Colorado Springs, Colorado, and the Regents of the University of Colorado related to conveyance of new right-of-way and easements and vacation of old right-of-way.

(Legislative)

Presenter:

Peter Wysocki, Planning and Development Director  
Kathleen Krager, Transportation Planning Manager  
Michael Schultz, Principal Planner  
Bryan English, Development Projects Manager (CSU)

**Attachments:** [UCCS IGA\\_RES-2017-11-28](#)  
[UCCS Eagle Rock IGA - Signed \(UCCS\) 20180523](#)  
[IGA - Eagle Rock Rd Presentation v2](#)

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

**4B.H. [CPC V](#)  
[18-00011](#)**

Ordinance No. 18-68 vacating portions of "Old" Eagle Rock Road right-of-way located east of North Nevada Avenue and south of the newly realigned Eagle Rock Road.

(Legislative)

Related File: 18-0141

Presenter:

Peter Wysocki, Planning and Development Director

Kathleen Krager, Transportation Planning Manager  
Michael Schultz, Principal Planner  
Bryan English, Development Projects Manager (CSU)

**Attachments:** [ORD Vacation Portions of Eagle Rock Road - BB Edited 3-9-18](#)  
[Exhibit C - Legal Description \(From Agreement\)](#)  
[Attachment 3 to Vacation Ordinance](#)

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

## Approval of the Consent Agenda

**Motion by Councilmember Bennett, seconded by Councilmember Murray, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

## **5. Recognitions**

### **A Proclamation in honor of Immigrant Heritage Month**

**Presenter:**

**Councilmember Avila**

Councilmember Avila gave a brief background of her immigrant heritage and expressed appreciation for everything immigrants have provided to the community.

President Skorman read the Proclamation recognizing June 2018 in honor of Immigrant Heritage Month.

Several citizens spoke in support of the Proclamation.

### **A Proclamation recognizing June 19, 2018 as Juneteenth**

**Presenter:**

**Councilmember Bennett**

Councilmember Bennett read the Proclamation recognizing June 19, 2018 as Juneteenth to celebrate and recognize the accomplishments of the African-American community.

Several citizens spoke in favor of the Proclamation.

- 5.A. [18-0246](#) A Resolution recognizing the Coalition for Prevention, Addiction Education and Recovery (CPAR)

Presenter:

Mary A. Steiner, BSN, RN, Community Program Manager

**Attachments:** [CPAR RES-2018-05-15](#)

[CPAR Coordinating Council Project Information Sheet](#)

[CHP NeedsAssessmentReportV09 SMALL-1](#)

[Signed Resolution 58-18](#)

Councilmember Geislinger read a Resolution recognizing the Coalition for Prevention, Addiction Education and Recovery (CPAR).

Mary A. Steiner, BSN, RN, Community Health Partnership (CHP) Program Manager, gave an update of the 2018 community readiness assessment in regards to facing the opioid crisis in El Paso County. She indicated that one of the areas that the City scored low in was public awareness so they are working towards increasing communication regarding the issue.

Ashley Jelks-Fraser and Adrian Pascual, members of AmeriCorps Vista, described their work with provider and youth education in regards to safe disposal and storage of prescription medications as well as their work with the Fire and Police Departments.

Councilmember Geislinger requested the comparative costs to the community related to opioid addiction as compared to marijuana addiction. Ms. Steiner said she will research that information.

**Motion by Councilmember Geislinger, seconded by President Pro Tem Gaebler, that the Resolution recognizing the Coalition for Prevention, Addiction Education and Recovery (CPAR) be adopted. The motion passed by a vote of 8-0-1-0. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 5.B. [18-0201](#) A Proclamation honoring the 20th anniversary of Art on the Streets

Presenter:

Susan Edmondson, President & CEO, Downtown Partnership of Colorado Springs

**Attachments:** [Arts on the Streets 20th Ann 2018 - FINAL](#)

President Pro Tem Gaebler read the Proclamation honoring the 20th anniversary of Art on the Streets.

Susan Edmondson, President and CEO, Downtown Partnership of Colorado Springs, expressed appreciation of the support they have received in regards to the public art program in downtown Colorado Springs.

## **6. Citizen Discussion**

Citizen Michael Lower spoke regarding the traffic safety issues at Alsace Way and 7th Street.

Citizen Gerald Miller spoke about several issues in his neighborhood.

Citizen Jim Ciletti, owner of Hooked on Books, spoke in opposition of the elimination of several downtown metered parking spaces.

Citizen Carl Strow spoke regarding the media, the Broadmoor, the Strawberry Fields land swap, the closing of the Manitou Incline, and the Pikes Peak summit house.

Citizen Tim Hoiles spoke in opposition of additional taxes from Colorado Springs Utilities, the addition of parks in the community, and closed meetings.

Citizen Charlotte Long stated June is Alzheimers Awareness Month and provided an overview of Alzheimers disease and the challenges associated with it.

Citizen Kevin Bright spoke regarding her criminal defense for the five criminal charges that she has been accused of.

Citizen Paul Nelson, Pastor of Living Word, spoke against the removal of the Leon Young pavilion.

## **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.**    [18-0200](#)    A Public Hearing for the Consideration of Resolutions Regarding Certain Changes to Colorado Springs Utilities' Tariffs and Request Such Changes be approved by Resolutions

Presenter:

Sonya Thieme, Rates Manager

Eric Tharp, Acting CEO, Colorado Springs Utilities

**Attachments:**    [2018 Proposed Tariff Changes Filing.pdf](#)  
[2018 Supplemental Tariff Filing.pdf](#)  
[2018\\_Tariff\\_Filing\\_Agenda-6-12-18.docx](#)  
[2018\\_Tariff\\_Filing\\_Instructions-6-12-18.docx](#)  
[06-12-2018 CC 2018 Tariff Filing Hearing Presentation - revised.pptx](#)

Chris Bidlack, City Attorney, Colorado Springs Utilities Division, read the Colorado Springs Utilities rate-setting standards and the quasi-judicial role of City Council.

Mr. Bidlack polled City Council concerning if any members had received any ex parte communications. Council indicated there were no ex parte communications. Mr. Bidlack presented the hearing agenda.

Sonya Thieme, Rates Manager, stated Colorado Springs Utilities has complied with all procedural requirements for the filing public hearing. She presented the proposed changes for the 2018 Tariff Filing and identified the sources utilized for customer outreach.

**Motion by Councilmember Knight, seconded by Councilmember Bennett, to suspend Part 4 (I) (c) of the Rules and Procedures of City Council, Post-Hearing Procedures, for this rate hearing, which will dispense with the need for a decision and order and which will allow the City Council to immediately consider the tariff proposal and revisions at the conclusion of this public hearing for an July 1, 2018 implementation be approved. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 9.B.**    [18-0265](#)    A Resolution rescinding Colorado Springs Utilities' Tariffs, City council volume Number 5

Presenter:

Sonya Thieme, Rates Manager

Eric Tharp, Acting CEO, Colorado Springs Utilities



**Attachments:** [Resolution Rescinding Tariff Vol. 5.docx](#)  
[Signed Resolution 59-18](#)

Please see comments in Agenda item 9.A.

**Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Resolution rescinding Colorado Springs Utilities' Tariffs, City Council Volume Number 5 be adopted. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 9.C.** [18-0279](#) A Resolution adopting Colorado Springs Utilities Tariffs, City Council Volume no. 6

Presenter:

Sonya Thieme, Rates Manager

Eric Tharp, Acting CEO Colorado Springs Utilities

**Attachments:** [Resolution Adopting Tariff Vol. 6.docx](#)  
[Signed Resolution 60-18](#)

Please see comments in Agenda item 9.A.

**Motion by Councilmember Pico, seconded by Councilmember Murray, that the Resolution adopting Colorado Springs Utilities Tariffs, City Council Volume Number 6 be adopted. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 9.D.** [18-0266](#) A Resolution regarding certain additions and changes to Colorado Springs Utilities' Water Rate Tariff

Presenter:

Sonya Thieme, Rates Manager

Eric Tharp, Acting CEO, Colorado Springs Utilities

**Attachments:** [Resolution ADU Eff 1-1-19.docx](#)  
[Signed Resolution 61-18](#)

Please see comments in Agenda item 9.A.

**Motion by Councilmember Pico, seconded by Councilmember Murray, that the Resolution regarding certain additions and changes to Colorado Springs Utilities' Water Rate Tariff be adopted. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

## 10. Unfinished Business

- 10.A. [CPC ZC 18-00019](#) Ordinance No. 18-54 amending the zoning map of the City of Colorado Springs pertaining to 8.7 acres of land from (PUD) Planned Unit Development (Single-Family Detached Residential, Maximum Density of 2.98 dwelling units per acres, and Maximum Building Height of 35 feet) to (PK) Public Park.

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [ZC\\_ORD\\_BradleyRanch](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change Exhibit](#)  
[PublicComment Amsden 4102018](#)  
[BradleyRanch\\_Staff-Presentation](#)  
[CPC Report BradleyRanch Park ZC](#)  
[Figure 1 - Zone Change Exhibit](#)  
[Figure 2 - Project Statement-Concept Statement](#)  
[Figure 3 - Bradley Ranch PUD](#)  
[7.5.603 Findings - ZC req CA](#)  
[ZoningMap-BradleyRanchORD-2018-05-15](#)  
[Signed Ordinance 18-54](#)

Councilmember Murray commented that he will be voting against this item due to the lack of any mechanism to support the park after it is built.

**Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 8.7 acres from PUD (Planned Unit Development: Single-Family Detached Residential, Maximum Density of 2.98 dwelling units per acres, and Maximum Building Height of 35 feet) to PK (Public Park), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B) be finally passed. The motion passed by a vote of 7-1-1-0**

**Aye:** 7 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, and Skorman

**No:** 1 - Murray

**Absent:** 1 - Strand

- 10.B. [CPC ZC 18-00022](#) Ordinance No. 18-55 amending the zoning map of the City of Colorado Springs pertaining to 1.3 acres of land from (A) Agricultural to (OC) Office Complex.

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [ZC ORD ClassicOffices@FH](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change Exhibit](#)  
[Vicinity Map](#)  
[Public Comments](#)  
[Classic Offices @ FH Staff-Presentation](#)  
[CPC Report Classic Offices @ Flying Horse DJS](#)  
[Figure 1 - Concept Plan MN](#)  
[Figure 2 - Zone Change Exhibit](#)  
[Figure 3 - Project Statement](#)  
[Figure 4 - Original Concept Plan](#)  
[7.5.603 Findings - ZC req CA](#)  
[ZoningMap-ClassicOCFlyingHorse-2018-05-15](#)  
[Signed Ordinance 18-55](#)

Daniel Sexton, Senior Planner, Planning and Community Development, stated that at Councilmember Geislinger's request, the public comments that were received on this item have been incorporated into the staff report.

Councilmember Murray stated he will be voting against this item because he believes it should have been part of the master plan for Powers Boulevard.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.3 acres from A (Agricultural) to OC (Office Complex), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B) be finally passed. The motion passed by a vote of 7-1-1-0**

**Aye:** 7 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, and Skorman

**No:** 1 - Murray

**Absent:** 1 - Strand

**10.C.** [CPC A  
17-00004](#)

Ordinance No. 18-58 annexing to the City of Colorado Springs an area known as The Sands Addition No.1 Annexation consisting of 38.67 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083

Presenter:

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

**Attachments:** [Annex\\_ORD\\_SandsAdditionNo1](#)  
[Exhibit A Legal The Sands Addition No.1](#)  
[Exhibit B -The Sands Annexation Agreement NO 1](#)  
[Addendum to The Sands Annexation Agreement NO 4](#)  
[Exhibit 1 Petitioner's Memo-Draft IGA](#)  
[The Sands Annexation Addition No. 1 Plat](#)  
[Vicinity Map The Sands](#)  
[Street Map](#)  
[EnclaveMap The Sands Annexation](#)  
[CPC Staff Report The Sands Annexation KAC](#)  
[FIGURE 1 Project Statements](#)  
[FIGURE 2 Airport Advisory Committee Review](#)  
[FIGURE 3 District 49 Comments](#)  
[FIGURE 4 The Sands Annexation Addition No. 1](#)  
[FIGURE 5 The Sands Annexation Addition No. 2](#)  
[FIGURE 6 The Sands Annexation Addition No. 3](#)  
[FIGURE 7 The Sands Annexation Addition No. 4](#)  
[FIGURE 8 Sands Annex Agreement](#)  
[FIGURE 9 Fiscal Impact Report FIA The Sands Annexation](#)  
[FIGURE 10 Rezone Map M1 ZONE](#)  
[FIGURE 11 Rezone Map PBC ZONE](#)  
[FIGURE 12 Rezone Map R1 6000](#)  
[FIGURE 13 The Sands Master Plan](#)  
[FIGURE 14 The Sands Concept Plan](#)  
[FIGURE 15 Land Suitability Analysis](#)  
[FIGURE 16 Natural Resource Letter](#)  
[FIGURE 17 SECWCD Letter of Assent](#)  
[FIGURE 18 CGS Comments](#)  
[7.6.203-Annexation Conditions](#)

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Ordinance approving The Sands Addition No.1 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be postponed to the June 26, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

**10.D.** [CPC A](#) Ordinance No. 18-59 annexing to the City of Colorado Springs an area  
[17-00005](#) known as The Sands Addition No.2 Annexation consisting of 23.90

acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083

Presenter:

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

**Attachments:** [Annex ORD SandsAdditionNo2](#)  
[Exhibit A Legal The Sands Addition No.2](#)  
[Exhibit B - The Sands Annexation Agreement NO 2](#)  
[The Sands Annexation Addition No. 2 Plat](#)  
[7.6.203-Annexation Conditions](#)

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Ordinance approving The Sands Addition No. 2 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be postponed to the June 26, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 10.E.** [CPC A 17-00006](#) Ordinance No. 18-60 annexing to the City of Colorado Springs an area known as The Sands Addition No. 3 Annexation consisting of 24.74 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083

Presenter:

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

**Attachments:** [Annex\\_ORD\\_SandsAdditionNo3](#)  
[Exhibit A Legal The Sands Addition No.3](#)  
[Exhibit B - The Sands Annexation Agreement NO 3](#)  
[The Sands Annexation Addition No. 3 Plat](#)  
[7.6.203-Annexation Conditions](#)

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Ordinance approving The Sands Addition No.3 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be postponed to the June 26, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 10.F.** [CPC A 17-00007](#) Ordinance No. 18-61 annexing to the City of Colorado Springs an area known as The Sands Addition No. 4 Annexation consisting of 53.29 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083

Presenter:

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

**Attachments:** [Annex\\_ORD\\_SandsAdditionNo4](#)  
[Exhibit A Legal The Sands Addition No.4](#)  
[Exhibit B - The Sands Annexation Agreement NO 4](#)  
[The Sands Annexation Addition No. 4 Plat](#)  
[7.6.203-Annexation Conditions](#)

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Ordinance approving The Sands Addition No.4 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be postponed to the June 26, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 10.G.** [CPC ZC 17-00081](#) Ordinance No. 18-62 amending the zoning map of the City of Colorado Springs pertaining to 17.58 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue establishing the M-1/AO/SS (Light Industrial with Airport and Streamside Overlay) zone district

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083

Presenter:

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

**Attachments:** [ZC ORD TheSands M-1-AO-SS](#)

[Exhibit A Legal Sands Industrial](#)

[Exhibit B Rezone Map M1 ZONE](#)

[7.5.603 Findings - ZC req CA](#)

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Ordinance establishing the M-1/AO/SS (Light Industrial with Airport and Streamside Overlay) zone district, 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) be postponed to the June 26, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 10.H.** [CPC ZC 17-00082](#) Ordinance No. 18-63 amending the zoning map of the City of Colorado Springs pertaining to 85.94 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue establishing the R1-6000/DFOZ/AO/SS (Single-Family Residential with Design Flexibility, Airport and Streamside Overlays) zone district.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083

Presenter:

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



## Development

**Attachments:** [ZC ORD TheSands R1-6000](#)  
[Exhibit A Legal Sands Residential](#)  
[Exhibit B Rezone Map R1 6000](#)  
[7.5.603 Findings - ZC req CA](#)

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Ordinance for the establishment of the R1-6000/DFOZ/AO/SS (Single-Family Residential with Design Flexibility Overlay, Airport Overlay and Streamside Overlay) zone district, 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) be postponed to the June 26, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 10.I.** [CPC ZC 17-00083](#) Ordinance No. 18-64 amending the zoning map of the City of Colorado Springs pertaining to 10.79 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue establishing the PBC/AO/SS (Planned Business Center with Airport and Streamside Overlays) zone district.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083

Presenter:

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

**Attachments:** [ZC ORD TheSands PBC](#)  
[Exhibit A Legal Sands Commercial](#)  
[Exhibit B Rezone Map PBC ZONE](#)  
[7.5.603 Findings - ZC req CA](#)

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Ordinance establishing the PBC/AO/SS (Planned Business Center with Airport and Streamside Overlays) zone district, 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) be postponed to the June 26, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

## **11. New Business**

- 11.A.** [18-0278](#) A Resolution approving the Intergovernmental Agreement between the City of Colorado Springs, Colorado, and The Sands Metropolitan District related to the service plan for The Sands Metropolitan District Nos. 1, 2 and 3.

(Legislative)

Related Files: CPC A 17-00004, CPC A 17-00005, CPC A 17-00006, CPC A 17-00007, CPC ZC 17-00081, CPC ZC 17-00082, CPC ZC 17-00083

Presenter:

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

**Attachments:** [Sands IGA Resolution 6-4-18](#)  
[IGA Sands - City of Colorado Springs](#)

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Resolution approving an Intergovernmental Agreement between the City of Colorado Springs, Colorado, and The Sands Metropolitan District be postponed to the June 26, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 11.B.** [18-0236](#) A Resolution approving an Economic Development Agreement between the City of Colorado Springs and Relius Medical, LLC

Presenter:

Bob Cope, Economic Development Officer  
Chelsea Gaylord, Economic Development Project Manager

**Attachments:** [Relius City Council Presentation](#)  
[Relius EDA Resolution Final](#)  
[Relius Medical Council Memo Final](#)  
[Relius Medical EDA Final](#)

Councilmember Knight, chair of the Council Budget Committee, said the Budget Committee recommended approval of the economic development agreement.

**Motion by Councilmember Murray, seconded by Councilmember Bennett, that**

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**the Resolution approving an economic development agreement between the City of Colorado Springs and Relius Medical, LLC be adopted. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

- 11.C. [18-0280](#)** A Resolution authorizing a lease with Council of Neighbors and Organizations of less than fair market value for approximately 3,500 square feet of office space at the Golf Acres Complex

Presenter:

Peter Wysocki, Planning and Development Director

**Attachments:** [Resolution Authorizing Below FMV Lease CONO](#)  
[Signed Resolution 63-18](#)

Peter Wysocki, Planning and Development Director, stated the Resolution has been revised at City Council's request for the lease to only be effective until December 31, 2018. He stated the Council of Neighbors and Organizations (CONO) would be responsible to pay the prorated common area maintenance fee and utilities for the space.

Councilmember Murray recused himself due to being a member of CONO.

**Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Resolution authorizing a short-term lease with the Council of Neighbors and Organizations for less than fair market value for approximately 2,500 square feet of office space at the Golf Acres Complex be adopted. The motion passed by a vote of 7-0-1-1**

**Aye:** 7 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, and Skorman

**Absent:** 1 - Strand

**Recused:** 1 - Murray

## **12. Public Hearing**

- 12.A. [AR PUD 06-00515-A1 MN17](#)** An appeal of the City Planning Commission's decision to uphold the administrative approval of a minor PUD development plan amendment of the Westcreek III at Wolf Ranch project illustrating a revised layout of a 95-lot single-family detached residential development on 32.8 acres located north of Cowpoke Road and Tutt Boulevard intersection.

(QUASI-JUDICIAL)

Related Files: AR PUD 06-00515-A1MN17, AR FP 17-00331

Presenter:

Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [Ross Klinger Appeal to City Council](#)

[Public Comments](#)

[Westcreek III @ WR-Appeal Staff-Presentation](#)

[CPC Report WestcreekIII@WR\\_DJS](#)

[Figure 1 - Westcreek III @ WR\\_PUD-MN\\_2018](#)

[Figure 2 - Westcreek @ WR Filing 13\\_FP\\_2018](#)

[Figure 3 - Ross Clinger's Appeal Request](#)

[Figure 4 - Applicants Project Statement](#)

[Figure 5 - Public Comments](#)

[Figure 6 - Wolf Ranch MP](#)

[Figure 7 - Westcreek III @ WR\\_PUD\\_2006\\_resize](#)

[7.5.906 \(A\)\(4\) Administrative Appeal](#)

[7.3.606 PUD Development Plan](#)

[7.5.502.E Development Plan Review](#)

[Vicinity Map](#)

[CPC Minutes WestcreekIII 04.19.18](#)

Daniel Sexton, Senior Planner, Planning and Community Development, provided an overview of the project including 1.) a vicinity map of the property for the 95-lot single-family detached residential development of Westcreek III at Wolf Ranch, 2.) the site details, 3.) the public notification and involvement process, 4.) the area zoning, 5.) the planned unit development (PUD) plan, 6.) the street profile changes, and 7.) the final subdivision plat. He identified the appellant's reasons for opposition, the Tutt Boulevard alignment, and stormwater facilities.

Councilmember Pico asked if the developer's stormwater project facility was on the appellant's property. Mr. Sexton stated it was not and that there are no proposed improvements with this development plan that will be on the appellant's property.

Councilmember Murray asked if Cowpoke Bridge will be used for access to the development during construction. Mr. Sexton confirmed it would be and the developer would be required to provide surface improvements in order to use it for phase one of the development project and even more improvements would be required if it would be used for phase two.

Steve Kitzman, representing the appellant, stated Cowpoke Bridge would not be able to support phase one of the development process, he identified the location of Peacock Ranch and the proposed alignment of Tutt Boulevard which would primarily be on the Peacock Ranch property. He listed the reasons to redirect the route of Tutt Boulevard. Mr. Kitzman read a letter from a resident of Wolf Ranch in support of re-routing Tutt Boulevard and presented a photo showing water seepage resulting from Abbey Pond.

Christine Goetsch, property owner, stated the wash area on her property has expanded and identified the erosion that has occurred due to the overflow of Abbey Pond.

Mr. Klinger, representing the appellant, stated the proposed future stormwater regional detention facility would be located on Mr. Eddie Lopez's property who said he was not informed of the project.

Tim Seibert, Nor'wood Development Group, representing the applicant, stated the master plan approving the proposed alignment of Tutt Boulevard had already been approved in 2006. He identified which subdivision residents would use the road and the infrastructure that would be required due to the development of the new school. He stated there is no obligation in the development of this subdivision for Mr. Klinger to build Tutt Boulevard. Mr. Seibert said Abbey Pond releases water in a natural drainage way. Mr. Seibert stated that this is a minor modification to a development plan that had been approved in 2006.

Councilmember Bennett asked if the proposed stormwater detention pond would be demolished if Tutt Boulevard was reconfigured. Mr. Seibert confirmed it would be.

Citizen Ian Geisler spoke in favor of the appellant.

Mr. Sexton stated based on the current traffic volume, the design plan for Tutt Boulevard is to reduce it to two lanes. He said in order for Tutt Boulevard to be fully constructed to eight lanes, Mr. Klinger would need to develop it through El Paso County or pursue annexation into the City. Mr. Sexton said the other alternative would be for the City to take action to secure the right-of-way through annexation and eminent domain. He stated

even if the appeal is approved on the basis of the proposed Tutt Boulevard alignment, the alignment of Tutt Boulevard would not be changed because it has already been approved in the master plan and the planned unit development (PUD) development plan for the subdivision. He stated the seepage of Abbey Pond does not correlate with this subdivision development and that there have been many conversations with Mr. Lopez regarding the proposed project.

Councilmember Knight asked if the City could force annexation of the property since it is an enclave surrounded by City property. Peter Wysocki, Director Planning and Community Development, said a unilateral annexation is possible, but it limits the City's negotiating authority in regards to the terms and conditions of the annexation.

Mr. Seibert clarified that he has only experienced one forced annexation by the City in the past twenty-five years, and that it is an option that the City can utilize. He stated this development is providing infrastructure for future development plans in the area.

Councilmember Murray stated he will be voting in favor of denying the appeal because he does not believe the solution of moving Tutt Boulevard that was presented will address the alleged problems.

Councilmember Bennett and Councilmember Geislinger stated that the issues presented by the appellant did not address the review criteria to reverse the decision.

**Motion by Councilmember Bennett, seconded by Councilmember Pico, to deny the appeal and uphold the City Planning Commission's decision for Westcreek III minor PUD development plan amendment based on the findings that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4), and that the minor PUD development plan amendment application meets the review criteria in City Code Section 7.3.606 and City Code Section 7.5.502.E. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

**12.B.** [AR FP  
17-00331](#)

An appeal of the City Planning Commission's decision to uphold the administrative approval of the final subdivision plat for the Westcreek III at Wolf Ranch Subdivision Filing Number 13 illustrating a 52 lot subdivision on 18.4 acres of land located north of the Cowpoke Road and Tutt Boulevard intersection.

(QUASI-JUDICIAL)

Related Files: AR PUD 06-00515-A1MN17, AR FP 17-00331

Presenter:

Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [Figure 2 - Westcreek @ WR Filing 13 FP 2018](#)

[7.5.906 \(A\)\(4\) Administrative Appeal](#)

[7.7.102 Subdivision Plats Review Criteria](#)

[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, to deny the appeal and uphold the City Planning Commission's decision to approve Westcreek III's final subdivision plat based on the findings that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4), and that the final subdivision plat for Westcreek III at Wolf Ranch Subdivision Filing Number 13 meets the review criteria in City Code Section 7.7.102 and City Code Section 7.7.303. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

**12.C.** [18-0267](#) North Cheyenne Cañon Park Master and Management Plan Appeal

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director  
Britt Haley, Design and Development Manager / TOPS Program Manager  
David Deitemeyer, Senior Landscape Architect - Parks, Recreation and Cultural Services

**Attachments:** [NCC. Master Plan Appeal letters](#)  
[NCC Master and Mgmt Plan Appeal Delay Request](#)  
[NCC Master and Mgmt Plan. Exec Summary.letters of support](#)  
[NCC Master and Mgmt Plan](#)  
[NCC Master Plan City Council 06-26-18-FINAL](#)  
[NCC Master and Mgmt Plan.Appendices](#)  
[Park Board Agenda March 2018.packet](#)  
[Park Board Agenda April 2018.packet](#)  
[Park Board Agenda May 2018.packet](#)  
[Emails Received.NCC](#)  
[NCC Email Totals](#)  
[public feedback impact-FINAL.pdf](#)

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the appeal hearing of the City Planning Commission's approval of the North Cheyenne Cañon Park Master and Management Plan by the Parks and Recreation Advisory Board be postponed to the June 26, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

**Absent:** 1 - Strand

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

There were no items added to the Agenda.

### **14. Executive Session**

There was no Executive Session.

### **15. Adjourn**

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

Sarah B. Johnson, City Clerk