



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

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Monday, February 22, 2021

10:00 AM

Council Chambers

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### How to Watch the Meeting

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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 Mike O'Malley, 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

There were no Regular Meeting Comments.

### 4. Review of Previous Meeting Minutes

4.A. [21-112](#) City Council Work Session Meeting Minutes February 8, 2021

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [2-8-21 City Council Work Session Meeting Minutes Final](#)

The minutes of the February 8, 2021 Work Session meeting were approved by Consensus of City Council.

### 5. Executive Session

#### 5A. Open

5A.A. [21-142](#) Sandra Schmatjen vs. Brad Snyder and the City of Colorado Springs, case no. 2021-CV-30075

The Civil Action Investigation Committee has recommended that the City represent the employee as required by the Colorado Governmental Immunity Act. The employee was acting in the course and scope of his employment and was acting in good faith. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.

Presenter:  
Wynetta Massey - City Attorney

**Attachments:** [Council Memo](#)

President Skorman polled City Council regarding authorizing the City to represent the employee. Consensus of City Council agreed.

## **5B. Closed**

### **5B.A. [21-121](#)**

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 an electronic Closed Executive Session. The issue to be discussed involves consultation with the City Attorney and City staff for the purpose of receiving legal advice related to the purchase and acquisition of real property interests and for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding possession and use agreements for public works capital construction projects.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may conduct an electronic Closed Executive Session. Each City Councilmember participating in the electronic Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the electronic Closed Executive Session is present or able to hear the matters discussed as part of the electronic Closed Executive Session. If consent to the electronic Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:  
Wynetta Massey - City Attorney

**Attachments:** [2222021CCClosed](#)

Tracy Lessig, Division Chief, Office of the City Attorney, stated 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 consultation with the City

Attorney and City staff for the purpose of receiving legal advice related to the purchase and acquisition of real property interests and for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding possession and use agreements for public works capital construction projects.

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 electronic Closed Executive Session.

## **6. Staff and Appointee Reports**

### **6.A. [21-051](#) 2020 Financial Update**

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [February Financial Report](#)

Charae McDaniel, Chief Financial Officer, presented the February 2021 monthly financial update. She went over revenue activity through January 2021, sales tax trends, general fund revenue, general fund expenditures, and economic indicators.

Councilmember Knight requested clarification regarding percentages versus dollar value for sales tax trends. Ms. McDaniel stated the biggest gains for dollar value is building materials, grocery, and miscellaneous retail.

Councilmember Knight stated it was his understanding the all funds balance for 2021 would be \$20M instead of \$15.7M. Ms. McDaniel stated the amount is reflective of the available, unrestricted, fund balance and the passage of 2A, the City was able to reduce the amount.

President Pro Tem Strand asked if the Index of Consumer Sentiment caps at 110 points. Ms. McDaniel stated it does not.

Councilmember Geislinger requested the reason behind the drop in the unemployment rates for November and December 2020. Ms. McDaniel stated it was due to the increase in the number of COVID-19 cases and

many employers delayed trying to bring employees back to work. Councilmember Geislinger requested the actual number of people unemployed. Ms. McDaniel stated in November 2020, there were 21,906 people unemployed and in December 2020, there were 31,485 people unemployed.

Councilmember Avila requested a breakdown of the unemployment rates in the Southeast area. Ms. McDaniel stated she will provide that information.

Jeff Greene, Chief of Staff, stated there is a significant housing shortage in the City and an intergovernmental agreement (IGA) with El Paso County is paramount to look at annexations and the future growth of the City. He stated in regards to housing affordability, fees do make a difference because right now there are concerns with inflation, the stock market is very volatile, the bond yields are increasing, and the lumber, steel, and concrete prices are through the ceiling. Mr. Greene stated he has requested the national regulatory expense of building a house from the Housing and Building Association (HBA) in order to ensure the City is recovering the cost.

Councilmember Gaebler requested the report provided from the HBA includes a detailed breakdown of the various costs. Mr. Greene stated he has requested that information from them.

**6.B.**    [21-111](#)            Agenda Planner Review

Presenter:  
Sarah B. Johnson, City Clerk

Attachments:    [Agenda Planner Review 2-22-21](#)

There were no comments on this item.

## **7. Presentations for General Information**

There were Presentations for General Information.

## **8. Items for Introduction**

**8.A.**    [21-099](#)            A resolution approving the issuance of debt in the form of Limited Tax General Obligation Bonds not to exceed \$6,475,000 for the Upper Cottonwood Creek Metropolitan District No. 3

Presenter:  
Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department

**Attachments:** [Resolution UpperCottonwoodCreekNo.3](#)

[1- 2021 Cover Letter to Colorado Springs re Bond Submittal - UCC Nos. 3 & 4\)](#)

[2- Public Improvements Spreadsheet](#)

[3-2020-12-18 Upper Cottonwood Creek MD No. 3 2021 - Bond Details](#)

[4- UCC 3 Cash Flow Summary](#)

[5- Draft - UCCMD #3 Sale Certificate\(4395979.1\)](#)

[6- Draft 2021 Bond Resolution - UCC MD No. 3](#)

[7- Draft 2021 Bond Counsel Opinion UCC MD No. 3](#)

[8- 2021-01-20 Upper Cottonwood Creek MD No. 3 - 2021 LT GO](#)

[Fairness Letter by RBC](#)

[Powerpoint](#)

[Signed Resolution 30-21](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution approving the issuance of debt in the form of Limited Tax General Obligation Bonds not to exceed \$6,475,000 for the Upper Cottonwood Creek Metropolitan District No. 3 and No. 4. He provided a brief summary, district boundaries, district history/evolution, questions/comments from the Budget Committee, and next steps.

Councilmember Murray asked how many housing units are anticipated for these developments. Tim Siebert, Nor'wood Development Group, representing the applicant, stated Wolf Ranch has a maximum density of 6,800 dwelling units within the entire 2,000 acres and estimates approximately 2,800-3,000 units for the Upper Cottonwood Creek Metropolitan District No. 3 and No. 4.

Councilmember Murray asked who will be financially responsible for the buildout of Powers Boulevard and Research Parkway around the properties. Mr. Siebert explained that Nor'wood Development Group is constructing all the major arterials. Councilmember Murray asked if maintenance will be the City's responsibility after two years. Mr. Siebert confirmed it would be for the public roads because it is City policy that public streets are dedicated to the City. Councilmember Geislinger stated Tischler-Bise will be providing a fiscal impact analysis to address Councilmember Murray's concerns.

Councilmember Knight requested language be included that when these bonds become callable, that the District Board take action to refinance the

bonds. Russ Dykstra, Spencer Fane, LLC, representing the district, stated the issue is binding a future District Board to take a future action based on unknown information.

Mr. Dykstra stated Councilmember Knight had requested during the Budget Committee Meeting the amount of infrastructure left to be built out and that amount is \$93.7M for District No. 3 and \$79M for District No. 4. President Pro Tem Strand requested what the infrastructure projects were. Mr. Dykstra stated mainly paving and concrete.

- 8.B.**     [21-100](#)     A resolution approving the issuance of debt in the form of Limited Tax General Obligation Bonds not to exceed \$5,095,000 for the Upper Cottonwood Creek Metropolitan District No. 4

Presenter

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

**Attachments:**   [Resolution\\_UpperCottonwoodCreekNo.4](#)

[1- 2020-12-18 Upper Cottonwood Creek MD No. 4 2021 - Bond Details](#)

[2- UCC 4 Cash Flow Summary](#)

[3- Draft UCCMD # 4 - Sale Certificate\(4397130.1\)](#)

[4- Draft 2021 Bond Counsel Opinion UCC MD No. 4](#)

[5- Draft 2021 Bond Resolution - UCC MD No. 4](#)

[6- 2021-01-20 Upper Cottonwood Creek MD No. 4 - 2021 LT GO](#)

[Fairness Letter by RBC](#)

[Signed Resolution 31-21](#)

Please see comments in Agenda item 8.A.

- 8.C.**     [21-133](#)     An ordinance adding Article 29 (Vehicular Public Nuisances) to Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs.

Presenter:

Vince Niski, Chief of Police

David Edmondson, Commander Sand Creek Division

**Attachments:**   [VehicularPublicNuisanceORD-2021-03\\_09\\_Clean](#)

[VPNO Procedure Chart](#)

[Vehicular Public Nuisance \(Version 2\)](#)

Jeff Jensen, Deputy Chief, Colorado Springs Police Department (CSPD) Patrol Bureau, introduced David Edmondson, Commander Sand Creek Division, CSPD, presented the Ordinance adding Article 29 (Vehicular

Public Nuisances) to Chapter 10 (Motor Vehicles and Traffic) of the City Code. He gave an overview of the purpose, history, vehicle pursuits, definition, process chart, and provided examples of street racing and eluding.

Councilmember Williams requested additional information regarding ex parte TRO. Commander Edmondson stated it is a temporary restraining order issued by the court. Frederick Stein, City Attorney, City Attorney stated it is contained in City Code 10.29.105 which occurs when an owner does not respond to the notice that was mailed to them and an ex parte order is requested from the court to take temporary possession of the vehicle and eventually seizure.

Councilmember Williams asked what the process is when a juvenile takes a parent's vehicle without their knowledge and is involved in a street racing incident. Commander Edmondson stated the owner is notified and is informed of their responsibility to deter that type of behavior. Mr. Stein stated there are affirmative defenses and the right to a hearing are included in the Ordinance.

Councilmember Gaebler asked how the offenders are found. Commander Edmondson stated sometimes the driver will pull over and other times CSPD uses cameras to identify the owner.

Councilmember Geislinger asked if the owner is entitled to a de novo hearing. Mr. Stein stated it would be a 106 action.

Councilmember Geislinger asked if lien holder would hold any responsibility. Commander Edmondson stated they would not, but the lien holder would be notified.

Councilmember Geislinger asked if the vehicle will be forfeited. Mr. Stein stated because it is a civil process, it would not. Commander Edmondson stated the fee structure often results in forfeiture.

**8.D.**    [21-086](#)

A resolution to approve CARES Act Substantial Amendment 2 to the 2020-2024 Consolidated Plan/2020 Annual Action Plan

Presenter:  
Catherine Duarte, AICP, Senior Analyst, Community Development  
Division

**Attachments:** [CC resolution for 2020 CARES Act Amendment 2 Feb2021](#)  
[Colorado Springs ConPlan Amendment 2 draft for website](#)  
[Community Development Guide to CARES Act Funding Feb9](#)  
[Amendment 2\\_2020-2024 ConPlan and 2020 Action Plan\\_Feb22 CC presentation](#)  
[Signed Resolution 32-21](#)

Catherine Duarte, AICP, Senior Analyst, Community Development Division, presented a Resolution to approve CARES Act Substantial Amendment 2 to the 2020-2024 Consolidated Plan/2020 Annual Action Plan. She gave an overview of the reason for the amendment, proposed changes, financial implications, public participation, and next steps.

Councilmember Knight asked if there were any partnerships with the charities which focus on veterans and the military. Ms. Duarte confirmed there are. Steve Posey, HUD Program Manager, Community Development Division, stated the Military Care Network and Homes for all Veterans are very well represented on the Pikes Peak Continuum of Care and the City has been working with them through the Alliance to End Homelessness process.

Councilmember Geislinger requested additional information regarding how this plan addresses preventing homelessness and the burden of care on providers. Ms. Duarte explained there is rental assistance through Community Development Block Grant Program (CDBG) subsistence payments, and the Emergency Solutions Grant (ESG) has a program for homelessness prevention and rapid rehousing.

President Pro Tem Strand asked what services are included in the funding category for legal fees and requested the amount of the Federal poverty level. Ms. Duarte stated the funding goes to Colorado Legal Services and their Eviction Defense Project and the Federal poverty level is \$26,200 for a four-person household.

**8.E.** [21-123](#) A Resolution Amending Resolution No. 131-20 Modifying the 2021 Sand Creek Basin Fees.

Presenter:  
Richard Mulledy, P.E., Stormwater Enterprise Manager, Stormwater Enterprise  
Erin Powers, P.E., Senior Engineer, Stormwater Enterprise



**Attachments:** [Resolution for 2021 Sand Creek Fees](#)  
[Exhibit A - 2021 Proposed Fee Schedule](#)  
[Exhibit B - 2021 Fee Schedule](#)  
[Exhibit C - Staff Report to Drainage Board](#)  
[Exhibit D - Resolution 131-20](#)  
[Sand Creek Fee Adjustment 2021](#)  
[Signed Resolution 33-21](#)

Erin Powers, Senior Engineer, Stormwater Enterprise, presented the proposed adjustment to \$18,841 per acre for the Sand Creek drainage basin fees. She gave a brief background of the drainage basin and identified the increase in infrastructure costs.

There were no comments on this item.

- 8.F.**     [21-134](#)     A resolution adopting and approving the Intergovernmental Agreement between the City of Colorado Springs and El Paso County, Colorado for the Homeland Security Grant Program Urban Area Security Initiative

Presenter:

Jim Reid, Director, Pikes Peak Regional Office of Emergency Management

**Attachments:** [EIPaso-City-HomelandSecurity-UASI-CouncilResolution 2020-02-10-City-EIPasoCounty-IGA-UASI -FINAL](#)

Bret Waters, Deputy Chief of Staff, presented the Resolution adopting and approving the Intergovernmental Agreement (IGA) with El Paso County and Teller County for the Homeland Security grant program Urban Area Security Initiative (UASI). He gave an overview of the purpose, partners, national priorities, and historical perspective.

President Pro Tem Strand asked what “hardening soft targets” meant. Mr. Waters stated it applies to adding security measures to certain infrastructure and public gathering areas.

- 8.G.**     [21-135](#)     A resolution adopting and approving the Intergovernmental Agreement between the City of Colorado Springs and Teller County, Colorado for the Homeland Security Grant Program Urban Area Security Initiative

Presenter:

Jim Reid, Director, Pikes Peak Regional Office of Emergency Management

**Attachments:** [2020-02-10-City-TellerCounty-IGA-UASI-DRAFT1](#)  
[Teller-City-HomelandSecurity-UASI-CouncilResolution](#)

Please see comments in Agenda item 8.F.

- 8.H. [21-119](#) An Ordinance amending Ordinance No. 20-92 (2021 Appropriation Ordinance) to decrease the appropriation in the Grants Fund (103) in the amount of \$2,586,451 and the HOME Grants Fund (102) in the amount of \$315,715, and to increase the appropriation of the Pikes Peak America's Mountain enterprise fund (460) in the amount of \$750,000 for anticipated grants in 2021, and the CDBG Grants Fund (101) in the amount of \$2,152,166, to correct the dollar amount of appropriation in each of these Grants Funds

Presenter:

Charae McDaniel, Chief Financial Officer  
Chris Wheeler, Budget Manager

**Attachments:** [Ordinance-Grants Funds corx to 2021 Appropriation](#)

Chris Wheeler, Budget Manager, presented the Ordinance to correct the appropriation amount in the 2021 Grants Fund to correct the dollar amount of appropriation in each of these Grants Funds.

There were no comments on this item.

- 8.I. [21-078](#) A Resolution Repealing Resolution 42-13 And Any Previous Resolutions Adopting Other Amendments To Prior Editions Of The "City Of Colorado Springs Rules And Procedures Of City Council" And Adopting The "City Of Colorado Springs Rules And Procedures Of City Council" Effective March 9, 2021

Presenter:

Emily Evans, City Council Administrator  
Michel Montgomery, Deputy City Council Administrator  
Carly Hoff, Legislative Analyst II

**Attachments:** [DRAFT 2021 Rules and Procedures of City Council Resolution](#)  
[Rules and Procedures of City Council FINAL](#)  
[Rules and Procedures of City Council FINAL REDLINE](#)  
[Signed Resolution 36-21](#)

Michael Montgomery, Deputy City Council Administrator, presented the Resolution adopting the "City of Colorado Springs Rules and Procedures of City Council" effective March 9, 2021. He gave an overview of the requested revisions from the February 8, 2021 City Council Work Session.

Councilmember Geislinger stated requiring all Councilmembers to be present at a reconsideration of vote should be on a case by case basis. Councilmember Murrays stated the key is to allow all parties involved in the original quasi-judicial action to be included in the reconsideration. Councilmember Williams stated there could be an issue of a denial of reconsideration due to someone just not showing up for it.

Councilmember Geislinger asked if the emergency extensions for the suspension of City Council rules to allow virtual electronic meetings will need to continue. Emily Evans, City Council Administrator, stated these Resolution would eliminate the need to suspend City Council rules regarding this issue.

- 8.J. [21-140](#) An ordinance amending section 118 (Unlawful Sale or Display) of Article 7 (Regulation of Animals - General Provisions) of Chapter 6 (Neighborhood Vitality / Community Health) pertaining to the prohibition of sales and certain other transactions involving dogs or cats by pet shops and providing a penalty

Presenter:

Tom Strand, Council President Pro-Tem / Councilmember At-Large

**Attachments:** [Colorado Springs pet store ordinance draft HSUS 2-3-21](#)

Councilmember Strand presented the Ordinance pertaining to the prohibition of sales and certain other transactions involving dogs or cats by pet shops and providing a penalty.

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated this Ordinance was drafted by the Humane Society of the United States, City Code 6.7.118 already has some standards regarding certain animals, this Ordinance would prohibit pet stores from the sale of cats and dogs unless they were procured from an rescue agency or public animal control shelter and there would be a violation fee of \$500.00. He stated animals also could not be sold for a price higher than the violation fee.

Councilmember Williams asked if a seller who does not have a brick and mortar shop were excluded from this Ordinance. Mr. Smith stated it is already illegal for the roadside sale of cats and dogs. Councilmember Williams stated that would not address people selling cats and dogs out of their house and sees this as potentially having commerce clause issues. Mr. Smith stated they have done a lot of research and they have not found much case law or controlling law in Colorado regarding this topic.

Councilmember Geislinger stated the Ordinance might apply to breeders who sell out of their homes.

President Pro Tem Strand stated it would be very difficult to sell certain breeds of dogs for less than \$500.

Mindi Callison, Founder and Executive Director of Bailing Out Benji, gave an overview of the humane pet store Ordinance, where pet store puppies come from, USDA licensed breeders, United States Department of Agriculture (USDA) enforcement, Colorado Springs Pet City sourcing, characteristics of responsible breeders, Canine Care certified, backyard breeders, and online puppy sellers, She identified the humane business model, legal precedent, pet store consumer protection act, and expectations.

President Skorman asked if there was a way the City could certify reputable breeders. Ms. Callison stated every state has their own classification for licensing and inspections so it is difficult to ensure the animals were obtained from reputable breeders, but a list can be obtained from Pet Animal Care Facilities Act (PACFA) to identify where pet stores are purchasing their animals and then cross check it with the USDA for violations.

President Skorman asked if a solution would be to require pet stores to purchase animals from within the state of Colorado. Ms. Callison stated it would violate the interstate commerce clause.

Councilmember Geislinger asked if the transportation component could be addressed. Ms. Callison stated the USDA registers transport companies, but they do not license or inspect them.

Dustin Hayward, also speaking for Bree Maestas, Owners, Pet City, stated if this proposed Ordinance is passed, it would put Pet City out of business, four hundred employees would lose their jobs, it would force citizens to purchase puppies outside of the City, they cannot model their business after Petsmart or Wag n' Wash, and it would not improve animal welfare. He stated PACFA does license transport into Colorado and campylobacter is only transmitted from the contaminated source to your mouth.

President Pro Tem Strand asked how many puppies were sold by Pet City

in 2020. Mr. Hayward stated approximately six hundred even with the malls being closed for eighty-seven days. Councilmember Geislinger asked how many cats were sold. Mr. Hayward stated approximately fifty-one.

President Skorman asked how they can verify Pet City is purchasing their puppies from humane and safe breeders. Mr. Hayward stated they can have City Council virtual tour the facility and they monitor their USDA inspection reports. He stated the Canine Cares Act is the best regarding enforcing third-party, voluntary standards.

Councilmember Murray requested a statement from veterinarians regarding the health and welfare of these animals.

Councilmember Geislinger stated how all animals are treated coming into the City needs to be addressed.

Councilmember Avila asked if financing is available for the purchase of dogs and what the interest rate is. Mr. Hayward confirmed they do offer financing at 18.25 percent interest.

Councilmember O'Malley stated he concurs with Councilmember Geislinger's comments and supports Pet City staying in business another fifty-one years.

Councilmember Williams stated this is a punitive effort to target two businesses, is not grounded in the welfare of animals, is not based on standards that breeders should be using, and he does not support the proposed Ordinance.

Councilmember Knight stated he is concerned that there appears to be slander in the "Whereas" of the Ordinance. Mr. Smith stated it is his preference the "Whereas" have facts behind them.

Councilmember Knight asked if this could be considered a taking similar to the marijuana consumption clubs. Mr. Smith stated that was a very different situation due to the marijuana consumption clubs were illegal under federal law and had never been granted land use authority under City Code. He stated federal circuit courts did not consider this issue a taking because Pet City could continue business selling pet supplies, etc.

Councilmember Knight stated he is in favor of putting inhumane puppy or kitten mills out of business, but this is not the right solution.

Councilmember Avila stated they must stop the pipeline and be the humane voice for the animals.

Councilmember Geislinger requested the public be engaged regarding this issue.

Councilmember Gaebler stated this model has worked in other jurisdictions and this Ordinance is poorly written. but she would like to pursue the item in order to work towards a solution.

- 8.K. [CPC ZC 20-00161](#) A Resolution of the City of Colorado Springs adopting design standards for the Historic Preservation Overlay associated with Old North End Historic District.

(Legislative)

Related Files: CPC ZC 20-00161

Presenter:

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

**Attachments:** [Resolution\\_ONENDesignStandards](#)  
[Exhibit A - ONE HP Overlay Zone Design Standards](#)  
[ONEN Standards - HPB Staff Memo](#)  
[ONEN Design Standards Materials](#)  
[Ordinance 11-147](#)  
[PublicComments](#)  
[SHPO Email162021](#)  
[CC\\_ONEN Design Standards\\_DJS\\_rev](#)  
[Updated - ONEN Design Standards Pres](#)  
[Dec HPB minute\\_ONEN Design Standards\\_DRAFT](#)  
[Signed Resolution 28-21](#)

Daniel Sexton, Principal Planner, Planning and Community Development, presented the Resolution adopting design standards for the Historic Preservation Overlay (HPO) associated with Old North End (ONE). He gave an overview of the proposed changes requested by City Council and the ONE neighborhood at the February 8, 2021 City Council meeting.

Councilmember Williams stated the preamble language of the design standards is critical and should not have been removed. Mr. Sexton stated the preamble was removed to alleviate the ambiguity between the actual standards. Councilmember Williams requested the initial statement that states the design standards are a guide be included. Mr. Sexton stated design standards by their definition become a review criteria for a report of acceptability.

Councilmember Williams asked if these standards are compliant with state law regarding solar panels and related things. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the Colorado Revised Statutes (CRS) related to renewable energy generation device restriction applies to covenants, restrictions, conditions contained in any deed, contract, security instrument, or any other instrument affecting the transfer of sale of real property.

Councilmember Gaebler asked if the Historical Preservation Board (HPB) has reviewed the design standards after the retraction of the preamble. Mr. Sexton stated they had not.

Councilmember Gaebler stated she is hesitant to support an Ordinance which does not allow a homeowner the flexibility to participate in efforts toward conservation. Mr. Sexton stated those opportunities are in the standards as they are currently written.

Councilmember Geislinger asked why the public input process be undertaken is the preference of City Planning. Peter Wysocki, Director, Planning and Community Development, stated is it because the standards are twenty years old, they want to evaluate if they are still effective, relevant, and if there are other construction methods where the neighborhood can preserve its historical resource. He stated it is difficult for staff to enforce a standard which has not been adopted by a body like City Council or the Planning Commission and adopting the standards would not eliminate differences in the interpretation of the standards.

Councilmember Knight asked how disruptive this will be to homeowners if the City changes the guidelines to standards. Mr. Sexton the Planning Department has not had that conversation with the homeowners directly, just what the ONE has provided to them and the recommendation from the HPB from their public hearing. Councilmember Knight asked what would

be accomplished if staff held another public hearing. Mr. Sexton stated it would help staff evaluate some of the gray areas and whether the community wants this level of land use regulation.

Councilmember Knight asked if the guidelines which have been used for the past twenty years could be used as referrals by the HPB. Mr. Sexton stated they could because they add a degree of specificity, but they would not hold the regulatory weight that they would if they were adopted as standards.

Councilmember Knight asked if staff contributed to the standards before it went to the HPB. Mr. Sexton stated they did not, but there would be a benefit to have staff, a third-party, or consultant review them closer. Councilmember Knight asked how long that review would take. Mr. Sexton stated approximately six to eight months.

President Pro Tem Strand asked why 1,400 public notification postcards were sent out even though these standards would only affect 700 property owners. Mr. Sexton explained it is a matter of policy with the buffer radius and there are other neighborhoods in the area considering a historic preservation overlay who may benefit from the information.

President Pro Tem Strand asked what the downside would be to adopting the proposed standards. Mr. Sexton stated most design reviews are done at a private neighborhood level from a covenant perspective, but this would require an appointed body to make the decision. Mr. Wysocki stated the HPB needs historic preservation standards as review criteria in order to reinforce their decisions regarding projects.

Councilmember Geislinger asked if the HPB stated these standards need to be adopted. Mr. Sexton stated they have always sought additional information whether they are in the form of guidelines or standards and three of the members of the HPB were brand new at their public hearing meeting.

## **9. Items Under Study**

There were no Items Under Study.

## **10. Councilmember Reports and Open Discussion**

Councilmember Avila, a member of the Governor's Vaccine Consortium



Equitable Task Force, encouraged people of color to get vaccinated and said an additional 1,000 vaccines were administered this weekend at the South Service Center in Fountain, CO, Peak Vista in the Southeast, and Medical Administration Center (MAC).

## **11. Adjourn**

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

Sarah B. Johnson, City Clerk