



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, August 11, 2020

10:00 AM

Council Chambers

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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

Councilmember Avila was excused at approximately 5:00 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Reverend Alycia Erickson from Pikes Peak Metropolitan Community Church.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated the applicant has requested item 10.A. and the appellant has requested item 12.A. to be postponed to the August 25, 2020 City Council meeting. Consensus of City Council agreed to these changes.

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 20-00051](#) Ordinance No. 20-50 amending the zoning map of the City of Colorado Springs relating to 69.97 acres located east of Union Boulevard and north of Fraser Valley Lane from PUD/A (Planned Unit Development and Agricultural) to PUD (Planned Unit Development: single-family residential, 2-3.49 dwelling units per acre, 36-foot maximum building height)

(Quasi-Judicial)

Related files: CPC PUZ 20-00051, CPC PUP 20-00052

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development
Peter Wysocki, Planning Director, Planning and Community Development

Attachments: [ZC ORD CorderaFilingNo.6](#)
[Exhibit A - Legal Description](#)
[Exhibit B - PUD Zone Change_Cordera Filing No. 6](#)
[Vicinity Map](#)
[Signed Ordinance 20-50.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [CPC ZC 20-00047](#) Ordinance 20-51 amending the zoning map of the City of Colorado Springs pertaining to 8.5 acres of land from Office Complex with Streamside Overlay (OC/SS) to General Business with Conditions of Record and Streamside Overlay (C6/cr/SS), located 5580-5590 North Nevada Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 20-00047, CPC DP 20-00048

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [ZC ORD LexusOfColoradoSprings](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change](#)

[Vicinity Map](#)

[Signed Ordinance 20-51.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [CPC PUZ
20-00044](#)

Ordinance 20-52 amending the zoning map of the City of Colorado Springs pertaining to 58.82 acres from PIP-1/cr/SS (Planned Industrial Park with Conditions of Record and Streamside Overlay) to PUD/SS (Planned Unit Development: Commercial, Industrial, and Residential Uses; Maximum Building Height of 45 feet, Density 25-30 Dwelling Units per Acre (Lot 6 only), and Maximum Building Square Footage of 677,527 Square Feet (lots 1-6) with Streamside Overlay), located at 6765 Campus Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 20-00044, CPC PUP 20-00045

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [ZC ORD Crest At Woodmen](#)

[Exhibit A1 - Legal Description](#)

[Exhibit A2 - Legal Description](#)

[Exhibit A3 - Legal Description](#)

[Exhibit B - PUD Zone Change](#)

[Vicinity Map](#)

[Signed Ordinance 20-53.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.D. [CPC ZC
19-00097](#)

Ordinance 20-53 amending the zoning map of the City of Colorado Springs pertaining to .64-acre changing the zoning from OR (Office Residential) to PBC (Planned Business Center), located at the northeast and northwest intersection of East Pikes Peak Avenue and Farragut Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 19-00097, CPC DP 19-00098, CPC NV 19-00099

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [ZC ORD YogaStudio](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change Exhibit](#)
[Vicinity Map](#)
[Signed Ordinance 20-53.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [20-435](#) City Council Regular Meeting Minutes July 28, 2020

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [7-28-2020 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [20-397](#) Appointments to Boards, Commissions, and Committees

Presenter:

Michael Montgomery, Deputy Council Administrator

Attachments: [081120 Boards and Commissions](#)
[07.15.20 DDA board Appointments](#)
[07.22.20 Downtown BID board openings](#)

This Item was approved on the Consent Calendar.

4B.C. [20-385](#) A Resolution Repealing Resolution No. 24-18 and Establishing Fees and Charges for the Parks, Recreation and Cultural Services Cemetery Enterprise for 2021

Presenter:

Kimberly King - Recreation and Administration Manager
Karen Palus - Parks, Recreation and Cultural Services Director

Attachments: [Exhibit A - Cemetery Fees and Charges 2021 - draft](#)
[07272020 - Cemetery Fee Increase Resolution - Draft](#)
[7-27-2020 - 2021 Cemetery Fees - Council Work Session](#)
[Signed Resolution 61-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.D.** [20-401](#) A resolution adopting final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Falcon Fire Protection District

Presenter:

Frederick Stein, Public Safety Attorney

Attachments: [FalconFireRES-2020-07-20.docx](#)
[FalconFire-ExhibitA-AgreementJointPlan-2020-07-20.docx](#)
[Shilo Mesa Annex-GIS-ExA.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.E.** [20-389](#) Resolution to Carryforward the City's 2020 Private Activity Bond Allocation for Qualified Residential Rental Projects

Presenter:

Steve Posey, HUD Program Manager, Community Development Division

Peter Wysocki, Director, Planning & Community Development

Attachments: [Resolution 2020 Colorado Springs Carryforward PAB Carryforward 7 27 2020 CC Presentation Signed Resolution 63-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.F.** [20-414](#) Resolution approving the Amended and Restated Green Mountain Reservoir Administrative Protocol Agreement

Presenter:

Michael Gustafson, Senior Attorney, City Attorney's Office

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [GMR Agreement RES-2020-07-27 Amended and Restated GMR Agreement GMR Amendment Presentation Draft 7-27-20](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, 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, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

5. Recognitions

5.A. [20-374](#) A Proclamation celebrating August 12th, 2020 as Julie Penrose Day

Presenter:

Richard Skorman, Council President/Councilmember District 3

Attachments: [Julie Penrose Day 2020](#)

President Skorman gave a brief history of Julie Penrose and read a Proclamation celebrating August 12th, 2020 as Julie Penrose Day.

5.B. [20-432](#) Resolution of Appreciation Proclaiming August 2020 to be Science, Technology, Engineering and Math (STEM) Education Month in the City Of Colorado Springs

Presenter:

Don Knight, Councilmember District 1

Attachments: [STEM August 2020](#)

[Signed Resolution 65-20.pdf](#)

Councilmember Knight read the Resolution proclaiming August 2020 to be Science, Technology, Engineering and Mathematics (STEM) Education Month and gave an overview of the importance of STEM to the Space Force workforce.

Councilmember Williams also recognized, Katherine Johnson, mathematician and her work with orbital trajectory.

Reggie Ash, Chief, Defense Development Officer, Colorado Springs Chamber and EDC, expressed appreciation for City Council's support of STEM education.

Motion by Councilmember Knight, seconded by Councilmember Pico, that the Resolution of Appreciation Proclaiming August 2020 to be Science, Technology, Engineering and Math (STEM) Education Month in the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0

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

6. Citizen Discussion For Items Not On Today's Agenda

Citizens Jacquie Ostrom, Randy Lindsey, and Joseph Foecking spoke about the gunfire and other crimes occurring in their neighborhood on Gold

Camp Road.

Citizen David Chavez spoke about several incidents of waste water flood incidents which have occurred in his residence as well in his neighborhood as a result of the new hippopotamus exhibit at the Cheyenne Mountain Zoo.

Citizen Kelsey Sandella spoke about the public notice process in regards to service changes with Mountain Metro routes.

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

There was no Utilities Business.

10. Unfinished Business

- 10.A. [20-240](#) A resolution approving a service plan allowing for the creation of the Reagan Ranch Metropolitan District Nos. 1-3.

(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development

Peter Wysocki, Director of Planning and Community Development

Attachments: [Resolution](#)
[Powerpoint](#)
[Attachment 1-2020 07 01 - Service Plan - Reagan Ranch MD Nos. 1 - 3](#)
[Attachment 2-Service Plan Transmittal Letter - Reagan Ranch MD Nos. 1-3](#)
[Attachment 3 -Supplement to Service Plan - Reagan Ranch MD Nos. 1-3](#)
[Attachment 4- 2020 07 01 - Revised Supplement to Service Plan - Reagan Ranch MD Nos. 1-3](#)
[Attachment 5-2020 07 01 - Redline Service Plan - Reagan Ranch MD Nos. 1-3](#)
[Attachment 6- MD Public Improvement Map](#)
[Attachment 7-Public Improvement Table {final}](#)
[Attachment 8-Reagan Ranch MD No. 2 - Regional Public Improvements Summary - with Initial Inclusions {final}](#)
[Attachment 9-Reagan Ranch Metropolitan District No. 1 - Public Improvements Summary - Initial Inclusions {final}](#)
[Attachment 10- Reagan Ranch Metropolitan District No. 1 - Regional Public Improvements Summary {final}](#)
[Attachment 11- Reagan Ranch Metropolitan District No. 2 - Public Improvements Summary - Future Inclusions {final}](#)
[Attachment 12- Reagan Ranch Metropolitan District No. 2 - Regional Costs](#)
[Attachment 13- Reagan Ranch Metropolitan District No. 3 Public Improvements Summary - Initial Inclusions {final}](#)
[Schueler let 08.18.20](#)
[Ellicott Resolution signed 8 10 2020 \(002\)](#)

Sarah B. Johnson, City Clerk, stated the applicant has requested item 10.A. to be postponed to the August 25, 2020 City Council meeting.

Motion by Councilmember Knight, seconded by Councilmember Gaebler, that the Resolution of the City of Colorado Springs approving a service plan allowing for the creation of the Reagan Ranch Metropolitan District Nos 1-3 be postponed to the August 25, 2020 City Council meeting. The motion passed by a vote of 9-0-0

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

11. New Business

11.A. [20-220](#)

A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 3, 2020, the question of retaining and spending all revenues received in 2019 and 2020, and resetting the revenue and spending limitations for later years based thereon, as voter approved revenue changes; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution.

Presenter:

Mayor John Suthers
Wynetta Massey, City Attorney
Charae McDaniel, Chief Financial Officer

Attachments: [TABOR proposed ballot examples - 06-22-20](#)
[Resolution TABOR Question - Alternate 1.docx](#)
[Signed Resolution 66-20.pdf](#)

Mayor Suthers stated City Council requested the retention amount for 2019 of \$1.9 million to be used for public safety be divided from the Tax Payer Bill of Rights (TABOR) reset into a separate ballot issue; but as the poll results from Colorado Springs Forward shows, it would be beneficial to keep the issues as one ballot measure.

Councilmember Geislinger asked what the downside would be if the issues were split into two ballot measures. Mayor Suthers stated the polling shows that citizens appreciate the fact that the City is trying to deal with the COVID-19 crisis as it relates to the TABOR ratchet down as well as the 2019 retention for public safety and if it were split, it has the potential to confuse citizens and make it more difficult in terms of campaigning for it.

Councilmember Pico stated he supports the ratchet down for one year, but not every year thereafter. Mayor Suthers stated retaining a 2019 base in 2023 or 2024 due to an economic recession would be very beneficial to the City.

Councilmember Knight stated he is concerned with combining the items because many households have been economically affected by the COVID-19 crisis and need the refund amount. He stated he supports retaining the 2019 TABOR base for a few years, but not indefinitely.

Councilmember Geislinger stated if there is an economic downturn of revenue in 2025 or 2026, it does not matter what the TABOR baseline is because the City would only be able to tax a certain amount based on revenue. Mayor Suthers stated the baseline would allow for a quicker recovery.

Councilmember Williams stated it is important to have an element of certainty and this an appropriate way to refer the measure.

Councilmember Knight asked if the TABOR baseline measure could be referred to the ballot again in April 2021 if it fails at the November 2020

election and asked about dividing the question. Tom Florczak, Deputy City Attorney, stated that the TABOR reset could lawfully be presented again in April 2021, but it was unlikely that would happen if the voters had just said "no" just five months earlier. He also said that under TABOR, the 2019 excess revenue must be refunded by the end of the next fiscal year which is December 31, 2020. Mr. Florczak stated the important reason for the TABOR reset to be considered by the voters in November this year is that the City must adopt a budget for 2021 by the end of this year, and it would need to implement budget cuts for the first four months of 2021 based upon the ratchet down that would otherwise occur.

Mr. Florczak stated City Council Rule 3-9 provides that a question covering two or more points may be divided at the request of City Council, but this Resolution is not subject to division because it asks only one question for referral to the ballot.

Councilmember Knight clarified that Councilmember Geislinger has made an amendment to the motion to bifurcate the Resolution into two Resolutions which is allowed under Council Rules. Mr. Florczak stated City Council may amend the text of the Resolution itself, but it would only amend the question, it would not refer two matters to the voters.

Mayor Suthers stated both of these issues polled very well together and he feels very strongly to keep them together.

Motion by Councilmember Geislinger, seconded by Councilmember Knight, to bifurcate and amend the Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 3, 2020, the question of resetting the revenue and spending limitations for later years based thereon, as voter approved revenue changes; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution be adopted. The motion failed by a vote of 6-3-0-0

Aye: 3 - Geislinger, Knight, and Pico

No: 6 - Avila, Gaebler, Murray, Skorman, Strand, and Williams

Motion by Councilmember Williams, seconded by Councilmember Gaebler, that the Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 3, 2020, the question of retaining and spending all revenues received in 2019 and 2020, and resetting the revenue and spending limitations for later years based thereon, as voter approved revenue changes; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution be adopted. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Gaebler, Geislinger, Murray, Skorman, Strand, and Williams

No: 2 - Knight, and Pico

- 11.B. [20-455](#) Ordinance No. 20-54 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 3, 2020, amending section 3-70 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance

Presenter:

Wayne Williams, City Councilmember

Attachments: [Charter-Amendment-ParklandConveyances-2020-07-30_sec3-70-DRA FT.docx](#)
[4th UPDATED Exhibit A -- Copy of ParklandInventoryList_2020_08042020_Final.xlsx](#)

Councilmember Murray asked what order the issues will be in on the ballot. Sarah B. Johnson, City Clerk, stated the Secretary of State Rule sets forth the ballot order of state, county, and local questions. She stated local questions are based on the certification of the designated election official and in the past, it has been done based on the order in which City Council has approved the items. Councilmember Murray requested Item 11.C. be taken before item 11.B.

Motion by Councilmember Murray, seconded by Councilmember Strand, that Item 11.C. be taken before Item 11.B. This motion was withdrawn.

Councilmember Knight, Councilmember Gaebler, and Councilmember Williams recommended the order of the issues be drawn randomly.

Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the order of Items 11.B. and 11.C. on the ballot be drawn by chance in a lottery. The motion passed by a vote of 9-0-0

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

Kent Obee, representative of Protect Our Parks (POPS), stated he is not in favor of both proposals being placed on the ballot because he believes it may add confusion for the voters. He requested City Council vote against the referral requiring a vote by the super-majority of Council.

Susan Davies, Trails and Open Space Coalition, spoke in favor of the super-majority option.

Councilmember Avila and Councilmember Geislinger expressed

appreciation for all the extensive work that has gone toward the protection of park land.

Citizen Donna Strom asked why the super-majority proposal is superior to the POPs proposal. Councilmember Williams stated it allows improvements to be made to the park system without thousands of dollars to be spent on an election or having to wait for an election to take place.

Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Ordinance submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 3, 2020, amending Section 3-70 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance be approved on first reading. The motion passed by a vote of 5-4-0-0

Aye: 5 - Gaebler, Geislinger, Knight, Pico, and Williams

No: 4 - Avila, Murray, Skorman, and Strand

11.C. [20-281](#)

Ordinance No. 20-55 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 3, 2020, adding a new section 11-80 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance

Presenter:

Richard Skorman, Third District City Councilmember
Kent Obee

Attachments: [2020-Option4-POPS-Charter-Amendment-ParklandConveyances-2020-08-04_clean.docx](#)
[4th UPDATED Exhibit A -- Copy of ParklandInventoryList_2020_08042020_Final.xlsx](#)
[POPS-WhatWhy.doc](#)

Motion by Councilmember Murray, seconded by Councilmember Avila, that the Ordinance submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 3, 2020, adding a new section 11-80 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance be approved on first reading. The motion passed by a vote of 5-4-0-0

Aye: 5 - Avila, Gaebler, Murray, Skorman, and Strand

No: 4 - Geislinger, Knight, Pico, and Williams

11.D. [20-296](#)

A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 3rd, 2020, the question of imposition and collection of a ten cent (\$0.10) per bag fee on single use plastic bags, providing for the form of the ballot title and text, providing for certain matters with respect to the election, and providing the effective date of this resolution.

Presenter:

Councilmember, Yolanda Avila

Attachments: [Plastic Bag Fee RES-06-10-20-clean](#)
[Plastic Bag Fee Revenue Expenses June 2020 Final](#)
[Public Works Trash Data](#)

Councilmember Avila presented the Resolution submitting to the registered, qualified electors of the City the question of imposition and collection of a \$.10 per bag fee on single use plastic bags. She stated she was contacted approximately a year and a half ago by several constituents requesting a ban be placed on plastic bags and even though the City is not authorized to place a ban, she is hoping a bag fee will assist in reducing the amount of plastic trash. She stated \$.04 would go back to the stores and \$.06 would go to the City to help educate citizens, provide reusable bags, and the cleanup of plastic bags in the community.

Charae McDaniel, Chief Financial Officer, stated based on the anticipated City population's use of plastic bags and receiving \$.06 per bag, the estimate of revenue for the City is approximately \$1.3 to \$1.7 million per year which would require an addition position in the Finance Department to administer the program and a modification of the software system which would cost approximately \$25,000.00.

Councilmember Geislinger asked if the plastic bag revenue would be subject to Taxpayer Bill of Rights (TABOR). Marc Smith, Corporate Division Chief, City Attorney's Office, stated it would not be subject to the limitations of TABOR.

Ryan Trujillo, Director, Support Services, Office of Sustainability, stated the cost for the purchase of reusable bags is one dollar per bag and the cost of public recycling events typically cost between \$40,000 and \$50,000 per

event.

Councilmember Williams asked if there was environmental impact review done regarding the purchase of reusable bags. Mr. Trujillo stated there was not.

Mitch Hammes, Neighborhood Services Manager, stated six staff members would be required in order to respond in a timely manner to the neighborhood trash complaints the City receives and those Maintenance Technician positions generally pay \$15.00 to \$16.00 per hour with additional overhead and benefit costs.

Councilmember Geislinger asked what percentage of neighborhood trash complaints are addressed by the Quality of Life Team that cleans up homeless camps. Mr. Hammes stated approximately ninety-five percent.

Councilmember Williams asked if the calculation for the cost of cleanup included all matters of trash or only plastic bags. Mr. Hammes stated all matters of trash.

Wendy Martin, Tiny Tote, gave an overview of the amount plastic bags littering the City and spoke in support of the ballot measure and the use of reusable bags.

Erin Graziani, American Recyclable Plastic Bag Alliance (ARPBA), spoke in opposition of the proposed ballot measure and gave an overview of their commitment to sustainability, facts about plastic retail bags, plastic bag taxes, and unintended consequences. She identified the number of plastic bags in landfills, percentage of plastic bags as litter, marine debris, a comparison to paper and reusable bags, what can be done instead, and recycling locations in the City.

President Pro Tem Strand asked why other communities continue to have a plastic bag fee. Ms. Graziani stated just because they are doing it, does not mean it is the right thing to do.

President Skorman asked if there have been any studies conducted in regards to a behavioral change as a result of a plastic bag fee. Ms. Graziani stated the study in Toronto showed the \$.05 plastic bag fee did not show a significant behavioral change especially in low-income

populations and in California, the plastic bag ban caused a significant increase in the purchase of plastic trash bags.

Councilmember Geislinger asked why low income populations use more plastic bags. Ms. Graziani stated it may be due to the use of public transportation and not having a vehicle to store their reusable shopping bags in.

Citizens Ian Thomas, Taylor Saulsbury, Christine Thomas, John Keller, Charlene Taylor, Alli Schuch, Chuck Sullivan, Larry Bormuth, Natasha Long, Lacey Kaminski, and Julie Ott spoke in favor of the proposed ballot measure.

President Skorman stated he does not think this will solve the problem of environmental litter, but it will help.

Councilmember Geislinger stated he would like to hear from the business community as to the impact this will have on consumers and the medical community regarding COVID-19 and reusable bags. He stated this is a legislative rather than a citizen initiative.

President Skorman stated this cannot be citizen initiated because of the COVID-19 environment.

Councilmember Knight stated keeping the City clean is a worthy cause, but he does not believe this fee will bring the City a lot of revenue and eventually the program will cost the City more than it is receiving.

Councilmember Williams stated this is not a fee, it is a tax to the citizens, the language in the proposed question is not appropriate, and he is opposed to it going on the ballot.

Councilmember Gaebler stated she does not support putting this measure on the ballot due to timing because most stores are planning to ban plastic bags no later than 2025, charging citizens \$.10 in addition to the fees they are already paying, stores not allowing reusable bags due to COVID-19, research does not show a change in behavior due to plastic bag fees, and she does not want to force people to use reusable bags.

Councilmember Pico stated he does not support the issue even though he

realizes trash and litter is a problem is the City.

Councilmember Murray stated he supports the initiative and believes it may help remedy the problem.

President Pro Tem Strand stated he does not support this issue because the cost of the tax could add up for some families and even though there are definitely litter issues within the City, this is not the right time to bring this item forward.

Councilmember Avila stated the City has five to six years to change behaviors and clean up the City before plastic bags are banned and putting this initiative on the ballot is one of the legislative avenues to bringing it forward.

Motion by Councilmember Avila, seconded by Councilmember Murray, that the Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 3, 2020, the question of imposition and collection of a ten cent (\$0.10) per bag fee on single use plastic bags, providing for the form of the ballot title and text, providing for certain matters with respect to the election, and providing the effective date of this resolution be adopted. The motion failed by a vote of 3-6-0-0

Aye: 3 - Avila, Murray, and Skorman

No: 6 - Gaebler, Geislinger, Knight, Pico, Strand, and Williams

11.E. [20-295](#)

An ordinance creating a new Article 15 (single use plastic bag fees) of Chapter 6 (neighborhood vitality/community health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the imposition and collection of a ten cent (\$0.10) fee on single use plastic bags and providing for penalties and remedies for the violation thereof

Presenter:

Councilmember, Yolanda Avila

Attachments: [OPTION 1 -- Plastic Bag Fee CODE-2020-07-14-v3-Clean.docx](#)
[OPTION 2 -- Plastic Bag Fee CODE-2020-06-22-v2-Clean.docx](#)

Please see comments in Agenda item 11.D.

Motion by Councilmember Avila, seconded by Councilmember Murray, that the Ordinance creating a new Article 15 (Single Use Plastic Bag Fees) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended) pertaining to the imposition and collection of a ten cent (\$0.10) fee on single use plastic bags and providing for penalties and remedies for the violation thereof be approved on first reading. The motion failed by a vote of 3-6-0-0

Aye: 3 - Avila, Murray, and Skorman

No: 6 - Gaebler, Geislinger, Knight, Pico, Strand, and Williams

- 11.F.** [20-404](#) A Resolution Approving an Intergovernmental Agreement between the El Paso County Clerk and Recorder and the City of Colorado Springs regarding the conduct and administration of the November 3, 2020 Coordinated Election

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Election IGA Resolution](#)

[CITY OF COLORADO SPRINGS Election IGA 2020](#)

Sarah B. Johnson, City Clerk, presented the Intergovernmental Agreement (IGA) with the El Paso County Clerk and Recorder for the November 3, 2020 Coordinated Election. Ms. Johnson stated since City Council has approved three items to be referred to the election ballot, this IGA would need to be filed with the El Paso County Clerk and Recorder and the estimated cost for participation is \$492,828.52.

There were no comments on this item.

Motion by Councilmember Williams, seconded by President Pro Tem Strand, that the Resolution Approving an Intergovernmental Agreement between the El Paso County Clerk and Recorder and the City of Colorado Springs regarding the conduct and administration of the November 3, 2020 Coordinated Election be adopted. The motion passed by a vote of 9-0-0

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

- 11.G.** [20-299](#) A Resolution of the City Council of the City of Colorado Springs Approving Issuance of Limited Tax General Obligation Bonds Series 2020 by the Interquest North Business Improvement District in an Amount Not to Exceed \$13,735,000

(Legislative Item)

Presenters:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)[Attachment 1-2020.06.12 - Bond Cover Letter - Interquest North BID](#)[\(1\)](#)[Attachment 2-Draft 2020 RESOLUTION \(revised 7-30-20\)](#)[Attachment 3-Preliminary Cash Flow Numbers 6-19-20](#)[Attachment 4-2020-06-11 Interquest North BID 2020 - Bond Details - Preliminary Numbers](#)[Attachment 5-Draft General Counsel Bond Opinion - Interquest North BID](#)[Attachment 6-Draft Bond Counsel Opinion 2020 - Interquest North BID](#)[Attachment 7- 2020-06-11 Interquest North BID 2020 LT GO PIF](#)[Fairness Letter by RBC](#)[Attachment 8-Interquest North Cost Summary 6-15-20](#)[Attachment 9-2020-06-18 Interquest North BID Comps and Corporate Debt Issues](#)[Attachment 10- Tim Leonard Letter to Budget Committee](#)[etal-Interquest North BID-18June2020](#)[Attachment 11- 7.24.2020 Response to Council re Leonard](#)[Interquest North PowerPoint 8-11-20 Update](#)[Powerpoint](#)[Signed Resolution 68-20.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution approving the 2020 debt issuance for the Interquest North Business Improvement District (BID). He stated the Resolution has been revised to accommodate the request from City Council to change the bonds' optional refunding date from 2029 to 2027.

Councilmember Geislinger asked what the impact would be regarding the Colorado Open Records Act (CORA) litigation presently occurring with the members within the district if the City approves this Resolution. Russ Dykstra, Spencer Fane, LLC, representing the district, gave an overview of the history of the district, their operating plan, and compliance with City policy in regards to public improvements. He stated this is the district's last proposed bond issuance for the project and the mill levy will be reduced from fifty mills to seventeen mills by 2023. He stated the CORA dispute is outside the proposed debt issuance and would not be impacted by City Council's decision.

Councilmember Murray requested this item be postponed until the litigation is resolved.

Marc Smith, Corporate Division Chief, City Attorney's Office, asked if the litigation documents are related to City Council's approval. Mr. Dykstra stated they are not specific to the bond issuance or the amount of the bond issuance.

Councilmember Knight requested the Resolution and the attachment titles and language reflect the callable date change to January 1, 2027. Mr. Dykstra stated he will make those amendments.

Tim Leonard, President Deepwater Point Company, representing Cheddar's and Burger King (clients), as well as Kum & Go and The Summit (not clients) spoke in opposition to this item. He stated the district represented to the Budget Committee in April 2020 that Scheels the property would be excluded from the district, but the pro forma presented at the second Budget Committee and City Council Work Session indicates it will not be excluded. Mr. Leonard stated the judge for the CORA issue realized this is unprecedented territory which will require additional research into case law because the CORA question is whether a developer-controlled district can enter into agreements, perform activities on behalf of the district, and get bond proceeds from the district and yet not disclose the financial contract information accordingly. He said it is important for City Council to know the costs that were spent in order to authorize the bonds to repay them and the three main reasons they are asking for this item to be denied or delayed include: the costs were not clarified when the \$25M operating cap was raised, engineer certificates have not been compared with the contracts in order to conduct an audit, and there is \$4M subsidized to Scheels which the district taxpayers object to.

Councilmember Geislinger asked if the businesses are concerned with the Public Improvement Fee (PIF). Mr. Leonard stated PIF is a pass through fee, but the maximum property tax of fifty mills hits the bottom line of every business in the district.

Councilmember Williams asked if Mr. Leonard is requesting City Council postpone this item until the lawsuit is finished. Mr. Leonard stated they are not asking City Council to wait until the lawsuit is finalized, but until the documents they are asking for from the district are disclosed or the judge renders an opinion regarding the CORA issue.

Councilmember Murray stated City Council should define their oversight role with enforcing equity and fairness among BIDs and the rules and boundaries are continually being broadened.

Mr. Leonard stated the district's operating budget went from approximately \$40,000 to \$60,000 to \$360,000 in 2019 and is projected for \$420,000 in 2020 because they are maintaining the Scheels' parking lot which is now tax exempt.

Mr. Dykstra stated over the last fifteen years, not a single property owner has shown up to a district board meeting even when the exclusion information was specifically noticed. He stated the district and fifty mills were already established prior to when the lease agreements were made with the businesses who are now in opposition. Mr. Dykstra said the developer has the biggest interest in making the property a success and public infrastructure is needed to do so. He stated the City is not supposed to be responsible for any debt incurred by a BID, but if City Council mandates the structure of the bonds, the City may be held liable for the district's debt obligations if the bonds default.

President Pro Strand asked what the impact to the district would be if this was postponed. Mr. Dykstra stated it would undermine the validity of the elected district board's decision and they do not know what the interest rate market is going to be or the structure of how it will be accrued.

Motion by Councilmember Knight, seconded by President Pro Tem Strand, that the Resolution of the City Council of the City of Colorado Springs approving issuance of Limited Tax General Obligation Bonds Series 2020 by the Interquest North Business Improvement District in an amount not to exceed \$13,735,000 as amended to include language in Section 3 that the bonds be callable on January 1, 2027 be adopted. The motion passed by a vote of 7-1-1-0

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

No: 1 - Murray

Excused: 1 - Avila

11.H. [20-313](#)

Ordinance No. 20-56 amending ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the Public Space and Development Fund in the amount of \$3,700,000 to fund the completion of redevelopment construction of Panorama Park

Presenter:

Connie Schmeisser, Landscape Architect II

Britt Haley, Parks Design & Development Manager

Attachments: [PanoramaParkPLDOSuppl AppropriationORD](#)

[Panorama Park Supplemental Appropriation Work Session July 27, 2020](#)

Connie Schmeisser, Landscape Architect II, presented the Ordinance requesting a supplemental appropriation for the redevelopment and construction of Panorama Park.

Councilmember Avila stated this is a wonderful project with many needed amenities for the community.

Joyce Salazar, Community Outreach Coordinator, Resilient, Inspired, Strong Engaged (RISE) Coalition, Mina Liebert, Pikes Peak Community Foundation, Emily Patterson, Program Director, Parks for People with The Trust for Public Land, and several Councilmembers expressed gratitude for the collaborative efforts from all the community partners and community members who participated in this project.

Motion by Councilmember Avila, seconded by Councilmember Pico, that the Ordinance approving a supplemental appropriation from the Park Land Dedication Ordinance (PLDO) fund balance in the amount of \$3,700,000 for Panorama Park redevelopment and construction be approved on first reading. The motion passed by a vote of 9-0-0

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

12. Public Hearing

- 12.A. AR R** An appeal of the Historic Preservation Board’s approval of the Report of Acceptability for construction of a new single-family residence located at 15 West Del Norte Street.
- 20-00418-HP**
- B**

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: Appeal Statement-15 W Del Norte
Staff Report_15 W Del Norte
Site Plan
Project Statement 1
Example of Architecture
Materials
Elevations
Public Comments
Colorado Certified Local Government Handbook
National Register of Historic Places Inventory Nomination Form
Section 7.5.1605(C)
7.5.906 (B) Appeal

Gaby Serrano, Planner II, Planning and Community Development, stated the appellant has requested a postponement of this item to the August 25, 2020 City Council meeting in order to consider the new proposal and findings from the Historic Preservation Board on August 3, 2020 and the updates from this hearing could change the outcome of the appeal and overall appeal discussion to be held with City Council on August 25, 2020.

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the appeal hearing of the Historic Preservation Board action of approval for Report of Acceptability for a new single-family residence located at 15 West Del Norte Street. be postponed to the August 25, 2020 City Council meeting. The motion passed by a vote of 9-0-0

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