



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, March 12, 2019

1:00 PM

Council Chambers

1. Call to Order

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

2. Invocation and Pledge of Allegiance

The Invocation was made by Reverend Tiffany Keith from First United Methodist Church

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, requested item 11.A. regarding the Copper Ridge at Northgate Urban Renewal Project be moved to before item 10. Unfinished Business.

Councilmember Geislinger requested item 4B.A City Council Regular Meeting Minutes February 26, 2019 be removed from the Consent Calendar and Councilmember Knight requested item 4B.C. pertaining to Council submission of its Strategic Plan and Annual Report to the Citizens to the Mayor be removed from the Consent Calendar.

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:

4B. First Presentation:**4B.B. [19-159](#)** Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [031219 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

4B.D. [19-090](#) A resolution acknowledging acceptance of a donation of a 4.213-acre parcel near Cowpoke Road from David D. Jenkins to the City of Colorado Springs.

Presenter:
Jeff Dunn, City Water Resources Engineering Project Manager.

Attachments: [Exhibit A](#)
[Norwood Donation for Council.pptx](#)
[Resolution.docx](#)
[Signed Resolution 33-19](#)

This Resolution was adopted on the Consent Calendar.

4B.E. [19-085](#) Ordinance including certain property into the Creekwalk Marketplace Business Improvement District

(Legislative)

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [Ordinance-2019CreekwalkBIDInclusions](#)
[Exhibit A Petition for Inclusion_Creekwalk Marketplace](#)
[BID_CreekwalkLLC](#)
[Exhibit B_CMBID_NoticeofInclusion_CreekwalkLLC](#)
[Exhibit A Petition for Inclusion_Creekwalk Marketplace](#)
[BID PikesPeakEquitiesLLC](#)
[Exhibit B_CMBID_NoticeofInclusion_PikesPeakEquitiesLLC](#)
[Attachment 1_Proposed Inclusions Map](#)
[PowerPoint_2019CreekwalkBIDInclusions](#)

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

4B.F. [19-122](#) An Ordinance Amending Section 104 (Words and Phrases Defined) Of

Part 1 (General Provisions) Of 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 Sales and Use Tax Definitions

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Ordinance-SalesTaxDEFINITIONS-Ch2Art7Part1-2019-01-31 \(19-122\)](#)
[CML Letter of Support and SJR 14-038](#)

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

4B.G. [19-129](#)

An Ordinance Amending Sections Within Part 3 (Taxable Transactions, Commodities and Services) and Part 4 (Exempt Transactions, Commodities and Persons; Deductions) of 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 Sales and Use Tax Definitions

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Ordinance-SalesTaxDefintions-Ch2Art7-OtherPartsAffected2019-01-31](#)

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

Approval of the Consent Agenda

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

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

5. Recognitions

5.A. [18-0149](#)

Recognition of MATHCOUNTS 2019 regional competition winners

Presenter:

Mike Bartusek, Pikes Peak Regional Coordinator

Mike Bartusek, Pikes Peak Regional Coordinator, provided an overview of the MATHCOUNTS 2019 program and said this is the thirty-sixth anniversary of the competition.

Councilmember Bennett read the recognition and identified the students from the area who participated in the regional competition program on

February 9, 2019.

6. Citizen Discussion

Citizens Lynette Bickley and Risa Greenberg from the Cottonwood Creek Estates neighborhood requested Mountain Metro transit provide drop offs for disabled and special needs adults directly on Living Hope Covenant Church property instead of on Magnum Court. Councilmember Geislinger stated he is working to resolve this issue.

Citizen Carl Strow spoke regarding the cost of needed repairs on Barr Trail.

Councilmember Murray read a letter from the Citadel and Chapel Hills mall owner regarding the incentive offered to Scheels All Sports, Inc.

Citizen Gerald Miller spoke about the crime in his neighborhood and the passing of his cat.

Citizen Jean Chaffee requested the City assist with cleaning up the Hillside neighborhood.

Citizen Rebecca Michael gave a brief overview of The Independence Center and requested the implementation of a universal design structure for homes in the community.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.A. [19-164](#) City Council Regular Meeting Minutes February 26, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [2-26-2019 City Council Meeting Minutes Final.pdf](#)

Councilmember Geislinger requested a correction to item 4B.A City Council Regular Meeting Minutes February 26, 2019 in regards to item 10.C. pertaining to the to the temporary reduction of City sales tax supporting economic development through public improvement fees for Scheels All Sports, Inc., to include that the attorney who objected on behalf of his clients did not state the basis of his objection. Sarah B. Johnson, City

Clerk, stated it will be corrected.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the February 26, 2019 City Council regular meeting minutes be approved as amended. The motion passed by a vote of 9-0-0

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

- 4B.C. [19-153](#)** An Ordinance amending Section 101 (Mayor and Council; Departments) of Part 1 (Elective Officers) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Council submission of its Strategic Plan and Annual Report to the Citizens to the Mayor

Presenter:

Emily Evans, City Council Administrator

Attachments: [CouncilStratPlanORD-2019-01-22](#)

Councilmember Knight stated he pulled this item off for the purpose of transparency since it was not presented at a City Council Work Session.

President Pro Tem Gaebler stated the proposed date change was initiated because a new Mayor and new Councilmembers could be voted into office in April and they wanted the Council's Strategic Plan to compliment the Mayor's Strategic Plan.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Ordinance to change the Council Strategic Plan submission from the first Monday in April to June 30th be approved on first reading. The motion passed by a vote of 9-0-0

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

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

Meeting went into Recess

Meeting Reconvened

- 10.A. [CPC A 18-00124R](#)** A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as USAFA Addition No. 1 Annexation

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

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

Attachments: [RES Findings of fact USAFA addition No 1](#)

[EXHIBIT A Legal Description USAFA Addition No. 1 Annexation](#)

[EXHIBIT B - USAFA Annex Agreement No. 1](#)

[EXHIBIT 12A Planner Affidavit USAFA Annexation](#)

[EXHIBIT 12B Clerk Affidavit USAFA Annexation](#)

[EXHIBIT 12C Surveyor Affidavit USAFA Annexation](#)

Catherine Carleo, Principal Planner, Planning and Development, gave an overview of the proposed zoning of the USAFA Annexation and stated the final annexation agreement has not been signed yet by the Pentagon.

Councilmember Knight requested provisions be added to the agreement that the future buildout of the remaining one hundred twenty acres of open space be required to have City Council approval.

Councilmember Murray stated this item should be postponed until all the documents have been signed. Jeff Greene, Chief of Staff, stated the applicant and USAFA have requested for City Council to move forward with these items. Ben Bolinger, Senior Attorney, stated if anything is changed with the agreement, it will have to come back before City Council for reconsideration.

Councilmember Murray read a letter from Citizen Bruce Hamilton.

Citizens Jim Lockhart, Fran Silva-Blaney, Scott Anderson, J.P. Arnold, spoke in opposition of the annexation.

Citizens J.P. Arnold and Dirk Draper spoke in favor of the annexation.

Councilmember Avila stated she is not in support of this annexation and does not believe Colorado Springs residents should have to continue footing the bill.

Councilmember Murray stated he would not have objected to just the visitor's center being built, but the rest of complex does not justify the bulldozing of the rest of the area. He said this project is not in the best interest of the citizens.

Councilmember Knight stated he supports this annexation and there will be future off-ramps if needed in regards to the buildout.

Councilmember Strand asked if needed, if there could be a process to disconnect the area from the City boundary. Mr. Bollinger stated after three years there is a process for disconnection.

Councilmember Geislinger stated he is support of the annexation.

Councilmember Murray asked how there can be a Resolution adopting findings of fact and conclusions of law without the signed annexation agreement. Mr. Bolinger stated the agreement is not a requirement for annexation and the petition requesting and authorizing the annexation was received weeks ago.

Motion by Councilmember Murray, seconded by Councilmember Avila, that the Resolution of finding that the USAFA Addition No. 1 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be postponed to the April 23, 2019 City Council meeting. The motion failed by a vote of 2-7-0-0

Aye: 2 - Avila, and Murray

No: 7 - Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution of finding that the USAFA Addition No. 1 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be adopted. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

10.B. [CPC A 18-00124](#)

Ordinance No. 19-16 annexing into the City of Colorado Springs an area known as the USAFA Addition No.1 Annexation of 85.23 acres located southwest of North Gate Boulevard and Interstate 25 along Interstate 25 west of existing City limits.
(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

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

Attachments: [ORD USAFA AdditionNo1](#)

[EXHIBIT A Legal Description USAFA Addition No. 1 Annexation](#)

[CPC Staff Report USAFA Annexation](#)

[USAFA Annexation Addition No. 1 Agreement](#)

[Vicinity-Ortho w-surrounding](#)

[Annexation Map](#)

[FIGURE 1 Project Statement True North Commons](#)

[FIGURE 2 Mining Museum Comment Letter](#)

[FIGURE 3 Comment Response Letter Mining Museum](#)

[FIGURE 4 USAFA Comment](#)

[FIGURE 5 El Paso County Review Comments](#)

[FIGURE 6 Comment Response Letter County](#)

[FIGURE 7 Annexation Plat No. 1](#)

[FIGURE 8 Annexation Plat No. 2](#)

[FIGURE 9 USAFA Annexation Petition](#)

[FIGURE 10 USAFA Annexation Exhibit](#)

[FIGURE 11 USAFA Annexation Addition No. 1](#)

[FIGURE 12 FIA True North Commons](#)

[FIGURE 13 Master Plan - Concept Plan True North Commons](#)

[FIGURE 14 LSA True North Commons](#)

[FIGURE 15 Colorado Geological Survey Comments](#)

[FIGURE 16 Conformance with the City PlanCOS](#)

[FIGURE 17 True North Commons Annexation Exhibit](#)

[7.6.203-Annexation Conditions](#)

[USAFA Annexation Public Comment 1-16-19](#)

[STAFF Presentation USAFA CC 2-26-19](#)

[Signed Ordinance 19-16](#)

Please see comments in Agenda item 10.A.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Ordinance for the USAFA 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 finally passed. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

- 10.C.** [CPC A 18-00125R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as USAFA Addition No. 2 Annexation.

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

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

Attachments: [RES findingsoffact USAFA additionNo2](#)
[EXHIBIT A Legal Description USAFA Addition No. 2 Annexation](#)
[EXHIBIT B - USAFA Annex Agreement No. 2](#)
[Exhibit B - Agr Usafa Annexation No2](#)
[EXHIBIT 12A Planner Affidavit USAFA Annexation](#)
[EXHIBIT 12B Clerk Affidavit USAFA Annexation](#)
[EXHIBIT 12C Surveyor Affidavit USAFA Annexation](#)

Please see comments in Agenda item 10.A.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution of finding that the USAFA Addition No. 2 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be finally adopted. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

- 10.D.** [CPC A 18-00125](#) Ordinance No. 19-17 annexing into the City of Colorado Springs an area known as the USAFA Addition No.2 Annexation of 97.90 acres west of Interstate 25 along North Gate Boulevard.
(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

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

Attachments: [ORD_USAFA_AdditionNo2](#)
[EXHIBIT A Legal Description USAFA Addition No. 2 Annexation](#)
[FIGURE 8 Annexation Plat No. 2](#)
[7.6.203-Annexation Conditions](#)
[Signed Ordinance 19-17](#)

Please see comments in Agenda item 10.A.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Ordinance for the USAFA 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 7.6.203s be finally passed. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

- 10.E.** [CPC MP 18-00138](#) A resolution for The True North Commons Master Plan illustrating future development of 57.84 acres and 125.30 acres open space located southwest of North Gate Boulevard and Interstate 25.
(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

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

Attachments: [RES_TrueNorthCommonsMasterPlan](#)
[Exhibit A](#)
[FIGURE 13 Master Plan - Concept Plan True North Commons](#)
[FIGURE 14 LSA True North Commons](#)
[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

Please see comments in Agenda item 10.A.

Motion by Councilmember Knight, seconded by Councilmember Strand, that the Resolution as amended to include a note to the True North Commons Master Plan that any change in land use classification within the areas identified on the True North Commons Master Plan as open space shall require a major amendment to the True North Commons Master Plan and Concept Plan, based upon the findings that the proposal meets the review criteria for master plans as set forth in City Code Section 7.5.408 be adopted. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

- 10.F.** [CPC PUZ 18-00137](#) Ordinance No. 19-18 establishing the PUD (Planned Unit Development; Commercial, Office, Retail, Institutional, Hospitality, Open Space) zone district pertaining to 183.14 acres located southwest of North Gate Boulevard and Interstate 25.
(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

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

Attachments: [ZC ORD USAFA](#)

[EXHIBIT A Zone Change Legal True North Commons](#)

[EXHIBIT B Zone Change Exhibit True North Commons](#)

[7.5.603 Findings - ZC req CA](#)

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

[Signed Ordinance 19-18](#)

Please see comments in Agenda item 10.A.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Ordinance for the zone change and establish a PUD (Planned Unit Development; Commercial, Office, Retail, Institutional, Hospitality, Open Space) 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) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

- 10.G.** [CPC PUP 18-00177](#) The True North Commons Concept Plan illustrating future development of 57.84 acres of commercial, office, retail, institutional, and hospitality located southwest of North Gate Boulevard and Interstate 25.
(Quasi-Judicial)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

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

Attachments: [FIGURE 13 Master Plan - Concept Plan True North Commons](#)
[7.5.501.E Concept Plans](#)
[7.3.605 PUD Concept Plan](#)

Please see comments in Agenda item 10.A.

Motion by Councilmember Knight, seconded by Councilmember Bennett, that the True North Commons PUD Concept Plan as amended to include a note to the True North Commons PUD Concept Plan that any change in land use classification within the areas identified on the True North Commons PUD Concept Plan and True North Commons Master Plan as open space shall require a major amendment to the True North Commons Master Plan and Concept Plan, based upon the findings that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605 be approved. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Murray

11. New Business

- 11.A. [19-146](#) A Resolution Approving and Authorizing the Mayor to Execute the First Amendment to Cooperation Agreement with the Colorado Springs Urban Renewal Authority and Copper Ridge Metropolitan District Regarding the Copper Ridge at Northgate Urban Renewal Project.

Presenter:

Bob Cope, Economic Development Officer

Attachments: [Copper Ridge PowerPoint 2.20.19](#)
[Resolution Polaris Pointe Amendment Cooperation Agreement](#)
[First Amendment to Cooperation Agreement -2-20-19-FINAL.pdf](#)

Bob Cope, Economic Development Officer, presented the first amendment to the cooperation agreement with the Colorado Springs Urban Renewal Authority (URA) and Copper Ridge Metropolitan District regarding the Copper Ridge at Northgate Urban Renewal Project. He gave a brief overview of the Copper Ridge/Polaris Pointe area and the project's economic and fiscal impacts to the City.

Councilmember Murray asked if this incentive will go towards completing the Powers Boulevard extension. Jeff Greene, Chief of Staff confirmed it would.

Councilmember Knight requested a briefing on how this project and the USAFA project will impact the intersection.

President Pro Tem Gaebler stated the state and the County should also be contributing funding to this project. Councilmember Pico stated it is very low on the state's priority list. Mr. Greene stated the request will be presented to the County.

President Pro Tem Gaebler and Councilmember Avila stated they do not consider this an urban renewal project.

Councilmember Geislinger requested criteria be established for what projects qualify for incentives.

Citizens Juliette Parker and Scott Anderson spoke in opposition of the proposed project.

Councilmember Bennett stated every penny of the tax increment financing collected will go towards connecting Powers Boulevard to Voyager Parkway and the urban renewal criteria is not established by City Council, it is established by the state of Colorado.

Councilmember Murray suggested to wait until they hear from the County regarding funding.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution approving and authorizing the Mayor to execute the First Amendment to Cooperation Agreement with the Colorado Springs Urban Renewal Authority and Copper Ridge Metropolitan District regarding the Copper Ridge at Northgate Urban Renewal Project be adopted. The motion passed by a vote of 7-2-0-0

Aye: 7 - Bennett, Geislinger, Knight, Murray, Pico, Skorman, and Strand

No: 2 - Avila, and Gaebler

12. Public Hearing

There was no Public Hearing.

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