



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

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Tuesday, September 8, 2020

10:00 AM

Council Chambers

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### How to Watch the Meeting

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- CenturyLink Channel 18

### 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. Changes to Agenda

There were no Changes to Agenda.

### 3. Regular Meeting Comments

There were no Regular Meeting Comments.

### 4. Review of Previous Meeting Minutes

4.A. [20-494](#) City Council Work Session Meeting Minutes August 24, 2020

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [8-24-20 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the August 24, 2020 Work Session meeting were approved by Consensus of City Council.

### 5. Executive Session

#### 5A. Open

There was no Open Executive Session.

#### 5B. Closed

There was no Closed Executive Session.

## **6. Staff and Appointee Reports**

- 6.A. [20-448](#) Update on the City's use of the Federal Housing and Urban Development Covid-19 CARES Act stimulus funding.

Presenter:

Steve Posey, HUD Program Manager, Community Development Division

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [CC Work Session Update 9 4 2020](#)

Steve Posey, HUD Program Manager, Community Development Division, provided an update on the City's use of the Federal Housing and Urban Development (HUD) COVID-19 CARES Act stimulus funding. He gave an overview of the CARES Act funding, HUD COVID-19 funding, local trends and response in regards to COVID-19 cases, the economy, and housing.

Councilmember Pico asked if the isolation shelter was for the homeless population who are presenting COVID-19 symptoms and if everyone who was seeking shelter there was being tested for COVID-19. Mr. Posey confirmed it was, but some of the individuals have refused to be tested. Councilmember Williams requested the number of people who were not tested. Mr. Posey stated they will provide that information.

Councilmember Geislinger asked if there will be a moratorium on evictions until the end of the year. Mr. Posey stated President Trump has signed Executive Orders extending unemployment insurance benefits and the Center for Disease Controls (CDC) and the Federal Housing Administration (FHA) has issued a moratorium on evictions through December 31, 2020. Councilmember Geislinger stated he is also concerned with the effect on landlords. Mr. Posey stated there has been some forbearance set up with banking providers to restructure payments to be made later in the year.

President Skorman commented that he is very concerned that unless more unemployment benefits become available, things are going to worsen within the next couple months. Mr. Posey stated they are working very closely with the Public Housing Authority, housing providers in the community, and Apartment Association of Southern Colorado to keep people housed as long as they can.

Councilmember Williams requested the number and cost of bed nights in the isolation shelter. Mr. Posey stated they will provide that information.

Councilmember Williams stated several businesses have reported employees refusing to return to work due to unemployment benefits being higher than their pay was and asked how that was being addressed. Mr. Posey stated the focus of the Pikes Peak Workforce Center is to raise those wages.

President Pro Tem Strand asked if it is projected the City and County's unemployment rate will be below the federal level for September. Mr. Posey stated it generally is.

Councilmember Geislinger requested information regarding how the isolation shelter has provided assistance to the hospitals by being available to the homeless population. Mr. Posey stated he will request that information.

Councilmember Geislinger asked how partner agencies have been working towards addressing the potential of increased evictions this fall. Mr. Posey stated they have been meeting regularly, they have not seen a significant uptick at this point, Greccio Housing has implemented an eviction prevention program, grant funds have been issued to Silver Key, and the state Division of Housing has a program for both tenants and landlords.

Councilmember Avila requested the statistics regarding the number of citizens not returning to work due to receiving the additional six hundred dollars in unemployment benefits and the demographics of unemployment benefits around the City. Mr. Posey stated they will provide that information.

Councilmember Williams requested the loss of revenue, reduction of employees, and loss of working hours for businesses due to COVID-19. Mr. Posey agreed to provide that information.

**6.B.**    [20-493](#)            Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:**    [Agenda Planner Review 9-8-20.pdf](#)

Sarah B. Johnson, City Clerk, stated the next City Council Work Session meeting will be held on September 14, 2020 to discuss the Law Enforcement Transparency Advisory Commission appointments.

There were no comments on this item.

## **7. Presentations for General Information**

There were no Presentations for General Information.

**8. Items for Introduction**

- 8.A. [20-409](#) Resolution Authorizing the Woodmen Heights Metropolitan District No. 2 to Issue Debt in the form of a Series 2020A Refinancing Loan, a Series 2020B-1 Taxable Bond and a Series 2020B-2 Tax-Exempt Bond

Presenter:

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

Peter Wysocki, Planning and Community Development Director

**Attachments:** [WHMDRES-2020-08-25](#)

[Attachment 1- WHMD 2020 Bond transmittal letter 8-20](#)

[Attachment 2- Woodmen Heights MD Presentation](#)

[Attachment 3-Term Sheets - Woodmen Heights MD](#)

[Attachment 4- Loan Agreement - Woodmen Heights MD No. 2](#)

[Attachment 5- WHMD Financial Projections](#)

[Attachment 6- WHMD General Counsel Bond Opinion Form](#)

[Attachment 7- Woodmen Heights Metropolitan District No.1 Series 2005 Project Costs](#)

[Attachment 8- 2015 Certified C Bonds Costs as of 7.22.14 v2](#)

[Attachment 9- Indenture 2020B-1 Subordinate Current Interest Bond 08-26-20](#)

[Attachment 10 -Indenture 2020B-2 Subordinate Cash Flow Bond - 08-26-20](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution authorizing the Woodmen Heights Metropolitan District No. 2 to issue debt in the form of a Series 2020A Refinancing Loan, a Series 2020B-1 Taxable Bond, and a Series 2020B-2 Tax-Exempt Bond. He provided a brief summary of the district, vicinity map, district background, district map, questions/comments from the Budget Committee, and next steps.

Councilmember Murray stated this form of financing is not in the best interest of the City.

- 8.B. [20-487](#) Resolution Authorizing the Sands Metropolitan District No. 2 to Issue Debt in the form of Limited Tax General Obligation Bonds in Principal (par) Amount Not to Exceed \$12,315,000

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning &

## Community Development

**Attachments:** [Resolution Sands Metro Dist No. 2](#)

[PowerPoint](#)

[Attachment 1- The Sands Metro District No. 2 - Authorizing Resolution \(clean v2 08-18-2020\)](#)

[Attachment 2- The Sands - Financing - Cover Letter - August 18 2020](#)

[Attachment 3- The Sands MD 8.20.20](#)

[Attachment 4-TSMD No. 2 - Pledge Agreement v3](#)

[Attachment 5- The Sands MD 1-3 - District Boundary Map\(3774662.1\)](#)

[Attachment 6- The Sands MD No 2 Bond Issuance - Opinion of Compliance Letter - 2020 Bonds](#)

[Attachment 7- External Financial Advisor Certification](#)

[Attachment 8- District Budget Committee Response RE Allocation of Costs, 082720](#)

[Attachment 9- Cost Allocation Exhibit](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution authorizing the Sands Metropolitan District No. 2 to issue debt in the form of limited tax general obligation bonds. He provided a brief background and summary of the district, vicinity map, district map, improvement costs to be funded, questions/comments from the Budget Committee, and next steps.

Councilmember Knight stated that if a detention pond was required by only one of the districts, it should be paid for by that district. Jeff Mark, President, The Landhuis Company, the applicant, stated the entirety of the improvements are necessary due the residential development and the cost of maintenance would be paid by the separate operational mill levies.

**8.C.** [20-488](#)

Resolution Authorizing the Bradley Ranch Metropolitan District to Issue Debt in the form of Limited Tax General Obligation Bonds in A Principal (par) Amount Not to Exceed \$ 8,391,822

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development Department

**Attachments:** [Resolution Bradley Ranch MD](#)  
[Bradley Ranch PowerPoint](#)  
[Attachment 1-Bradley Ranch - Financing - Cover Letter](#)  
[Attachment 2- BRMD 2020 - Authorizing Resolution](#)  
[Attachment 3- Bradley Ranch MD](#)  
[Attachment 4- Bradley Ranch Bond Issuance - Opinion of Compliance Letter - 2020 Bonds](#)  
[Attachment 5- Executed FA Cert Bradley Ranch](#)  
[Attachment 6- Bradley Retainage City Letter](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution authorizing the Bradley Ranch Metropolitan District to issue debt in the form of limited tax general obligation bonds in an amount not to exceed \$ 8,391,822. He provided a brief background and summary of the district, vicinity map, district map, improvement costs to be funded, questions/comments from the Budget Committee, and next steps.

There were no comments on this item.

- 8.D.** [20-453](#) Resolution to approve CARES Act Substantial Amendment 1 to the 2020-2024 Consolidated Plan/2020 Annual Action Plan and Citizen Participation Plan

Presenter:  
Catherine Duarte, AICP  
Senior Analyst, Community Development Division

**Attachments:** [RES 2020 CARES Act substantial amendment](#)  
[Colorado Springs ConPlan Amendment 1](#)  
[Revised Citizen Participation Plan Jul2020](#)  
[Amendment 1 2020-2024 ConPlan and 2020 Action Plan Sept4 CC presentation](#)

Catherine Duarte, AICP, Senior Analyst, Community Development Division, presented a Resolution to approve CARES Act Substantial Amendment 1 to the 2020-2024 Consolidated Plan/2020 Annual Action Plan and Citizen Participation Plan. She gave an overview of the reason for the amendment, proposed changes, financial implications, public participation, and next steps.

Councilmember Pico stated this item was reviewed thoroughly by the Budget Committee.

- 8.E. [20-476](#) An Ordinance Amending Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, Pertaining to a Change to the Sales and Use Tax Rate from Three and Twelve One-Hundredths Percent (3.12%) to Three and Seven One-Hundredths Percent (3.07%)

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [SalesTax-SalesTaxArt7Ch2-ORD-2020-09-04-final](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance which modifies the relevant sections of Article 7, Chapter 2 of City Code to amend the rate of sales and use tax from 3.12 percent to 3.07 percent and shall apply to all transactions occurring on or after January 1, 2021. She stated voters approved a ballot question authorizing an extension of the existing temporary sales and use tax levy at a rate reduced from 0.62% to 0.57% in City sales and use tax dedicated solely to road repair, maintenance and improvements at the November 5, 2019 special municipal election.

There were no comments on this item.

- 8.F. [20-492](#) An Ordinance Amending Multiple Sections under Part 11 (Road Repair, Maintenance, and Improvements Sales and Use Tax Fund) to Article 6 (City Funds) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Regarding the Road Repair, Maintenance, and Improvements Sales and Use Tax Fund

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [SalesTax-RoadRepairTaxFundCh1-ORD-2020-09-04](#)

Please see comments in Agenda item 8.E.

- 8.G. [20-509](#) An Ordinance amending Section 203 (Application for License; Fees; Term; Bond and Insurance Requirements; Suspension or Revocation) of Article 3 (Streets and Public Ways) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to excavation licenses

Presenter:

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

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**Attachments:** [CSU-DrainagePreventionORD-Ch3-2020-09-01\\_FINAL](#)  
[Damage Prevention Presentation](#)

Dan Noble, General Manager for Regulatory Compliance, Colorado Springs Utilities, presented the underground damage prevention safety Ordinances

Bethany Burgess, Attorney, Colorado Springs Utilities stated City Council has been provided redlined versions of the Ordinances.

Councilmember Geislinger asked if there were developers who were opposition to the items. Ms. Burgess stated they have incorporated a number of the proposed changes, but there may still be some builders not in support of the changes.

- 8.H.** [20-510](#) An Ordinance creating a new Article 10 (Underground Damage Prevention Safety Program) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to underground excavation regulations and providing penalties for the violation thereof

Presenter:

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities  
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**Attachments:** [CSU-DrainagePreventionORD-Ch12-2020-09-01\\_FINAL](#)  
[DamagePreventionOrdinanceRedline](#)

Please see comments in Agenda item 8.G.

- 8.I.** [20-479](#) An ordinance amending multiple sections of Part 1 (Conduct of Elections) of Article 1 (General Municipal Elections) of Chapter 5 (Elections) of the Code of the City of Colorado Springs 2001, as amended, pertaining to election ballots

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [DraftClerk-BallotORD-2020](#)

Sarah B. Johnson, City Clerk, stated this Ordinance would remove the requirement in City Code which requires each ballot be printed with a one-inch ballot stub and contain a secrecy sleeve. She stated these changes will bring City Code into compliance with Colorado Title 31 and Title 1 election law, lead to less confusion for voters, and lessen the ballot processing time.



Councilmember Williams asked how ballot secrecy will still be preserved without the secrecy sleeve. Ms. Johnson stated once the voter's signature is verified, the process for secrecy is to remove the folded ballot, which has no identifying information on it, with the envelope face down, and then the envelope is placed separately in a box on the floor before the ballot is unfolded. She stated the election judges are trained and under camera coverage the entire time.

## **9. Items Under Study**

- 9.A.**     [CPC CA  
20-00005](#)     Update on the amendment of City Code Chapter 7 (Zoning and Subdivision Regulations)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:**   [ReToolCOS\\_Res Zoning District Proposal](#)

Peter Wysocki, Director of Planning and Community Development, gave an overview of the proposed residential zoning district changes for new developments, how flex districts work, the reasons behind flex residential zoning, R-Flex low, R-Flex medium, Greenways at Sand Creek, and frequently asked questions on existing zoning districts.

Councilmember Gaebler asked how this proposal aligns with the overall vision of PlanCOS. Mr. Wysocki stated it provides housing diversity within neighborhoods, allows mixed housing types to be built in subdivisions, and creates flexible housing products, designs in neighborhoods, and because of the different allowable lot sizes, it is adaptable to PlanCOS zone changes.

Councilmember Knight stated R-Flex would eliminate the R1 and R2 zoning restrictions which could create issues in regards to the allowances for accessory dwelling units and short term rentals. He stated R-Flex is also on a first come first serve type basis in regards to subdividing lots. Councilmember Knight stated residents want consistency in their developments.

Councilmember Murray stated he does not see a benefit to the City or citizens for R-Flex zoning.

Councilmember Pico stated there still needs to be a separation of

single-family and R2. Mr. Wysocki stated R-Flex would allow for single-family attached, but not a duplex. Councilmember Pico stated the City should still encourage single-family residential developments.

Councilmember Geislinger stated he likes the flexibility this gives to developers and homebuyers, while preserving current zoning, and this recognizes the uniqueness of the City.

Councilmember Gaebler stated this plan is not for already established neighborhoods, it is for the future homebuyers and that demographic want a mixed use environment.

Councilmember Williams stated in order for the R-Flex zone to work, both the developer and the purchaser have to agree on it and there is no coercion from the City for developers to zone it that way.

Councilmember Knight and Councilmember Pico stated this removes the option for developers to build strictly R1-6000 or R1-9000 neighborhoods and he believes these options should be offered along with the R-Flex.

Councilmember Geislinger asked if R-Flex low is similar to a R1-9000 zone. Mr. Wysocki stated the density could be higher on one lot than on another lot, but the overall average density is five dwelling unit per acres.

## **10. Councilmember Reports and Open Discussion**

There were no Councilmember Reports and there was no Open Discussion.

## **11. Adjourn**

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

Sarah B. Johnson, City Clerk