



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, October 23, 2018

1:00 PM

Council Chambers

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### **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 Chaplain Victoria Heim from Crossroads Ministry.

President Skorman led the Pledge of Allegiance.

### **3. Changes to Agenda/Postponements**

Sarah B. Johnson, City Clerk, stated staff requested items 12.A. and 12.B., the public hearing pertaining to the Tuscan Foothills Village zoning, be heard before items 11.C. and 11.D. pertaining to the proposed short term rental Ordinance and Resolution.

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. [18-0439](#)** Ordinance No. 18-100 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Grants Fund in the amount of \$23,032,764 for the Federal Transit Administration's Section 5307 Grant.

Presenter:

Jennifer Vance, Grants Manager, Finance

**Attachments:** [Ordinance for 2018 Grants Fund Supplemental rev8.27.18](#)  
[Signed Ordinance 18-100](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.B. [18-0458](#)** Ordinance No. 18-101 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$4,423,414 for a transfer to the Capital Improvement Program Fund, and to the Capital Improvement Program Fund in the amount of \$4,423,414 for capital transportation infrastructure projects due to additional funding from the Highway Users Tax Fund

Presenter:

Charae McDaniel, Chief Financial Officer  
Chris Wheeler, Budget Manager

**Attachments:** [Supplemental Approp Ordinance for addl HUTF funding](#)  
[Signed Ordinance 18-101](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.C. [18-0483](#)** Ordinance No. 18-102 amending Section 315 (Delegation of Authority During Temporary or Short Term Absences) of Part 3 (Powers and Duties of the Mayor) 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 the delegation of Mayoral appointment authority for temporary replacement members on the Title Board

Presenter:

Marc Smith, Corporate Division Chief, Office of the City Attorney  
Don Knight, City Councilmember

**Attachments:** [TitleBdApptMemberDelegationORD-2018-08-22\(2\).docx](#)  
[Signed Ordinance 18-102](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.D. [CPC V](#)  
[18-00099](#)** Ordinance No. 18-103 vacating portions of a public right-of-way known as Banning Lewis Ranch Parkway consisting of 14.645 acres

(LEGISLATIVE)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community

Development  
Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD VacationROW Banning Lewis Ranch Parkway](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Vacation Plat](#)  
[Figure 1 - Village 3 Development Plan](#)  
[Vicinity Map](#)  
[Signed Ordinance 18-103](#)

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.E. [18-0484](#)** Ordinance No. 18-104 amending Part 9 (Boards and Commissions) 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, and associated ordinance and rules amendments pertaining to Council-appointed boards and commissions

Presenter:

Marc Smith, Corporate Division Chief, Office of the City Attorney  
Don Knight, City Councilmember

**Attachments:** [BoardsCommissionsORD-2018-010-03](#)  
[Signed Ordinance 18-104](#)

**This Ordinance was finally passed on the Consent Calendar.**

#### **4B. First Presentation:**

- 4B.A. [18-0539](#)** City Council Regular Meeting Minutes October 9, 2018

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [10-9-2018 City Council Meeting Minutes Final.pdf](#)

**The Minutes were approved on the Consent Calendar.**

- 4B.B. [18-0541](#)** Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

**Attachments:** [102318 Boards and Commissions](#)

**This Item was approved on the Consent Calendar.**

- 4B.C. [18-0397](#)** Approval of the Proposed 2019 Budget for the Colorado Springs Downtown Development Authority

Presenter:  
Carl Schueler, Planning Manager - Comprehensive Planning

**Attachments:** [10-8-18 BIDpresentation](#)  
[2019 DDA Preliminary Budget Cover Letter](#)  
[DDA 2019 Scope of Work](#)

**This Item was approved on the Consent Calendar.**

**4B.D.** [18-0417](#) Approval of the Proposed 2019 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District

Presenter:  
Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2019 BID Preliminary Budget Cover Letter](#)  
[2019 Operating Plan Greater Downtown BID](#)

**This Item was approved on the Consent Calendar.**

**4B.E.** [18-0408](#) Approval of the Proposed 2019 Operating Plan and Budget for the Barnes & Powers North Business Improvement District

Presenter:  
Carl Schueler, Planning Manager - Comprehensive Planning

**Attachments:** [2019 Operating Plan with Budget Barnes & Powers North BID](#)

**This Item was approved on the Consent Calendar.**

**4B.F.** [18-0409](#) Approval of the Proposed 2019 Operating Plan and Budget for the Barnes & Powers South Business Improvement District

Presenter:  
Carl Schueler, Planning Manager - Comprehensive Planning

**Attachments:** [2019 Operating Plan with Budget Barnes & Powers South BID](#)

**This Item was approved on the Consent Calendar.**

**4B.G.** [18-0410](#) Approval of the Proposed 2019 Operating Plan and Budget for the Briargate Center Business Improvement District

Presenter:  
Carl Schueler, Planning Manager - Comprehensive Planning

**Attachments:** [Final 2019 Operating Plan and Budget Briargate Center BID](#)

**This Item was approved on the Consent Calendar.**

- 4B.H.** [18-0411](#) Approval of the Proposed 2019 Operating Plan and Budget for the Creekwalk Marketplace Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

**Attachments:** [Creekwalk Marketplace BID - 2019 Operating Plan and Budget](#)  
[Creekwalk Proposed Inclusions Map](#)

**This Item was approved on the Consent Calendar.**

- 4B.I.** [18-0414](#) Approval of the Proposed 2019 Operating Plan and Budget for the First and Main Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2019 Operating Plan with Budget First and Main BID](#)

**This Item was approved on the Consent Calendar.**

- 4B.J.** [18-0415](#) Approval of the Proposed 2019 Operating Plan and Budget for the First and Main Business Improvement District No. 2

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

**Attachments:** [2019 Operating Plan and Budget - First and Main BID No. 2-cleaned.pdf](#)

**This Item was approved on the Consent Calendar.**

- 4B.K.** [18-0427](#) Approval of the Proposed 2019 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2019 Operating Plan with Budget Powers-Woodmen Commercial BID](#)

**This Item was approved on the Consent Calendar.**

- 4B.L.** [18-0545](#) Approval of the Proposed 2019 Operating Plan and Budget for the Interquest South Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2019 Operating Plan and Budget Interquest South BID](#)

**This Item was approved on the Consent Calendar.**

- 4B.M.** [18-0546](#) Approval of the Proposed 2019 Operating Plan and Budget for the Interquest Town Center Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [Revised ITCBID 2019 Operating Plan and Budget \(Rev2 10-5-18\)](#)
- This Item was approved on the Consent Calendar.**
- 4B.N.** [18-0428](#) Approval of the Proposed 2019 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District
- Presenter:  
Carl Schueler, Planning Manager - Comprehensive Planning
- Attachments:** [USAFA BID - Ltr to City Clerk - 2019 Operating Plan](#)  
[USAFA BID - 2019 Operating Plan - Revised Final - Oct 1 2018](#)
- This Item was approved on the Consent Calendar.**
- 4B.O.** [18-0429](#) Approval of the Proposed 2019 Operating Plan and Budget for the SW Downtown Colorado Springs Business Improvement District
- Presenter:  
Carl Schueler, Comprehensive Planning Manager
- Attachments:** [2019 Operating Plan and Budget - SW Downtown BID-cleaned.pdf](#)
- This Item was approved on the Consent Calendar.**
- 4B.P.** [18-0486](#) A Resolution Supporting an Application to Great Outdoors Colorado for Panorama Park Enhancements
- Presenter:  
Tilah Larson, Senior Analyst, Parks, Recreation and Cultural Services  
Karen Palus, Director of Parks, Recreation and Cultural Services
- Attachments:** [10-8-18 - Panorama City Council Resolution of Support](#)  
[Signed Resolution 111-18](#)
- This Resolution was adopted on the Consent Calendar.**
- 4B.Q.** [18-0501](#) A Resolution for Acquisition of Real Property from homeowners affected by the 2015 landslide events to the City of Colorado Springs
- Presenter:  
Gordon Brenner, City Office of Emergency Management Recovery Coordinator

Darlene Kennedy, City Real Estate Services Manager  
Jennifer Vance, City Finance Grants Program Manager

**Attachments:** [Resolution for Acquisition](#)  
[4860 Broadmoor Bluffs Ex A.pdf](#)  
[4880 Broadmoor Bluffs Ex B.pdf](#)  
[4890 Broadmoor Bluffs Ex C.pdf](#)  
[18-0501 Landslide Acquisition HMGP 20181002](#)  
[Signed Resolution 112-18](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.R.** [18-0517](#) The City Clerk reports that on October 9, 2018 there was filed with her a petition for the annexation of USAFA Annexation Filing 1. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [USAFA Annexation Filing 1 petition.pdf](#)  
[USAFA Annexation Filing 1 legal description.pdf](#)  
[USAFA Annexation Exhibit.pdf](#)

**This Item was approved on the Consent Calendar.**

- 4B.S.** [18-0518](#) The City Clerk reports that on October 9, 2018 there was filed with her a petition for the annexation of USAFA Annexation Filing 2. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [USAFA Annexation Filing 2 petition.pdf](#)  
[USAFA Annexation Filing 2 legal description.pdf](#)  
[USAFA Annexation Exhibit.pdf](#)

**This Item was approved on the Consent Calendar.**

- 4B.T.** [CPC MP](#)  
[04-00254-A7](#)  
[MJ18](#) A major master plan amendment to the Farm Master Plan that modifies a note pertaining to the maximum square footage limitation for commercial and employment uses located northwest of the New Life

Drive and Federal Drive intersection.

(LEGISLATIVE)

Related Files: CPC PUZ 18-00070, CPC PUP 18-00071

Presenter:

Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [RES TheFarmMasterPlanAmendment](#)

[Exhibit A - Farm Master Plan](#)

[Vicinity Map](#)

[CPC Report\\_CampusFoothillsFarm\\_DJS](#)

[Figure 1 - Farm Master Plan](#)

[Figure 2 - Zone Change Exhibit](#)

[FIGURE 3 - PUD Concept Plan UPDATED](#)

[Figure 3 - PUD Concept Plan](#)

[Figure 4 - -Project Statement](#)

[Figure 5 - USAFA Letter](#)

[Figure 6 - FIA\\_8172018](#)

[Figure 7 - Trip Generation Memorandum](#)

[Figure 8 - Email from La Plata](#)

[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

[Campus@FoothillsFarm\\_Staff-Presentation\\_9272018](#)

[Signed Resolution 113-18](#)

**This Item was approved on the Consent Calendar.**

**4B.U. [CPC PUZ 18-00070](#)**

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 28.58 acres of land from PUD/A (Planned Unit Development and Agricultural) to PUD (Planned Unit Development; commercial and residential, 20 dwelling units per acre, maximum height of 45-feet in Parcel A and 70-feet in Parcel B for office and commercial uses), located northwest of the New Life Drive and Federal Drive intersection.

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development



- Attachments:** [ZC\\_ORD\\_FoothillsFarm](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change Exhibit](#)  
[Figure 2 - Zone Change Exhibit](#)  
[7.5.603 Findings - ZC req\\_CA](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)

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

- 4B.V.** [CPC PUP 18-00071](#)      The Campus at Foothills Farm PUD Concept Plan for 28.58 acres of land to be developed with a commercial and residential development, located northwest of the New Life Drive and Federal Drive intersection.

(QUASI-JUDICIAL)

Related Files: CPC MP 04-00254-A7MJ18, CPC PUZ 18-00070

Presenter:  
Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

- Attachments:** [FIGURE 3 - PUD Concept Plan UPDATED](#)  
[Figure 3 - PUD Concept Plan](#)  
[7.3.605 PUD Concept Plan](#)  
[7.5.501.E Concept Plans](#)

**This Item was approved on the Consent Calendar.**

- 4B.W.** [CPC PUZ 18-00068](#)      An ordinance amending the Zoning Map of the City of Colorado Springs relating to 7.8 acres located south and west of the intersection at Red Cavern Road and Crisp Air Drive, establishing the PUD (Planned Unit Development - attached single-family residential (townhomes); 9.00 dwelling units per acre maximum; 30-foot maximum building height) zone district..

(Quasi-Judicial)

Presenter:  
Matthew Bingman, DRE Permit Center Administrator, Planning & Community Development  
Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ZC\\_ORD\\_NorthForkTownhomes](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zoning Exhibit](#)  
[CPC Staff Report North Fork Townhomes](#)  
[FIGURE 1\\_DevelopmentPlan](#)  
[FIGURE 2\\_ProjectStatement](#)  
[FIGURE 3\\_Zone Change](#)  
[Figure 4 - Additional Information](#)  
[Figure 5 - Neighborhood Comment](#)  
[Map](#)  
[7.5.603 Findings - ZC req\\_CA](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[STAFF PP\\_North Fork Townhomes\\_CPC 9-20-2018](#)

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

- 4B.X.** [CPC PUD  
18-00069](#) North Fork Townhomes PUD Development Plan which proposes construction of 70 townhome units on 7.8 acres located west of the intersection at Red Cavern Road and Crisp Air Drive.

(Quasi-Judicial)

Related File: CPC PUZ 18-00068

Presenter:

Matthew Bingman, DRE Permit Center Administrator, Planning & Community Development

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [FIGURE 1\\_DevelopmentPlan](#)  
[7.3.606 PUD Development Plan](#)  
[7.5.502.E Development Plan Review](#)

**This Item was approved on the Consent Calendar.**

- 4B.Y.** [CPC ZC  
18-00093](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 0.75-acre located at 1565 and 1581 York Road from OC (Office Complex) to C-6/CR (General Business with conditions of record)

(Quasi-Judicial)

Presenter:

Chris Staley, Planner II, Planning and Community Development

Peter Wysocki, Planning Director

- Attachments:** [ZC ORD YorkRoad](#)  
[Exhibit A - York Road Legal](#)  
[Exhibit B - York Road](#)  
[CPC Staff Report - York Road ZC](#)  
[Figure 1 - Zone Change EX](#)  
[Figure 2 - Development Plan](#)  
[Figure 3 - Project Statement](#)  
[Figure 4 - Yorkshire Estates HOA Board Approval Email 08.21.2018V2](#)  
[Figure 5 - OC and C-6 zones \(proposed C-6 CR\)](#)  
[7.5.603 ZC Findings](#)  
[Vicinity Map](#)  
[York Road Staff-Presentation 10.02.2018](#)  
[Minutes for York Road](#)

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

- 4B.Z.** [CPC DP 18-00094](#) A development plan depicting the existing building, parking and overall property configuration for the properties addressed as 1565 and 1581 York Road.

(Quasi-Judicial)

Related File: CPC ZC 18-00093

Presenter:  
Chris Staley, Planner II, Planning and Community Development  
Peter Wysocki, Planning Director

- Attachments:** [Figure 2 - Development Plan](#)  
[7.5.502 \(E\)](#)

**This Item was approved on the Consent Calendar.**

- 4B.AA** [18-0527](#) A Resolution Authorizing the Partial Abandonment of the Following Tops Trails Category CIP Projects: \$172,162-Sinton Trail at Chestnut, \$111,694-Sand Creek at Hancock Crossing, the Full Abandonment of \$100,000-Chamberlain Trail-Zoo Segment and Transferring the Remaining Balance of \$16,144 from Skyline Trail for a Total Transfer of \$400,000 to the Foothills and Gateway Trail Projects at the Garden of the Gods Regional Park

Presenter:  
Britt Haley, Design and Development Manager/TOPS Program Manager  
Karen Palus, Director of Parks, Recreation and Cultural Services

**Attachments:** [TOPS Trail CIP Amendment Council Presentation](#)  
[Resolution TOPS CIP](#)  
[Signed Resolution 114-18](#)

**This Resolution was adopted on the Consent Calendar.**

**4B.AB [18-0550](#)**

Setting the hearing date for November 13, 2018 for an ordinance amending Sections 102 (Code Adopted by Reference) and 103 (Penalty Provisions, Additions, and Modifications) of Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to amending provisions of the Pikes Peak Regional Building Code, 2017 Edition, formerly adopted by Ordinance No. 18-15 and reinstating the penalties for the violation thereof

(Legislative)

Presenter:  
Roger Lovell, Building Official, Pikes Peak Regional Development Department  
Keith Curtis, Floodplain Administrator, Pikes Peak Regional Building Department  
Jina Koultchitzka, Regional Building Counsel, Pikes Peak Regional Building Department

**Attachments:** [RBC-AmendmentORD-2018-10-16-clean.docx](#)  
[RBD-CodeAdoptionNotice2018-10-19.docx](#)

**This Item was approved on the Consent Calendar.**

**4B.AC [18-0499](#)**

A resolution setting the Electric Cost Adjustment effective November 1, 2018

Presenter:  
Tamela Monroe, Chief Planning and Finance Officer  
Aram Benyamin, P.E., Chief Executive Officer

**Attachments:** [10-23-2018 CC -ECA Resolution, Tariff Sheets, & Sch 1.pdf](#)  
[Signed Resolution 115-18](#)

**This Resolution was adopted on the Consent Calendar.**

**4B.AD [18-0500](#)**

A resolution setting the Gas Cost Adjustment effective November 1, 2018

Presenter:  
Tamela Monroe, Chief Planning and Finance Officer

Aram Benyamin, P.E., Chief Executive Officer

**Attachments:** [10-23-2018 CC - GCA Resolution, Tariff Sheets, & Sch 1.pdf](#)  
[Signed Resolution 116-18](#)

This Resolution was adopted on the Consent Calendar.

### **Approval of the Consent Agenda**

**Motion by Councilmember Bennett, seconded by President Pro Tem 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 9-0-0-0**

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

### **5. Recognitions**

Councilmember Strand read the Proclamation recognizing October as Dysautonomia Awareness Month.

Citizen Nicole Everett spoke on behalf of Dysautonomia International and expressed appreciation for the Proclamation.

### **6. Citizen Discussion**

Citizen Dar Elder spoke about the removal of benches from a local Safeway store.

Citizen Dennis Lemmee, representing the Soaring Eagles Homeowners Association, explained the parking issues on Silver Hawk Avenue.

Citizen Tom Noonan requested increased bus service to the U.S. Department of Veteran's Affairs (VA).

Citizen Deborah Stout-Meiningner commented about several political ad campaigns and ballot issues.

Citizen Oliver Nguyen-Lopez expressed appreciation for the left turn signal light installed at Lexington Drive and Briargate Parkway intersection.

Citizen Pastor Nelson spoke regarding the Leon Young pavilion.

### **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**

- 9.A. [18-0487](#) An Ordinance Approving the Annual Budget for Colorado Springs Utilities and Appropriating Monies for the Several Purposes Named in the Annual Colorado Springs Utilities Budget for the Year Ending December 31, 2019

Presenter:

Tamela Monroe, Chief Planning and Finance Officer  
Aram Benyamin, Chief Executive Officer

**Attachments:** [2019 Annual Budget Formal Ord-Revised.docx](#)  
[10-23-2018 CC Budget Presentation Final.pptx](#)

Tamela Monroe, Chief Planning and Finance Officer, presented the Ordinance approving the annual Budget for Colorado Springs Utilities for 2019. She stated the budget has been thoroughly reviewed by the Colorado Springs Utilities Board and Finance Committee. Ms. Monroe gave an overview of the proposed budget, the approved five-year financial summary plan, the key programs of work, and the five-year capital project and operations and maintenance plans for electric, natural gas, water, wastewater, and common services.

There were no comments on this item.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance approving the annual budget for Colorado Springs Utilities and appropriating monies for the several purposes named in the annual Colorado Springs Utilities budget for the year ending December 31, 2019 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.B. [18-0533](#) An Ordinance Identifying and Accepting the Annual Sources of Funds for Colorado Springs Utilities for the Year Ending December 31, 2019

Presenter:

Tamela Monroe, Chief Planning and Financial Officer  
Aram Benyamin, Chief Executive Officer

**Attachments:** [2019 Appropriation Accept Source Funds Ord-Revised.docx](#)

Please see comments in Agenda item 9.A.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance identifying and accepting the annual sources of funds for Colorado Springs Utilities for the year ending December 31, 2019 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.C. [18-0532](#)** Public Hearing for the Consideration of Resolutions Setting Water and Wastewater Rates Within the Service Areas of Colorado Springs Utilities

Presenter:

Tamela Monroe, Chief Planning and Finance Officer

Aram Benyamin, Chief Executive Officer

**Attachments:** [2 - 10-23-2018 CC 2019 Rate Case Resolutions and Tariff Sheets.pdf](#)

[3 - 10-23-2018 CC 2019 CAO Instructions.docx](#)

[4 - 10-23-2018 CC 2019 Hearing Agenda.docx](#)

[5 - 10-23-2018 CC 2019 Issues For Decision-10-23-18.doc](#)

[6 - 10-23-2018 CC 2019 Rate Hearing Presentation \(2\).pdf](#)

Chris Bidlack, City Attorney, Colorado Springs Utilities Division, read the Colorado Springs Utilities rate setting standards and the quasi-judicial role of City Council. Mr. Bidlack polled Council concerning if any members had received any ex parte communications. Councilmember Pico stated he received a phone call in opposition, but would remain fair and impartial in his decision. The rest of Council indicated there were no ex parte communications. Mr. Bidlack presented the hearing agenda and stated the Colorado Springs Utilities filing fulfilled proper procedural compliance requirements.

Tamela Monroe gave an overview of the 2019 Rate Case Filing in regards to the proposed changes to the water and wastewater rate schedules. She stated the total monthly residential typical bill will increase by approximately \$4.68 (2.1%), the total monthly commercial typical bill will increase by approximately \$8.69 (.6%), and the total industrial typical bill will increase by approximately \$112.09 (.3%). She identified the customer outreach which had occurred and the programs in place to assist customers.

Sonya Thieme, Rates Manager, stated the City Auditor's Office reviewed the cost of service study and found it supports the proposed rate changes with no findings.

Mr. Bidlack polled Council regarding the issues for decision for the Water

and Wastewater Service. City Council directed that the terms and conditions be held as proposed. Please see the attached document for additional details.

## **10. Unfinished Business**

- 10.A.** [18-0467](#) Ordinance No. 18-105 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$500,000 for capital and operating expenses associated with increasing the number of available low-barrier shelter beds in our community

Presenter:

Charae McDaniel, Chief Financial Officer  
Andrew Phelps, Homelessness Prevention & Response Coordinator,  
Neighborhood Services  
Peter Wysocki, Director of Planning and Development  
Steve Posey, HUD Grants Administrator

**Attachments:** [Supplemental Approp Ordinance for low-barrier shelter beds - with added whereas.docx](#)  
[Signed Ordinance 18-105](#)

Councilmember Geislinger stated this is a regional issue and expressed appreciation for Nor'wood Development's contribution of \$100,000 to this project.

Councilmember Knight stated he will be voting against this item because of the source of funding coming from the General Fund. He said he is pursuing other sources of funding to refund the General Fund for this capital cost.

Councilmember Strand asked if a majority of the funding will go toward capital expenses. Andrew Phelps, Homelessness Prevention and Response Coordinator, stated he will provide a breakdown of capital improvement and operation cost.

**Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Ordinance be Ordinance for the supplemental appropriation to the general fund in the amount of \$500,000 for capital and operating expenses associated with increasing the number of available low-barrier shelter beds in our community be finally passed. The motion passed by a vote of 8-1-0-0.**

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

**No:** 1 - Knight

## **11. New Business**



- 11.A. [18-0416](#) Approval of the Proposed 2019 Operating Plan and Budget for the First and Main North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2019 Operating Plan and Budget - Amended on 10.19.18 - First Main North BID](#)

Carl Schueler, Planning Manager, Comprehensive Planning, presented the proposed 2019 operating plan and budget for the First and Main North Business Improvement District. He stated the budget has been updated to reflect the text of the operating plan and budget regarding 50.0 mills of debt service and the bond covenants.

There were no comments on this item.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the proposed 2019 Operating Plan and Budget for the First and Main North Business Improvement District be approved. The motion passed by a vote of 9-0-0**

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

- 11.B. [18-0418](#) Approval of the Proposed 2019 Operating Plan and Budget for the Interquest North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2019 Operating Plan and Budget - Interquest North BID-cleaned.pdf](#)

Carl Schueler, Planning Manager, Comprehensive Planning, presented the proposed 2019 operating plan and budget for the Interquest North Business Improvement District. He stated the abatement in combination with the debt service mill levy temporarily exceeding the 50.0 mill levy cap was required by the bond covenants and recommended by the bond counsel.

Councilmember Knight asked if the abatement was mandatory. Russ Dykstra, from Spencer Fane, representing the district, stated it is prudent, but not mandatory and they would like to keep the capital fund, which is intended for non-debt purposes, separate from the debt fund.

Councilmember Knight asked for justification of the request for the debt limit increase from \$13 million to \$25 million. Mr. Schueler stated he will provide that information.

Councilmember Knight stated he will not be supporting this item because he believes the district should be able to operate within the 50.0 mills.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the proposed 2019 Operating Plan and Budget for the Interquest North Business Improvement District be approved. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Knight, and Murray

- 11.C. [CPC CA 18-00063](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for short term rental units.

(Legislative)

Presenter:

Meggan Herington, Assistant Planning Director

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD-Short Term Rental](#)  
[CPC Staff Report Short Term Rental Unit](#)  
[FIGURE 1 VRBOlocations](#)  
[FIGURE 2 Municipal Comparisons](#)  
[FIGURE 3 ReadlinedSTR Draft](#)  
[FIGURE 4 Correspondence](#)  
[FIGURE 4a Additional Correspondence](#)  
[FIGURE 5 Self Inspection Checklist Draft2](#)  
[Opposition Correspondence from Neighborhood Preservation Alliance](#)  
[Comparison Table](#)  
[CPC ShortTermRental Minutes](#)  
[Staff Presentation STR WorksessionCC](#)

Councilmember Bennett recused himself due to his son, daughter-in-law, and wife own and/or manage a short term rental unit in the City.

Councilmember Geislinger stated he will be making a motion to amend the Ordinance to implement a 125 percent cap on the permits issued as of June 1, 2019. Bret Waters, Deputy Chief of Staff, stated the Mayor's Office does not recommend a cap.

Peter Wysocki, Director of Planning and Community Development, stated this item was introduced to staff by the Council of Neighbors and

Organizations (CONO) approximately two years ago to develop regulation and collect Lodgers and Automobile Rental Tax (LART) for short term rentals. He stated staff reviewed many jurisdictions and their regulations and worked to find what fits the community best.

Councilmember Geislinger asked if the short term rentals Ordinance corresponds with the Vibrant Neighborhood aspect of PlanCOS. President Pro Tem Gaebler, Vice Chair of the PlanCOS steering committee, stated short term rentals were considered during the overall discussions.

Councilmember Knight asked if sales and use tax would also be collected from short term rentals. President Skorman confirmed it would.

Meggan Herington, Assistant Planning Director, Planning and Community Development, presented the Ordinance amending Chapter 7 of City Code defining and establishing standards for short term rental units. She explained the stakeholder process, identified Colorado jurisdictions which have short term rental regulations and presented a map of currently identified short term rental units. Ms. Herington gave an overview of the alternative language for the Ordinance as suggested by City Council.

Citizen Michael Applegate, representing the Neighbor Preservation Alliance, gave a presentation in opposition to the proposed Ordinance. He stated they support owner-occupied, but not investor-owned short term rentals. Mr. Applegate stated short term rentals circumvent existing City zoning regulations, this proposed Ordinance will open the door to unlimited, exponential investment growth, and will add to the housing availability crisis. He said safety will be diminished for both residents and guests, they would like a cap of the initial number of permits, and suggested a third-party verification company to verify the data provided by platforms supporting short term rentals.

Citizens Bill Fodor, Doug Schultz, Bruce Hutchison, Jim Keuning, Holda Keuning, Ed Sawyer, Marie McGinnis, Bill Wysong, Pattie Croag, Brad Davis, Patrick Tompkins, Laura Walker, and Jill Johnson spoke in opposition of the proposed Ordinance.

Councilmember Murray asked how many short term rentals are currently in the City. Ms. Herington stated the data is inconclusive at this time.

Councilmember Strand asked how much sales tax has been collected from AirBnB. Ms. Herington stated \$700,000 in 2017.

Councilmember Knight asked how many people were allowed to occupy a house. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated five or more related individuals are permissible as a family, but in regards to unrelated individuals, it would be no more than five. Ms. Herington stated the number of people physically allowed in a structure is in the City's Fire Code.

Citizen Amy Stephens, representing the Colorado Springs Short Term Rental Alliance, gave a presentation in support of the proposed Ordinance. She stated this is an issue about private property rights and there was no previous discussion during the process regarding the implementation of a cap. Ms. Stephens said their objectives were to support a good neighbor policy, private property rights, LART tax, and permitting.

Councilmember Geislinger stated the cap was specifically designed to not interfere with existing permits. Ms. Stephens stated she does not believe in caps.

Councilmember Geislinger asked if they supported investor-owned short term rentals. Ms. Stephen stated they honor everyone's property rights.

Citizens Ed Behr, Ryan Spradlin, Brandon Behr, Trevor Dierdorff, Elliott Orsillo, Lisa Taskerud, Jill Bowman, Cathy Dawson, Rachel Beck from the Chamber of Commerce and EDC, Leah Behr, Rene Behr, Chad Bowman, Nathan Seither, Jenn Nims, Jeff Feltes, Courtney Olsen, Ryan Decker, Caleb Reeder, Dean Remillard, Doug Raines, Ceil Horowitz, Scott Mills, spoke in favor of the proposed Ordinance, but without the amendment to include a cap or the owner-occupied requirement.

Diane Loschen from Council of Neighbors and Organizations (CONO), spoke in favor of the proposed Ordinance. Councilmember Knight asked if Ms. Loschen was speaking on behalf of CONO. Ms. Loschen confirmed she was.

Councilmember Geislinger asked if there will be an artificial increase in permits obtained due to the cap because of the fear of missing the

deadline. Mr. Spradlin stated he believes there could be rush because people may obtain a permit in case they may eventually want to rent out their house in the future as a short term rental.

President Skorman polled the audience in regard to their position on the proposed cap, owner-occupied requirement, and whether they supported the Ordinance as written. The majority indicated they do not support a cap or the requirement to be owner-occupied, but do support the Ordinance as written.

Councilmember Knight recommended a process be implemented to verify tax submissions are accurately filed and requested the third party website verification and potential parking issues be reviewed by staff. Bret Waters, Deputy Chief of Staff, stated they will research those areas.

President Pro Tem Gaebler explained how much discussion, compromise, and collaboration had taken place to create this proposed Ordinance.

Councilmember Murray requested the Ordinance be amended to remove the language "Manager and Planning Commission" in Section 7.5.1705: Conditions of Approval. President Pro Tem Gaebler stated fines or issues are procedural executive branch decisions which should not have to come before City Council unless appealed. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the language is in place to give authority to the Manager to impose additional conditions in order to mitigate a safety or health welfare issue associated with one of the permits. Councilmember Murray withdrew his request.

Councilmember Knight stated he supports the cap because of not knowing how many short term rentals there are and because it would be easier to remove a cap at a later time rather than adding one.

**Motion by Councilmember Geislinger, seconded by Councilmember Knight, to amend the Ordinance amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for short term rental units to include a cap of 125 percent on June 2, 2019 of permits issued through June 1, 2019. The motion failed by a vote of 3-5-0-1**

**Aye:** 3 - Avila, Geislinger, and Knight

**No:** 5 - Gaebler, Murray, Pico, Skorman, and Strand

**Recused:** 1 - Bennett

Councilmember Strand stated he would like to revisit Section 7.5.1704.B. at a later time in regards to the limit of one short term rental unit within each

lawful dwelling unit because long term rentals do not require the same limit.

Councilmember Pico stated he is adamantly opposed to the cap because it denies property rights and economically, supply and demand will regulate the number of permits obtained.

Councilmember Avila stated she is concerned about the impact on the community from outside investors.

Councilmember Murray stated there has not been a demonstration of what is being protected in regards to property rights.

Councilmember Geislinger stated this Ordinance is not complete and needs a lot of work, but will reluctantly support it.

**Motion by Councilmember Pico, seconded by President Pro Tem Gaebler, that the Ordinance amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for short term rental units be approved on first reading. The motion passed by a vote of 8-0-0-1**

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

**Recused:** 1 - Bennett

- 11.D.** [18-0440](#) A Resolution rescinding resolution number 12-17 and establishing development application fees for the Land Use Review Division of the Planning and Development Department specifically adding a fee for short term vacation home rental permit.

(Legislative)

Presenter:

Meggan Herington, Assistant Planning Director

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [RES\\_Development-App-Fees](#)

[Exhibit A Fee Resolution B](#)

[Signed Resolution 117-18](#)

Please see comments in Agenda item 11.C.

**Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Resolution rescinding resolution number 12-17 and establishing development application fees for the Land Use Review Division of the Planning and Development Department specifically adding a fee for short term vacation home rental permit be adopted. The motion passed by a vote of 8-0-0-1**

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

Recused: 1 - Bennett

## **12. Public Hearing**

- 12.A. [CPC PUZ 18-00066](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining 2.33 acres located northwest of Centennial Boulevard and Mule Deer Drive from PUD/HS (Planned Unit Development with Hillside Overlay: commercial) to PUD/HS (Planned Unit Development: multi-family residential, 17.17 dwelling units per acre with a maximum building height of 37 feet - 2 inches, with Hillside Overlay).

(Quasi-Judicial)

Related file: CPC PUD 06-00067-A3MJ18

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development  
Peter Wysocki, Director Planning and Community Development

**Attachments:** [ZC\\_ORD - TuscanFoothillsVillage2](#)  
[Exhibit A - Tuscan Foothills Village Filing No 2 - Legal Description](#)  
[Exhibit B - Tuscan Foothills Village Filing No. 2 Zone Change](#)  
[Exhibit-DWG](#)  
[Aerial Vicinity Map](#)  
[Vicinity Map](#)  
[Tuscan FHV Filing 2 CPC Report](#)  
[Figure 1 - Project Statement](#)  
[Figure 2 - Tuscan FHV Filing 2 DP](#)  
[Figure 3 - Resident Comments](#)  
[Figure 3a - Additional Resident Comments](#)  
[Figure 3b - Email in Opposition - Mr and Mrs Schuetz](#)  
[Figure 3c - Email in Opposition - Dr Donald Reed](#)  
[Figure 4 - Original Tuscan Foothills Village PUD DP](#)  
[Figure 5 - Proposed and Future Open Space](#)  
[Figure 6 - 2020 land Use map and master plan matrix](#)  
[Figure 7 - CGS Letter](#)  
[7.5.603 Findings - ZC req\\_CA](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[City Code Section 7.5.9 - Notice](#)  
[Staff Presentation - Tuscan FHV Filing 2](#)

Mike Schultz, Principal Planner, Planning and Community Development,  
presented the Ordinance amending the zoning map of the City of Colorado

Springs pertaining to 2.33 acres located northwest of Centennial Boulevard and Mule Deer Drive (Tuscan Foothills Village Filing No. 2) from commercial to multi-family residential. He presented a map of the site location, provided a brief background of the project, and gave an overview of the current and proposed Tuscan Foothills Village development plans. Mr. Schultz described the future open space, the 2008 and 2012 Tuscan Foothills Village development plans, stakeholder process, and staff recommendation.

Councilmember Knight and President Pro Tem Gaebler requested a financial impact statement. Mr. Schultz stated there was not one required for this change because it is not a major master plan amendment. Councilmember Knight stated the Council agreed intent from the administrative branch was whenever there was a change in use of property from commercial to residential, Council would receive a financial impact analysis.

Peter Wysocki, Director Planning and Community Development, stated a financial impact statement would apply to a master plan amendment and this is a zone change which under City Code does not require a financial impact analysis. Bret Waters, Deputy Chief of Staff, stated a meeting will be scheduled with City Council and staff to clarify the issue.

President Pro Tem Gaebler expressed appreciation for the reduction of the speed limit on Centennial Boulevard. Kathleen Krager, Transportation Planning Manager, identified the areas of reduced speed limits.

Councilmember Strand asked if postcards had been mailed out to notify neighbors. Mr. Schultz stated there was an error with sending the initial postcard notifications, but they held a neighborhood meeting with residents to address any concerns.

Citizen Bill Wysong stated he attended the neighbor notification meeting and the only concern presented from some of the residents was in regards to the lighting and how it will affect residents to the east of the development.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 2.33 acres from PUD/HS (Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: multi-family residential, 17.17 dwelling units per acre with a maximum building height of 37 feet 2 inches) with Hillside Overlay, based on the finding that the zone change request complies with the three (3) review criteria for granting a zone change in City Code Section**



7.5.603(B) and the review criteria in City Code Section 7.3.603 for establishment of a PUD zone be approved on first reading. The motion passed by a vote of 6-3-0-0

**Aye:** 6 - Avila, Bennett, Gaebler, Geislinger, Pico, and Skorman

**No:** 3 - Knight, Murray, and Strand

- 12.B.** [CPC PUD 06-00067-A3 MJ18](#) The Tuscan Foothills Village Filing Number 2 Development Plan illustrating four 10-unit multi-family buildings on 2.33 acres located northwest of Centennial Boulevard and Mule Deer Drive.

(Quasi-Judicial)

Related File: CPC PUZ 18-00066

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development  
Peter Wysocki, Director Planning and Community Development

**Attachments:** [Figure 2 - Tuscan FHV Filing 2 DP](#)  
[7.3.606 PUD Development Plan](#)  
[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.A.

**Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Tuscan Foothills Village Filing Number 2 Development Plan illustrating four (4) 10-unit multi-family buildings located at the northwest corner of Centennial Boulevard and Mule Deer Drive based upon the findings that the PUD development plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) be approved. The motion passed by a vote of 7-2-0-0**

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

**No:** 2 - Knight, and Murray

### **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