



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, September 10, 2019

10:00 AM

Council Chambers

1. Call to Order

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

Absent: 1 - Councilmember Wayne Williams

2. Invocation and Pledge of Allegiance

The Invocation was made by Victoria Heim from Crossroads Ministries.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Dena Lozano, Deputy City Clerk, requested Mayor's Business be moved before Citizen Discussion.

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. [CPC PUZ 19-00029](#)

Ordinance No. 19-56 amending the zoning map for the City of Colorado Springs pertaining to 23.46 acres located northeast of the intersection of Running Water Drive and New Life Drive from A (Agricultural) to PUD (Planned Unit Development; single-family detached residential, 3.5-8 dwelling units per acre, 35-foot maximum building height).

(QUASI-JUDICIAL)

Related Files: CPC MP 06-00219-A9MJ19, CPC PUD 19-00030

Presenter:

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

Attachments: [ZC ORD FlyingHorseCapriParcel13](#)
[EXHIBIT A_Legal](#)
[EXHIBIT B Zone Change Depiction](#)
[Signed Ordinance 19-56.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.B. [CPC V](#)
[19-00044](#)

Ordinance No. 19-58 vacating a public right of way of an east-west running alley located south of Lot 13 in the Bristols Subdivision of Blocks 229 and 231 Addition No. 1 in the City of Colorado Springs consisting of 0.034 of an acre.

(Legislative)

Presenter:

Peter Wysocki, Director, Planning and Community Development
Matthew Fitzsimmons, Planner II, Urban Planning Division

Attachments: [V ROW ORD 418EWillamette](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Vacation Plat](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [CPC ZC](#)
[19-00049](#)

Ordinance No. 19-59 changing the zone for Switchback Coffee from R2/UV (Two Family Residential with a previously approved Use Variance) to C5/cr (Intermediate Business with conditions of record) for the 5,740 square foot property located at 330 and 332 North Institute Street.

(QUASI-JUDICIAL)

Related Files: CPC ZC 19-00049, CPC UV 03-00120-A1MN19, and CPC NV 19-00051

Presenter:

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

Attachments: [ZC_ORD_SwitchbackCoffe](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change](#)
[Switchback Coffee Vicinity Map](#)
[Signed Ordinance 19-59.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [19-537](#) City Council Regular Meeting Minutes August 27, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [8-27-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [19-429](#) Request to Establish a Public Hearing Date for the Consideration of Resolutions Setting Water, and Wastewater Rates and Certain Changes to Electric Rate Schedules and Utilities Rules and Regulations Within the Service Areas of Colorado Springs Utilities

Presenter:
Scott Shewey, Acting Chief Planning and Finance Officer
Aram Benyamin, Chief Executive Officer

This Item was approved on the Consent Calendar.

4B.C. [19-486](#) Ordinance No. 19-60 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the Colorado Springs Airport Capital Improvement Program fund in the amount of \$2,700,000 for Airport Land Development and the Airport Master Plan

Presenter:
Charae McDaniel, Chief Financial Officer
Troy Stover, Assistant Director of Aviation

Attachments: [8-1-19-Airport Land Development Ordinance-pdf](#)

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

4B.D. [19-508](#) Ordinance No. 19-61 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 2019A 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, a Bond Purchase Agreement and an Official Statement related thereto; and providing other matters relating thereto:

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [CSU 2019A Bond Ordinance 4834-5197-4812 4](#)

This Ordinance was approved on first reading 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 8-0-1-0

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

Absent: 1 - Williams

5. Recognitions

5.A. [19-517](#) A proclamation recognizing the opening of The Ronald McDonald House

Presenter:

Tom Strand, City Council Member

Attachments: [Ronald McDonald House Opening - 2019 - FINAL](#)

President Pro Tem Strand read a Proclamation recognizing the opening of The Ronald McDonald House.

Beth Alessio, Executive Director, Ronald McDonald House, gave an overview of the Ronald McDonald House and its contribution to the community.

5.B. [19-516](#) A Proclamation Celebrating Constitution Day

Presenter:

Wayne Williams, City Council Member

Attachments: [Constitution Day 2019](#)

Councilmember Gaebler gave a brief history of the United States Constitution and read a Proclamation Celebrating Constitution Day.

- 5.C. [19-482](#) A resolution of appreciation for Jody Sanchez-Skamarak on the occasion of her retirement from the City of Colorado Springs.

Presenter:

Karen Palus, Director of Parks, Recreation, and Cultural Services, with the Parks, Recreation, and Cultural Services Department

Attachments: [Skamarak Resolution](#)
[Signed Resolution 82-19.pdf](#)

Karen Palus, Director of Parks, Recreation, and Cultural Services, Parks, Recreation, and Cultural Services Department, presented the Resolution of appreciation for Jody Sanchez-Skamarak, Cemetery Supervisor, Parks, Recreation, and Cultural Services Department, for her thirty-six years of service with the City.

Ms. Sanchez-Skamarak expressed gratitude for her career with the City.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Recognition be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Williams

- 5.D. [19-560](#) A resolution for the appreciation of Kenneth J. Burgess on the occasion of his retirement from the City of Colorado Springs

Presenter:

Wynetta Massey, City Attorney, City Attorney's Office

Attachments: [KBurgessRetiree Resolution](#)
[Signed Resolution 83-19.pdf](#)

Wynetta Massey, City Attorney, City Attorney's Office, presented the Resolution of appreciation for Kenneth J. Burgess, City Attorney, City Attorney's Office, Colorado Springs Utilities, for his fourteen years of service with the City of Colorado Springs.

Several Councilmembers and Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities, expressed gratitude for all the accomplishments Mr. Burgess achieved during his career.

Mr. Burgess expressed appreciation for the opportunities he had been given with the City.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Resolution be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Williams

6. Citizen Discussion

Citizens Shawn Walls, Ian Bruner, Promise Lee, Deb Walker, Heather Haginduff, Jeri Rose, Stephanie Rose Spaulding, Flannery Burdick, Regina Barnes, Jenetta Urdialis, Dewud Salaam, Cheneta Lynn Davis, Kevin Mitchell, Amanda Sutherland, Nori Rost, Zach Chapman, Lailasha, Paul Adler, Peter Burell, Jaymen Johnson, Claudia Dela Cruz, Claire Twomey, Ava Frizzell, spoke regarding the death of De'Von Bailey and requested an independent investigation.

Councilmember Murray stated he will request a Citizen Review Committee and an independent investigation.

Citizen Carl Strow spoke about the land swap and needed repairs on Barr trail. Councilmember Pico requested the information be presented at the next City Council meeting.

Citizen Kate Szot-Torrez requested smoking be banned in the homeless shelters and parks.

Citizen Gerald Miller spoke about a syringe found in his yard and a fire in his neighborhood.

7. Mayor's Business

7.A. [19-555](#) Spirit of the Springs Award for Cris Barnhart

Presenter:
Mayor John Suthers

Mayor Suthers expressed gratitude for Cris Barnhart, volunteer for the adaptive water skiing program, and his heroic actions on July 24, 2019. Mr. Barnhart heard frightened cries coming from the opposite side of Prospect Lake so he jet skied across the lake, pulled a small boy from the water, and began administering CPR to him. Mayor Suthers honored Mr. Barnhart for

going above and beyond to save a person's life and presented him with a Spirit of the Springs Award.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A. [19-476](#) Ordinance No. 19-57 Authorizing and Approving The Lease-Purchase Of Certain Property and the Execution of Documents Related Thereto by the City of Colorado Springs, Colorado, in Connection With the Issuance of Certificates of Participation, Series 2019, in an Aggregate Principal Amount of Not To Exceed \$12,500,000; Ratifying Action Previously Taken Concerning Such Matters; And Providing For Other Matters Related Thereto

Presenter:

Charae McDaniel, Chief Financial Officer

Tom Florczak, Deputy City Attorney

Attachments: [Colorado Springs 2019 COPs - City Authorizing Ordinance.doc](#)
[Redline_4838-2539-9963v4_Colorado_Springs_2019_COPs_-_City_Authorizing_Ordinance_-_4838-2539-9963v5_Colorado_Springs_2019_COPs_-_City_Authorizing_Ordinance.DOCX](#)
[Colorado Springs 2019 COPs - Indenture.doc](#)
[Colorado Springs 2019 COPs Site Lease \(Governmental - A\).docx](#)
[Colorado Springs COPs 2019 - Lease Purchase Agreement \(Governmental - A\).doc](#)
[2019 Fire and Ice COP - presentation.pptx](#)

Charae McDaniel, Chief Financial Officer, gave an update of the Sertich Ice Center project.

Councilmember Knight and Councilmember Pico stated they support the projects, but not the use of Certificates of Participation for bonding.

Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Ordinance authorizing and approving the lease-purchase of certain property and the execution of documents related thereto by the City of Colorado Springs, Colorado, in connection with the issuance of Certificates of Participation, Series 2019, in an aggregate principal amount of not to exceed \$12,500,000; ratifying action previously taken concerning such matters; and providing for other matters related thereto be finally passed. The motion passed by a vote of 6-2-1-0

Aye: 6 - Avila, Gaebler, Geislinger, Murray, Skorman, and Strand

No: 2 - Knight, and Pico

Absent: 1 - Williams

11. New Business

11.A. [19-398](#) Ordinance No. 19-62 organizing the MW Retail Business Improvement District and appointing an initial Board of Directors. (Legislative Item)

Presenter:

Peter Wysocki, Director of Planning and Community Development

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

Attachments: [Ordinance_MWRetailBID](#)

[Exhibit A- 2019 07 12 - Executed Petition for Organization - MW Retail BID\(3706726.1\)](#)

[Exhibit B- 2019 08 01 - Notice of Hearing on Petition for Organization - MW Retail BID](#)

[Exhibit C- Final 2019-2020 Operating Plan - MW Retail BID](#)

[Exhibit D- Special District Policy](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, presented the Ordinance organizing the MW Retail Business Improvement District and appointing an initial Board of Directors. He stated due to the overlapping operational mill levy with the existing Woodmen Heights No. 3 commercial district, the petitioners have amended the operations and maintenance mills from five mills to one mill.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Ordinance organizing the MW Retail Business Improvement District and appointing initial Board of Directors with a maximum 1.0 operation and maintenance mills be approved on first reading. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Williams

11.B. [19-515](#) A Resolution Amending Resolution 52-19 to Allow an Increase in the Maximum Amount Debt Authorized by Copper Ridge Metropolitan District in the Form of Tax Increment and Sales Tax Supported Revenue Bonds. (Legislative)

Presenters:

Peter Wysocki, AICP, Planning and Community Development Director
Carl Schueler, Comprehensive Planning Manager, Planning and
Community Development

Attachments: [Amended Copper Ridge Metro Debt Resolution9-10-19](#)

[Transmittal letter 082019](#)

[Original Resolution 52-19](#)

[Powers total cost with Wildcat Bid 081919](#)

[CRMD Cash Flow Model 8.16.19 \\$70M](#)

[Powerpoint](#)

[Signed Resolution 84-19.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and
Community Development presented the Resolution amending Resolution
52-19 to allow an increase in the maximum amount debt authorized by
Copper Ridge Metropolitan District in the form of tax increment and sales
tax supported revenue bonds.

There were no comments on this item.

**Motion by Councilmember Murray, seconded by President Pro Tem Strand, that
the Resolution amending Resolution 52-19 to allow an increase in the maximum
amount of debt authorized by Copper Ridge Metropolitan District not to exceed
\$70,000,000 in the form of Tax Increment and Sales Tax Supported Revenue
Bonds be adopted. The motion passed by a vote of 8-0-1-0**

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

Absent: 1 - Williams

12. Public Hearing

12.A. [CPC PUZ
19-00032](#)

Ordinance No. 19-63 amending the zoning map of the City of Colorado
Spring pertaining to 0.63 of an acre located at the northeast corner of
South Sierra Madre Street and West Fountain Boulevard from M-1 (Light
Industrial) to PUD (Planned Unit Development: Multi-Family Residential,
28 dwelling units per acre, maximum building height of 14-feet).

(Quasi-Judicial)

Related file: CPC PUD 19-00033

Presenter:

Peter Wysocki, Director, Planning and Community Development
Matthew Fitzsimmons, Planner II, Urban Planning Division

Attachments: [ZC_ORD_WorkingFusion](#)

[Exhibit A](#)

[Exhibit B](#)

Councilmember Gaebler stated she knows and has spoken with the applicant, but believes she can hear this item impartially.

Matthew Fitzsimmons, Planner II, Urban Planning Division, presented an Ordinance amending the zoning map pertaining to 0.63 of an acre located at the northeast corner of South Sierra Madre Street and West Fountain Boulevard from M-1 to PUD. He provided a brief background of the current zoning in the area and existing structures. Mr. Fitzsimmons gave an overview of the applications from Working Fusion for an eighteen tiny home community, stakeholder input, zone change details, development plan details, and analysis.

Councilmember Knight asked if the Traffic Department has looked at the narrowing of the street due to the diagonal parking stalls. Mr. Fitzsimmons stated the Traffic Department has reviewed this request and will propose to begin the diagonal parking stalls at the end of the block.

Shelley Jensen, Kairos Project 17, representing the applicant, gave an overview of the vision of Working Fusion at Mill Street, who they serve, the housing units, support services, and how they will create community.

John Olson, Altitude Land Consultants, went over the site information, planning process, proposed site summary, landscaping, existing land use map. He identified the Mill Street demographics, neighborhood plan, alignment with PlanCOS, and the project team.

Councilmember Geislinger asked what the cost of rent and utilities would be. Mr. Olson stated \$600 per month plus utilities. Councilmember Geislinger requested a utilities study of the cost per month and asked if this would be economically feasible for this target population. Ms. Jensen stated they would be financially challenged, but there will be support services to assist them in transitioning into a career.

Citizens Robert Fern and Gerald Miller spoke in support of the project.

Citizen Joann Zigler spoke in opposition of the project.

Ms. Jensen stated people experiencing homelessness are not going to be the target residents for these tiny homes and they are very willing to collaborate with the neighborhood with a neighborhood contract.

President Skorman, Councilmember Geislinger, and President Pro Tem Strand expressed support for this project.

Motion by Councilmember Murray, seconded by Councilmember Gaebler, that the zone change of 0.63 acres from M-1 (Light Industrial) to PUD (Planned Unit Development), based upon the finding that the application complies with the review criteria for granting a zone change as set forth in City Code Section 7.5.603(B) and the criteria for establishment of a PUD zone as set forth in City Code Section 7.3.603 be approved. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Williams

12.B. [CPC PUD
19-00033](#)

A PUD Development Plan for Working Fusion at Mill Street illustrating the proposed tiny home community. This proposed development is located at the northeast corner of South Sierra Madre Street and West Fountain Boulevard and consists of 0.63 acres.

(Quasi-Judicial)

Related File: CPC PUZ 19-00032

Presenter:

Peter Wysocki, Director, Planning and Community Development
Matthew Fitzsimmons, Planner II, Urban Planning Division

Attachments: [Figure #1 - DP Drawings](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the PUD Development Plan for Working Fusion at Mill Street, based upon the findings that the application complies with the PUD Development Plan review criteria as set forth in City Code Section 7.3.606 and the Development Plan review criteria as set forth in City Code Section 7.5.502.E be approved. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Williams

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