



City of Colorado Springs

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

Meeting Minutes Council Work Session

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Monday, May 11, 2020

10:00 AM

Council Chambers

How to Watch the Meeting

Coloradosprings.gov/springstv | Facebook Live: Colorado Springs City Council
Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)
- CenturyLink Channel 18

1. Call to Order

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

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

Councilmember Knight requested information regarding who participated in the interview panel for the recommendations to Boards and Commissions on the May 12, 2020 City Council agenda for approval. Emily Evans, City Council Administrator, stated she will provide that information.

Councilmember Pico requested item 4B.E. be removed from the May 12, 2020 City Council meeting Consent Calendar.

Consensus of City Council agreed to these changes.

4. Review of Previous Meeting Minutes

4.A. [20-192](#) City Council Work Session Meeting Minutes April 27, 2020

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [4-27-20 City Council Work Session Meeting Minutes Final](#)

Councilmember Avila requested the minutes be revised to reflect her comments regarding the City being a family-oriented community and free parking on Sundays.

The minutes of the April 27, 2020 Work Session meeting were approved as amended by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

5B.A. [20-198](#)

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a), (b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves legal advice and negotiation consultation with the City Attorney regarding a land transaction.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney

Attachments: [05112020ClosedSession.docx](#)

Wynetta Massey, City Attorney, stated that in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed involves legal advice and negotiation consultation with the City Attorney regarding a land transaction.

President Skorman polled City Council regarding the desire to proceed with an electronic Closed Executive Session. At least two-thirds of City Council agreed to proceed in an electronic Closed Executive Session. Each City Councilmember participating the electronic Closed Executive Session affirmatively stated for the record that no other member of the public not authorized to participate in the electronic Closed Executive

Session was present or able to hear the matters discussed as part of the Closed Executive.

6. Staff and Appointee Reports

There were no Staff and Appointee Reports.

7. Presentations for General Information

7.A. [20-160](#) El Paso County Public Health COVID-19 Update

Presenter:

Susan Wheelan, Public Health Director, El Paso County Public Health

Dr. Robin Johnson, Medical Director of El Paso County Public Health, gave an overview of the number of COVID-19 cases and hospitalizations a month ago, response objective and strategies during March and April, public health data dashboard, weekly trends, and Colorado counties cases versus populations, deaths, and doubling times. She went over the testing capacity, testing data, and contact tracing capacity. Dr. Johnson presented the COVID-19 statistics in El Paso County, community experience, health equity, and continued work.

Councilmember Pico requested the number deaths of patients in long term care facilities which occurred in the long term care facility versus the hospital. Dr. Johnson stated she will provide that information.

Councilmember Murray asked if contact tracing data by location is available to the public. Dr. Johnson confirmed that information is permissible in order to provide potential quarantine measures. Susan Wheelan, Public Health Director, El Paso County Public Health, gave an overview the state's website which identifies outbreak data.

Councilmember Geislinger asked if the County overreacted with the shelter in home measures taken a month ago. Dr. Johnson stated they did not due to the doubling time trend data.

Councilmember Geislinger asked about the economic effects on public health. Dr. Johnson stated they are collaborating with the Restaurant Association and local pastors regarding social and spiritual public health.

Councilmember Geislinger asked why there is requirement for facial coverings. Dr. Johnson stated many people can carry the virus even though they are asymptomatic and the mask decreases the spread of droplets, which decreases the spread of the virus.

President Pro Tem Strand asked if the number people tested should be

increased. Dr. Johnson gave an overview of the resources required for testing and even with the decrease of baseline cases, they want everyone who is showing symptoms to be tested, as well as higher risk group living facilities, but not the asymptomatic population at this time due to the sensitivity of the test.

Councilmember Pico stated the cases of COVID-19 is not comparable to the Spanish Flu and the hospitals never came close to capacity. He stated he is concerned with the economic devastation resulting from the lockdown. He asked what benchmark would cause another lockdown. Ms. Wheelan stated local public health has the responsibility of taking the Governor's orders seriously and act accordingly and they are doing what they can to ease the restrictions.

Councilmember Knight asked if there is antibody testing available for those who think they had COVID-19 and want to donate plasma. Dr. Johnson stated in order to track COVID-19 antibodies, a person needs to be seventeen days out from the last day of infection and UC Health is currently testing a limited number of antibody tests. She stated there is also a lot which is still unknown about the length and protection of immunity to the virus.

Councilmember Geislinger asked if there is an anticipated timeline for knowing additional information regarding immunity. Dr. Johnson stated due to it being a respiratory illness, they anticipate it will follow other respiratory type viruses and they are continuing to collect data and prepare for it. She stated the quickest a vaccine has ever been developed is eighteen months, but the chicken pox vaccine took thirty-five years to develop.

Lori Seago, Senior Assistant County Attorney, El Paso County Public Health, reviewed the details of the Colorado Department of Health Public Safer at Home Public Health Order 20-28. She compared the requirements of the previous Safe at Home Executive Order to the current Safer at Home Order and the variances for other counties within the state. Ms. Seago gave an overview of the general business requirements and general business considerations.

Councilmember Knight asked if a waiver can be issued regarding the limit of ten individuals for personal service establishments if their square footage area is larger. Ms. Seago stated waivers are not being granted at this time for individual establishments.

Councilmember Geislinger asked if the state recognizes the two hospital systems in the County also serve southern and eastern Colorado in regards to the consideration of variance requests. Dr. Johnson stated if the

County sees a particular surge of cases within the community or state, they take that into consideration in regards to the submission of any variance requests.

Councilmember Geislinger asked what enforcement measures have been taken for ensuring compliance of the Executive Order. Ms. Seago stated their team is primarily focused on education and voluntary compliance, but if that fails, they will issue a cease and desist order or possibly a criminal summons if necessary. Councilmember Geislinger requested the number of complaints which have been received and resolved. Ms. Seago agreed to provide that information.

President Skorman asked if a non-critical retail business has an occupancy capacity of more than twenty people if more than ten customers are allowed. Ms. Seago stated more than ten individuals are allowed, but need to maintain social distancing.

President Skorman asked if there are resources available to small businesses regarding personal protective equipment (PPE). Jim Reid, Regional Director, Office of Emergency Management, stated he will provide that information.

President Skorman asked how they should address the differences of opinions in regards to compliance. Ms. Seago stated the best thing to do to protect the community and economy is to encourage conformity with the provisions of the Executive Order. Dr. Johnson stated there will be a lot of different opinions due to competing priorities, but this is a living virus and there is an agrarian component to ethically and respectfully support compliance.

Councilmember Avila stated this is a difficult time, but the Governor has created a balance to preserve life. She requested the County provide a citizen service center annex in the Southeast part of the City and asked how Pueblo County is addressing COVID-19. Dr. Johnson stated she will provide additional information on the Pueblo COVID-19 plans.

Councilmember Pico stated there has been a Hobson's choice (taking what is available or nothing at all) as to the response to the virus in regards to life, liberty, and the pursuit of happiness.

7.B. [20-191](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 5-11-20.pdf](#)

Councilmember Knight asked if the acquisition of the 193-acres Black Canyon Quarry property will be bifurcated from the acquisition of the 148 acres for the Pike View buffer space. Sarah B. Johnson, City Clerk, stated she will contact the Parks, Recreation, and Cultural Services Department for that information.

Councilmember Knight asked if the proposed zone change to multi-family for the property located at 1265 Kelly Johnson Boulevard scheduled for presentation at the May 26, 2020 City Council meeting is the same property that was proposed to be a gun club several years ago. Jeff Greene, Chief of Staff, stated he will request the Planning and Community Development Department follow up on that question.

8. Items for Introduction

- 8.A. [20-163](#) A Resolution authorizing the Stetson Ridge Metropolitan District No. 3 to issue debt in the form of General Obligation Limited Tax Refunding and Improvement Bonds Series 2020A and Subordinate General Obligation Limited Tax Bonds, Series 2020B (3) in an aggregate total principal amount not to exceed \$10,500,000.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Resolution_StetsonRidgeMetroDist](#)

[PowerPoint](#)

[Attachment 1-Transmittal letter](#)

[Attachment 2- Term Sheet \(as of 02.28.2020\)](#)

[Attachment 3- Senior Indenture - 04-07-20](#)

[Attachment 4- Subordinate Indenture - 04-07-20](#)

[Attachment 5- Opinion of District Counsel](#)

[Attachment 6- Series A Fin. Projections 4-14-20](#)

[Attachment 7- Series B Fin. Projections 4-14-20](#)

[Attachment 8- cost summary - all public infrastructure](#)

[Attachment 9- Report 2R - 04.08.13 - RETech cost report](#)

[Attachment 10- Report 3 - 05.09.13 - RETech cost report](#)

[Signed Resolution 34-20.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution approving

the issuance of debt in the form of General Obligation Limited Tax Refunding and Improvement Bonds Series 2020A and Subordinate General Obligation Limited Tax Bonds, Series 2020B (3) not to exceed \$10,500,000 for the Stetson Ridge Metropolitan District No. 3. He provided a brief overview of the district background, summary, Series A Bonds, Series B Bonds, vicinity map, district map, and the discussion at the City Council Budget Committee.

There were no comments on this item.

- 8.B.** [20-181](#) Resolution authorizing issuance of debt by the Flying Horse Metropolitan District No. 2.

Presenter:

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

Attachments: [Resolution- Flying Horse 5-18-20](#)
[2020FlyingHorseDebtPP](#)
[Attachment 1 - Bond Submittal Issues Response](#)
[Attachment 2- Cover Letter - Flying Horse MD No. 2 \(1\)](#)
[Attachment 3 - Term Sheet](#)
[Attachment 4- Supplemental Term Sheet](#)
[Attachment 5- Draft District Bond Resolution](#)
[Attachment 6- Draft Senior Indenture](#)
[Attachment 7- Draft Subordinate Indenture](#)
[Attachment 8- Draft District Counsel Opinion](#)
[Attachment 9- Draft Bond Counsel Opinion -Series A](#)
[Attachment 10- Draft Bond Counsel Opinion- Series B](#)
[Attachment 11- Financial Projections](#)
[Attachment 12- Cost Summary](#)
[Signed Resolution 35-20.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Development Department, presented the authorization of Flying Horse Metropolitan District (MD) No. 2 to issue debt. He provided a brief summary, presented the district vicinity map, and gave a background and history of the district. Mr. Schueler identified the district properties and Budget Committee questions.

Councilmember Murray requested additional information regarding the data related to the cost to the homeowner in regards to principle and

interest.

Councilmember Knight commented that the previous mill levy did not have a discharge date, but will now have a forty-year maximum and requested any refinancing of these bonds include the same discharge date of 2059.

Councilmember Pico stated this issuance of debt does not include a tax rate increase, just an extension of the date.

Councilmember Geislinger asked why these bonds need to be refinanced. Doug Stimple, Classic Communities, LLC, stated they are refinancing these bonds to acquire a better rate, recoup some of the investment to repay the developer, and align the maturity and discharge date with Flying Horse MD No. 3.

Councilmember Geislinger requested additional information as to the impact to the homeowner. Mr. Stimple stated there is no change for the homeowner because the mill levy and the assessed value remains the same. He said the only difference is there will now be a discharge date.

9. Items Under Study

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

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Attachments: [RetoolCOS Timeline](#)

[Module 1: Districts and Uses](#)

[RetoolCOS ProjectPlan](#)

[ReToolCOS Module 1 PPT](#)

Peter Wysocki, Director of Planning and Community Development, stated a public open house for RetoolCOS was held on May 5, 2020 and in addition to the steering committee, there will be a sub-committee formed as a working group to review each of the draft proposals.

Don Elliott of Clarion Associates, representing the consultant, gave an overview of the project to establish a new modern, and more user-friendly Unified Development Code (UDC), the draft of Module 1 which includes zoning districts and use regulations, and the next steps for the drafts of

UDC.

Councilmember Pico stated the Accessory Dwelling Unit (ADU) overlay was proposed for new developments and was not to be retroactively applied to existing developments. Mr. Elliott confirmed that is correct. Mr. Wysocki stated the proposed Ordinances related to ADU overlay for new developments will be presented at the May 22, 2020 City Council Work Session meeting.

Councilmember Knight stated he is concerned with the proposal for mixed use including multi-family residential and if RetoolCOS is written that way, he would prefer a requirement for a public hearing, so the neighborhood would be able to comment, be included with it. Mr. Wysocki stated if there is an implemented master plan or no master plan in place within the mixed use zoning, any substantial changes to it would require a development plan which requires public notification.

10. Councilmember Reports and Open Discussion

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

11. Adjourn

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

Sarah B. Johnson, City Clerk