



# City of Colorado Springs

## Regular Meeting Agenda - Final City Council

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

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Tuesday, March 9, 2021

10:00 AM

Council Chambers

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- CenturyLink Channel 18

### How to Comment on Agenda Items

Before the meeting, you may email general comments for items not on the agenda or comments regarding agenda items to: [allcouncil@coloradosprings.gov](mailto:allcouncil@coloradosprings.gov)

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### 1. Call to Order

### 2. Invocation and Pledge of Allegiance

### 3. Changes to Agenda/Postponements

### 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.** [CPC ZC  
20-00155](#)

Ordinance No. 21-27 amending the zoning map of the City of Colorado Springs relating to 36.14 acres located on multiple parcels throughout The Farm development from PUD (Planned Unit Development) and A (Agricultural) to PK (Park).

(Quasi-Judicial)

Presenter:

Katie Carleo, Senior Planner, Planning & Community Development  
Peter Wysocki, Planning & Community Development Director

**Attachments:**

[ORD\\_ZoneChange\\_TheFarm](#)

[EXHIBIT A Legal Description The Farm Parks](#)

[EXHIBIT B The Farm Park Rezone](#)

**4A.B.** [CPC V  
19-00173](#)

Ordinance No. 21-28 vacating portions of a public right-of-way described as the western portion of Metzler Avenue as platted in Metzler's Subdivision consisting of 0.157 of an acre.  
(LEGISLATIVE)

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community  
Development Department  
Peter Wysocki, Planning Director, Planning and Community  
Development Department

**Attachments:**

[ORD\\_VacationROW\\_Metzler](#)

[Exhibit A - Metzler ROW Vacation Legal](#)

[Exhibit B - Metzler ROW Vacation Plat](#)

**4A.C.** [21-010](#)

Ordinance No. 21-29 authorizing the issuance and delivery of the City's Series 2021 multi-family housing revenue bonds for the Academy Heights Apartments project in one or more series, in the aggregate principal amount of \$22,000,000

Presenter:

Steve Posey, HUD Program Manager, Planning & Community  
Development  
John Bales, Fred Marienthal, Kutak Rock LLP  
Peter Wysocki, Director of Planning and Community Development

**Attachments:**

[2021 Ordinance - Colorado Springs Academy Heights](#)

[2021 Tax Regulatory Agreement - Colorado Springs Academy Heights](#)

[2021 Project Loan Agreement - Colorado Springs Academy Heights](#)

[2021 Funding Loan Agreement - Colorado Springs Academy Heights](#)

**4B. First Presentation:**

4B.A. [21-132](#) City Council Regular Meeting Minutes February 23, 2021

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [2-23-2021 City Council Meeting Minutes Final](#)

4B.B. [21-159](#) Appointments to Boards, Commissions, and Committees

Presenter:  
Michael Montgomery, Deputy City Council Administrator

**Attachments:** [030921 Boards Commissions and Committee Appointments](#)

4B.C. [21-099](#) A resolution approving the issuance of debt in the form of Limited Tax General Obligation Bonds not to exceed \$6,475,000 for the Upper Cottonwood Creek Metropolitan District No. 3

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

**Attachments:** [Resolution UpperCottonwoodCreekNo.3](#)  
[1- 2021 Cover Letter to Colorado Springs re Bond Submittal - UCC Nos. 3 & 4\)](#)  
[2- Public Improvements Spreadsheet](#)  
[3-2020-12-18 Upper Cottonwood Creek MD No. 3 2021 - Bond Details](#)  
[4- UCC 3 Cash Flow Summary](#)  
[5- Draft - UCCMD #3 Sale Certificate\(4395979.1\)](#)  
[6- Draft 2021 Bond Resolution - UCC MD No. 3](#)  
[7- Draft 2021 Bond Counsel Opinion UCC MD No. 3](#)  
[8- 2021-01-20 Upper Cottonwood Creek MD No. 3 - 2021 LT GO Fairness Lette](#)  
[Powerpoint](#)

- 4B.D.** [21-100](#) A resolution approving the issuance of debt in the form of Limited Tax General Obligation Bonds not to exceed \$5,095,000 for the Upper Cottonwood Creek Metropolitan District No. 4

Presenter

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

**Attachments:**

[Resolution\\_UpperCottonwoodCreekNo.4](#)

[1- 2020-12-18 Upper Cottonwood Creek MD No. 4 2021 - Bond Details](#)

[2- UCC 4 Cash Flow Summary](#)

[3- Draft UCCMD # 4 - Sale Certificate\(4397130.1\)](#)

[4- Draft 2021 Bond Counsel Opinion UCC MD No. 4](#)

[5- Draft 2021 Bond Resolution - UCC MD No. 4](#)

[6- 2021-01-20 Upper Cottonwood Creek MD No. 4 - 2021 LT GO Fairness Lette](#)

- 4B.E.** [21-086](#) A resolution to approve CARES Act Substantial Amendment 2 to the 2020-2024 Consolidated Plan/2020 Annual Action Plan

Presenter:

Catherine Duarte, AICP, Senior Analyst, Community Development Division

**Attachments:**

[CC resolution for 2020 CARES Act Amendment 2\\_Feb2021](#)

[Colorado Springs ConPlan Amendment 2 draft for website](#)

[Community Development\\_Guide to CARES Act Funding\\_Feb9](#)

[Amendment 2\\_2020-2024 ConPlan and 2020 Action Plan\\_Feb22 CC presentati](#)

- 4B.F.** [21-119](#) An Ordinance amending Ordinance No. 20-92 (2021 Appropriation Ordinance) to decrease the appropriation in the Grants Fund (103) in the amount of \$2,586,451 and the HOME Grants Fund (102) in the amount of \$315,715, and to increase the appropriation of the Pikes Peak America's Mountain enterprise fund (460) in the amount of \$750,000 for anticipated grants in 2021, and the CDBG Grants Fund (101) in the amount of \$2,152,166, to correct the dollar amount of appropriation in each of these Grants Funds

Presenter:

Charae McDaniel, Chief Financial Officer

Chris Wheeler, Budget Manager

**Attachments:**

[Ordinance-Grants Funds corx to 2021 Appropriation](#)

- 4B.G.** [21-123](#) A Resolution Amending Resolution No. 131-20 Modifying the 2021 Sand Creek Basin Fees.

Presenter:

Richard Mulledy, P.E., Stormwater Enterprise Manager, Stormwater Enterprise

Erin Powers, P.E., Senior Engineer, Stormwater Enterprise

**Attachments:** [Resolution for 2021 Sand Creek Fees](#)  
[Exhibit A - 2021 Proposed Fee Schedule](#)  
[Exhibit B - 2021 Fee Schedule](#)  
[Exhibit C - Staff Report to Drainage Board](#)  
[Exhibit D - Resolution 131-20](#)  
[Sand Creek Fee Adjustment 2021](#)

- 4B.H.** [21-134](#) A resolution adopting and approving the Intergovernmental Agreement between the City of Colorado Springs and El Paso County, Colorado for the Homeland Security Grant Program Urban Area Security Initiative

Presenter:

Jim Reid, Director, Pikes Peak Regional Office of Emergency Management

**Attachments:** [EIPaso-City-HomelandSecurity-UASI-CouncilResolution](#)  
[2020-02-10-City-EIPasoCounty-IGA-UASI -FINAL](#)

- 4B.I.** [21-135](#) A resolution adopting and approving the Intergovernmental Agreement between the City of Colorado Springs and Teller County, Colorado for the Homeland Security Grant Program Urban Area Security Initiative

Presenter:

Jim Reid, Director, Pikes Peak Regional Office of Emergency Management

**Attachments:** [2020-02-10-City-TellerCounty-IGA-UASI-DRAFT1](#)  
[Teller-City-HomelandSecurity-UASI-CouncilResolution](#)

- 4B.J.** [21-120](#) An Ordinance 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, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [Swap Termination Ordinance 2021](#)

- 4B.K.** [21-078](#) A Resolution Repealing Resolution 42-13 And Any Previous Resolutions Adopting Other Amendments To Prior Editions Of The “City Of Colorado Springs Rules And Procedures Of City Council” And Adopting The “City Of Colorado Springs Rules And Procedures Of City Council” Effective March 9, 2021

Presenter:

Emily Evans, City Council Administrator

Michel Montgomery, Deputy City Council Administrator

Carly Hoff, Legislative Analyst II

**Attachments:** [DRAFT 2021 Rules and Procedures of City Council Resolution](#)  
[Rules and Procedures of City Council FINAL](#)  
[Rules and Procedures of City Council FINAL REDLINE](#)

## **5. Recognitions**

- 5.A.** [21-15](#) A Proclamation recognizing March 21 as Colorado Single Parents Day

Presenter:

Tom Strand, Council Pro Tem

Janice Moglen

**Attachments:** [Colorado Single Parents Day](#)

- 5.B.** [21-169](#) A Proclamation celebrating March as Women’s History Month

Presenter:

Jill Gaebler, Councilmember District 5

**Attachments:** [Women's History Month](#)

**6. Citizen Discussion For Items Not On Today's Agenda****7. Mayor's Business**

- 7.A. [21-166](#) Nomination to appoint John Vasilakis to serve a four term on the Colorado Springs Housing Authority Board, expiring on April 1, 2025.

Presenter:  
Mayor John Suthers

**Attachments:** [John Vasilakis - Memo to CC.pdf](#)  
[John Vasilakis - Application Redacted.pdf](#)

**8. Items Called Off Consent Calendar****9. Utilities Business**

- 9.A. [21-145](#) A Resolution Setting the Gas Cost Adjustment effective March 11, 2021

Presenter:  
Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities  
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [03-09-2021 CC Mtg-GCA Resolution](#)  
[GCA Sheet 2.4 Rate Tbl - Redline](#)  
[GCA Sheet 2.4 Rate Tbl - Final](#)  
[GCA Schedule 1](#)  
[GCA Alternatives Summary](#)

**10. Unfinished Business**

- 10.A.** [CPC PUZ 20-00071](#) Ordinance No. 21-30 amending the zoning map of the City of Colorado Springs relating to 5.07 acres located at Silverstone Terrace and Villa Lorenzo Drive from PIP1/PUD/HS (Planned Industrial Park, Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Residential (Single-Family Attached and Townhouse), 3.5-7.99 dwelling units per acre and Maximum Building Height 35-feet with Hillside Overlay).

(Quasi-Judicial)

Related Files: CPC MP 06-00065-A2MJ20, CPC PUD 06-00067-A5MN20

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [ORD\\_ZoneChange\\_TuscanFoothillsVillagePhase4](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change Depiction](#)

[Context Map](#)

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

[7.5.603.B Findings - ZC](#)

## **11. New Business**

- 11.A.** [21-133](#) An ordinance adding Article 29 (Vehicular Public Nuisances) to Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs.

Presenter:

Vince Niski, Chief of Police  
David Edmondson, Commander Sand Creek Division

**Attachments:** [VehicularPublicNuisanceORD-2021-02-08](#)

[VPNO Procedure Chart](#)

[Vehicular Public Nuisance \(Version 2\)](#)

## **12. Public Hearing**



**12.A.** [AR NV  
20-00678](#)

An appeal of the City Planning Commission’s decision to uphold the appeal of the administrative approval of a nonuse variance allowing a fence/retaining wall combination at a height of 7 feet 6 inches within the side-yard setback addressed as 21 Marland Road.

(Quasi-Judicial)

Related Files:

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

**Attachments:** [CPC Staff Report - 21 Marland](#)  
[Approved Site Plan\\_21 Marland Road](#)  
[Record of Decision\\_21 Marland Road](#)  
[SWENT Email](#)  
[21 Marland\\_Staff PP](#)  
[CPC Minutes\\_21MarlandRoad\\_draft](#)  
[CC Appeal Letter\\_Surofchek](#)  
[CC Surofchek Presentation\\_without videos](#)  
[CC Surofchek\\_1\\_VideoEnteringGarage](#)  
[CC Surofchek\\_2\\_VideoExitingGarage](#)  
[CC Surofchek\\_3\\_VideoImprovement](#)  
[Exhibits A thru N\\_Surofchek](#)  
[HOA Board Email\\_Surofchek](#)  
[HOA letter of support\\_Surofchek](#)  
[03.01.21 Itr tracy&surofchek\\_HOA Response](#)  
[CPC Appeal Letter\\_Tracey](#)  
[Tracy Response](#)  
[Code Enforcement Letter](#)  
[ILC](#)  
[RussAcufflettertoCity](#)  
[Photos for CPC Memo](#)  
[Neighbor Opposition](#)  
[7.5.906 \(B\) Appeal](#)  
[7.5.802.B Nonuse Variance Criteria](#)  
[7.5.802.E GuidelinesforReview\\_NonuseVariance](#)  
[7.4.102 Fences or Walls](#)  
[7.5.906 \(A\)\(4\) Administrative Appeal.docx](#)  
[Williams Support\\_21 Marland](#)  
[Busch Support\\_21 Marland](#)  
[Tenney Exchange\\_21 Marland](#)  
[League\\_21 Marland](#)  
[Kohl Exchange\\_21 Marland](#)  
[Johnson Exchange\\_21 Marland](#)  
[Burkett.Melissa\\_Grievance re\\_21 Marland Road variance](#)

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

### **14. Executive Session**

**15. Adjourn**