



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, May 12, 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

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Councilmember Geislinger who read a prayer written by Bishop Michael Sheridan from the Roman Catholic Diocese of Colorado Springs.

President Skorman led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Wynetta Massey, City Attorney, stated there is a properly noticed Executive Session on the agenda, item 14, and the topic to be discussed is in regards to a land transaction.

Councilmember Knight requested item 4B.E. be removed from the

Consent Calendar. 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. [20-142](#) Ordinance No. 20-19 amending Ordinance 02-24 to Allow City Council to Fill Vacancies on the Board of Directors of the Briargate Business Improvement District by Appointment.

(Legislative)

Presenters:

Carl Schueler, Comprehensive Planning Manager

Peter Wysocki, Planning and Community Development Director

**Attachments:** [Ordinance BriargateBID](#)  
[Briargate BID Appt. Ordinance PowerPoint](#)  
[Attachment 1- Ordinance 02-24](#)  
[Attachment 2- Signed Resolution 139-19](#)

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

- 4A.B. [CPC V](#)  
[19-00046](#) Ordinance No. 20-21 vacating a fifteen-foot public right-of-way described as a portion of the alley adjacent to Lot 1 and Lot 2, Block 2, Resubdivision of Arensdale, City of Colorado Springs and consisting of 0.05 acres.

Presenter:

Peter Wysocki, Director, Planning and Development Department

Rachel Teixeira, Planner II

**Attachments:** [ORD\\_VROW\\_N36thStAlley\\_easement](#)  
[EXHIBIT A - LEGAL DESCRIPTION](#)  
[EXHIBIT B - SITE PLAN](#)

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

- 4A.C. [CPC PUZ](#)  
[19-00118](#) Ordinance No. 20-22 amending the zoning map of the City of Colorado Springs pertaining to 170.6 acres located east of Tutt Boulevard and extending north and south of North Carefree Circle from A/PK/AO/SS

(Agricultural and Public Parks with Airport and Streamside Overlay) to PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay).

(Quasi-judicial)

Related Files: CPC PUZ 19-00118, CPC ZC 19-00119, and CPC PUP 19-00120

Presenter:

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

**Attachments:** [PUZ ORD GreenwaysAtSandCreek](#)

[Exhibit A - PUD Legal Description](#)

[Exhibit B - PUD Exhibit](#)

[Vicinity Map](#)

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

**4A.D. [CPC ZC 19-00119](#)**

Ordinance No. 20-23 amending the zoning map of the City of Colorado Springs pertaining to 23.5 acres located east of Tutt Boulevard and extending north of North Carefree Circle from A/PK/AO/SS (Agricultural and Public Parks with Airport and Streamside Overlay) to PK/AO/SS (Public Parks with Airport and Streamside Overlay).

(Quasi-judicial)

Related Files: CPC PUZ 19-00118, CPC ZC 19-00119, and CPC PUP 19-00120

Presenter:

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

**Attachments:** [ZC ORD GreenwaysAtSandCreekPark](#)

[Exhibit A - PK Legal Description](#)

[Exhibit B - PK Exhibit](#)

[Vicinity Map](#)

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

**4B. First Presentation:**

**4B.A. [20-193](#)**

City Council Regular Meeting Minutes April 28, 2020

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [4-28-2020 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

**4B.B. [20-185](#)** Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

**Attachments:** [051220 Boards and Commissions.pdf](#)

This Item was approved on the Consent Calendar.

**4B.C. [20-179](#)** A resolution designating an independent auditor as required under section 3-160 of the Charter of the City of Colorado Springs

Presenter:

Denny Nester, City Auditor

**Attachments:** [Independent Auditor Designation Resolution.docx](#)

[2020 Independent External Auditor.ppt](#)

This Resolution was adopted on the Consent Calendar.

**4B.D. [20-171](#)** A Resolution Authorizing the Acquisition of a 1.651 Acre Parcel using PPRTA funds from the Gelles Family Trust, and the Gail C. Gelles 2002 Revocable Trust, for the Black Forest Road Widening Project

Presenter:

Mike Chaves, P.E., Engineering Manager

**Attachments:** [Gelles Resolution - Clean 3-19-2020](#)

[Black Forest South-Gelles Presentation-2](#)

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 9-0-0-0**

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

### **5. Recognitions**

There were no Recognitions.

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

Citizens LaDonna Robertson and Susan Kamlan spoke against the requirement to wear a mask in public.

Citizen Angela Gilpin requested additional information regarding the new money related to the bond issuance for the Flying Horse Ranch Metropolitan District. Jeff Greene, Chief of Staff, stated staff will provide the requested information.

## **7. Mayor's Business**

There was no Mayor's Business.

## **8. Items Called Off Consent Calendar**

- 4B.E.** [20-129](#) Request to Establish a Public Hearing Date for the Consideration of a Resolution for Certain Changes to Utilities Rules and Regulations

Presenter:

Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [2020 Mid-Year URR Rate Case Filing on 5-26-20](#)

[URR Resolution Waived DO](#)

[2020 Plan of Finance Update 5-22-2020](#)

Councilmember Knight stated the Housing and Building Association (HBA) submitted a letter in regards to the changes to the Utilities Rules and Regulations (URR) which he would like to have discussed at the City Council Finance Committee meeting before the public hearing date is set and the ex parte communication period begins.

Councilmember Pico stated he would also like this issue discussed, but is satisfied with it being done at the public hearing before the URR is voted on.

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities, stated he is comfortable with it going to the May 15, 2020 City Council Finance meeting first.

**Motion by Councilmember Pico, seconded by Councilmember Geislinger, that the Request to Establish a Public Hearing Date for the Consideration of a Resolution for Certain Changes to Utilities Rules and Regulations be postponed until the May 26 ,2020 City Council meeting. The motion passed by a vote of**

9-0-0-0

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

## **9. Utilities Business**

- 9.A.** [20-169](#) An ordinance of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of a second amendment to Standby Bond Purchase Agreement by and among the City of Colorado Springs, Colorado and Wells Fargo Bank, National Association, as Tender Agent and Paying Agent and U.S. Bank National Association and a second amended and restated fee agreement between the City of Colorado Springs, Colorado and U.S. Bank National Association relating to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Improvement Revenue Bonds, Series 2008A; and providing other matters relating thereto.

Presenter:

Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [Colorado Spring Utilities - Series 2008A SBPA Authorizing Ordinance No. 20- 4819-0907-0521 4](#)  
[Summary of Ordinance Authorizing Series 2008A SBPA Extention 4811-0295-2891 1](#)  
[Plan of Finance CC 5-12-20](#)

Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities, presented the Ordinance approving and authorizing the execution and delivery of the Standby Bond Purchase agreement for the Utilities System Revenue Bonds, Series 2008A and stated it is a three-year renewal with a better interest rate.

There were no comments on this item.

**Motion by President Pro Tem Strand, seconded by Councilmember Pico, that the Ordinance approving and authorizing the execution and delivery of a second amendment to Standby Bond Purchase Agreement by and among the City of Colorado Springs, Colorado and Wells Fargo Bank, National Association, as Tender Agent and Paying Agent and U.S. Bank National Association and a second amended and restated fee agreement between the City of Colorado Springs, Colorado and U.S. Bank National Association relating to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Improvement Revenue Bonds, Series 2008A; and providing other matters relating thereto be approved on first reading. The motion passed by a vote of 9-0-0-0**

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

## **10. Unfinished Business**

- 10.A. [20-148](#) Ordinance No. 20-20 authorizing the issuance and delivery of the City's Series 2020 multi-family housing revenue bonds for the Atrium at Austin Bluffs Apartments project in one or more series, in the aggregate principal amount of \$8,000,000

Presenter:

Steve Posey, HUD Program Manager, Planning & Community Development

John Bayles, Fred Marienthal, Kutak Rock LLP

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD Colorado Springs Atrium 2020](#)  
[Colorado Springs Greccio Atrium 2020 Financing Agreement](#)  
[Colorado Springs Atrium Tax Regulatory Agreement](#)  
[Aerial Photo Map](#)

Steve Posey, HUD Program Manager, Planning and Community Development, presented the Ordinance authorizing the issuance and delivery of the City's Series 2020 multi-family housing revenue bonds for the Atrium at Austin Bluffs Apartments project in one or more series, in the aggregate principal amount of \$8,000,000. He stated they held a public hearing with no comments related to the bond issuance.

Councilmember Geislinger asked if the City would have any responsibility for the repayment of the bonds. Mr. Posey stated it would not.

**Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that the authorizing the issuance and delivery of the City's Series 2020 multi-family housing revenue bonds for the Atrium at Austin Bluffs Apartments project in one or more series, in the aggregate principal amount of \$8,000,000 be finally passed. The motion passed by a vote of 8-1-0-0**

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

**No:** 1 - Knight

- 10.B. [CPC PUZ 19-00155](#) Ordinance No. 20-24 amending the zoning map of the City of Colorado Springs pertaining to 15.67 acres located at the southwest corner of Woodmen Road and Austin Bluffs Parkway, changing the zoning from OC/PBC/AO/SS (Office Complex and Planned Business Center with Airport Overlay and Streamside Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, maximum density of 3.6 dwelling units per acre, 35-foot maximum building height with Airport and Streamside Overlay).

(Quasi-judicial)

Related Files: CPC PUZ 19-00155, CPC CP 08-00142-A8MJ19, CPC PUD 19-00156

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Planning & Community Development Director

**Attachments:** [ZC ORD TrailsideAtCottonwoodCreek](#)

[EXHIBIT A - Legal Description](#)

[EXHIBIT B - Zone Change Depiction](#)

[VICINITY MAP](#)

[Fiscal Impact Analysis.Trailside](#)

[FIA\\_Response\\_Summit FIA Trails at Cottonwood Memo and Exhibit v2](#)

[CPC\\_Minutes\\_TrailsideAtCottonwoodCreek\\_draft](#)

[CPC Report\\_TRAILSIDE\\_PUZ CPA PUD](#)

[Figure 1 - Project Statement with Addendum November 2019](#)

[Figure 2 - Emails from neighbors](#)

[Figure 3 - Email from Academy School District 20](#)

[Figure 4 - PUD Zone Change Exhibit](#)

[Figure 5 - Concept Plan Amendment](#)

[Figure 6 - PUD Development Plan](#)

[Figure 7 - Area Context Map](#)

[Figure 8 - Planning Commission Meeting Minutes August 2019](#)

[Figure 9 - City Council Meeting Minutes September 24 2019](#)

[Figure 10- Request for Resubmittal\\_Trailside at Cottonwood Creek](#)

[Figure 11 - City Approval of Request for Resubmittal](#)

[Figure 12 - Topographic Site Analysis](#)

[Figure 13 - 30 ft retaining wall examples](#)

[Figure 14 - Economic Feasibility Study](#)

[Figure 15 - Support Letter from Cook](#)

[Figure 16 - Woodmen Rd Use Analysis](#)

[Figure 17 - 2008 zone changes and subdivision](#)

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

[7.5.603.B Findings - ZC](#)

There were no comments on this item.

**Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 15.67 acres from OC/PBC/AO/SS (Office complex and Planned Business Center with Airport Overlay and Streamside Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, maximum density of 3.6 dwelling units per acre, 35-foot maximum building height with Airport and**



Streamside Overlay), based upon the findings that the change of zone request complies with the review criteria for establishment of a PUD zone as set forth in City Code Section 7.3.603 and the zone change criteria as set forth in Section 7.5.603.B fees be finally passed. The motion passed by a vote of 7-2-0-0

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

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

## **11. New Business**

### **11.A. [20-180](#)**

An ordinance amending Section 104 (deposit of coins or tokens; time limits; prohibitions) of Article 15 (parking meter regulations) of Chapter 10 (motor vehicles and traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to time limitations for deposit of tokens at metered parking spaces

Presenter:

Scott Lee, Parking Enterprise Director, Parking Enterprise Fund

**Attachments:** [Metered Parking ORD-2020-05-01.docx](#)

President Skorman recused himself due to this item affecting his downtown business.

Wynetta Massey, City Attorney, stated the Ordinance was revised as requested by Councilmember Williams at the April 27, 2020 City Council Work Session meeting

Councilmember Pico stated he is opposed to this amendment.

Councilmember Gaebler stated the downtown businesses need this change so that patrons will utilize the parking garages and not spend large amounts of time at the meters.

Councilmember Avila stated in order for the City to honor the sacredness of family, there should not be parking charged on Sundays.

Councilmember Geislinger stated the proposed circulator bus planned for the downtown area would benefit the City and the downtown parking situation.

Councilmember Williams stated he believes this provides a balance to the downtown area parking situation.

**Motion by Councilmember Williams, seconded by Councilmember Gaebler, that**

the Ordinance amending Section 104 (deposit of coins or tokens; time limits; prohibitions) of Article 15 (parking meter regulations) of Chapter 10 (motor vehicles and traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to time limitations for deposit of tokens at metered parking spaces be approved on first reading. The motion passed by a vote of 6-2-0-1

**Aye:** 6 - Gaebler, Geislinger, Knight, Murray, Strand, and Williams

**No:** 2 - Avila, and Pico

**Recused:** 1 - Skorman

**11.B. CPC CA  
20-00019**

An ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing standards for Wireless Communication Facilities (WCF), including Small Cell Facilities

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** ORD\_WCF Small Cell  
CPC Staff Report\_WCF Ordinances  
CPC\_Minutes\_WCFOrdinances\_draft.pdf  
STAFF WCF Ordinances 4-27-20.pptx  
STAFF WCF Ordinances 5-12-20

Joshua Pace, Senior Contracting Specialist, Office of Sustainability, gave an overview of the amendments in the City Code for wireless communication facilities (WCF) and small cell facilities.

Morgan Hester, Principal Planner, Land Use Review, presented the details of the Ordinances amending Chapter 7 of City Code establishing standards and revising all references for WCF from Commercial Mobile Radio Service (CMRS), including small cell facilities, and establishing standards specific to modifications of macro cellular communication sites on private property, in accordance with Federal regulations. Ms. Hester also presented the Ordinance amending Chapter 3 of City Code establishing the allowance of small cell facilities in the right-of-way.

Councilmember Murray requested standards be set requiring initial and annual testing regarding radiation output levels. Ben Bolinger, Senior Attorney, Office of the City Attorney, stated municipal jurisdictions do not have authority over radio frequencies and wireless facility emissions and they are generally exempt from testing.

Councilmember Pico stated the Federal Communications Commission (FCC) already requires a certain amount of standards and testing in their licensing and certification. He and Councilmember Murray stated they believe a copy of the paperwork submitted to the FCC should be also be required to be submitted to the City with the site application.

Councilmember Geislinger asked what authority the City has over standards required for small cell facilities. Mr. Bolinger stated aesthetics and siting. Mr. Bolinger stated if the City tested on their own, they could report any violations to the FCC, but that would be the extent of their authority over it.

Councilmember Williams asked what the cost would be for testing. Councilmember Murray stated he believes it would be a minimal expense to the provider. Ms. Hester stated she will reach out to the provider for additional information.

President Skorman asked if these towers degrade over time. Councilmember Pico stated damage to the tower would not cause an increase in the power output.

Councilmember Avila asked if these Ordinances are to ensure alignment with the FCC. Ms. Hester confirmed they were along with requirements for aesthetics and siting.

Councilmember Murray asked how much wattage is emitted from these towers. Councilmember Pico explained they generally emit between 10-100 watts.

Councilmember Williams asked if the provision requiring a copy of the paperwork submitted to the FCC could be added to City Code Section 7.4.606(A)(3). Mr. Bolinger stated they will make that amendment and also correct the definitional language in the Ordinance.

**Motion by Councilmember Pico, seconded by Councilmember Geislinger, that the Ordinance, as amended to include the language in City Code Section 7.4.606(A)(3) requiring a copy of the paperwork submitted to the Federal Communications Commission (FCC) for certification to be included with the site application to the City and correcting the definitional language, amending Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions, and Land Use Types and Classifications) and repealing and reordaining Part 6 (Commercial Mobile Radio Service (CMRS) Regulations) of Article 4 (Site**

Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Wireless Communication Facilities 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

- 11.C. CPC CA 20-00020** An ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing standards specific to modifications of macro cellular communication sites on private property.

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** ORD\_Eligible Facilities  
CPC Staff Report\_WCF Ordinances

Please see comments in Agenda item 11.B.

**Motion by Councilmember Geislinger, seconded by President Pro Tem Strand, that the Ordinance creating Part 7 (Eligible Facilities Requests) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Eligible Facilities Requests and establishing standards specific to modifications of macro cellular communication sites on private property 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

- 11.D. CPC CA 20-00023** An ordinance amending Chapter 7 (Planning, Development and Building) of City Code revising all references to include Small Cell Facilities and Wireless Communication Facilities (WCF) from Commercial Mobile Radio Service (CMRS)

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** ORD-WCF\_LandUseTables  
CPC Staff Report\_WCF Ordinances

Please see comments in Agenda item 11.B.

**Motion by President Pro Tem Strand, seconded by Councilmember Murray, that the Ordinance amending Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Wireless Communication Facilities and**

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Eligible Facilities Requests be approved on first reading. The motion passed by a vote of 9-0-0-0

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

- 11.E. CPC CA 20-00024** An ordinance amending Chapter 3 (Public Property and Public Works) of City Code establishing the allowance of small cell facilities in the right-of-way

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** ORD\_Public Property

Please see comments in Agenda item 11.B.

**Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Ordinance amending Part 2 (Use and Occupancy of Public Property) or Article 2 (City Properties) or Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs, 2001, as amended, permitted to allowing Small Cell Facilities in the right-of-way be approved on first reading. The motion passed by a vote of 9-0-0-0**

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

## **12. Public Hearing**

There was no Public Hearing.

## **13. Added Item Agenda**

There were no items added to the Agenda.

## **14. Executive Session**

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.

### **15. Adjourn**

Upon completion of the electronic Closed Executive Session, there being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk