



# City of Colorado Springs

## Regular Meeting Agenda - Final City Council

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

*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.*

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Tuesday, August 22, 2017

1:00 PM

Council Chambers

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**1. Call to Order**

**2. Invocation and Pledge of Allegiance**

**3. Changes to Agenda/Postponements**

**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.** [17-1148](#) Ordinance No. 17-70 of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds of the City and escrow therefor; providing for the refunding of certain outstanding Commercial Paper Notes of the City; providing for the issuance and sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2017A-1 in an aggregate principal amount not to exceed \$140,000,000, Series 2017A-2 in an aggregate principal amount not to exceed \$110,000,000 and Series 2017A-3 in an aggregate principal amount not to exceed \$95,000,000

Presenter:

Bob Leshner, Manager, Treasury and Finance  
Jerry Forte, P.E., CEO, Colorado Springs Utilities

**Attachments:** [Bond Ordinance - 2017A - SURETY VERSION \(v.2\) - sent to City Council \(46...  
Colorado Springs Utilities Bond Purchase Agreement 2017.docx  
DOCSOC-#1798383-v4-Series\\_2017\\_POS.DOCX  
DOCSOC-#1798646-v6-The Utilities POS section.DOCX  
Escrow Agreement - 2017A-1 \(45660604v2\).DOC  
Paying Agent Agreement - 2017A \(45660363v2\).DOC  
Ordinance Summary \(Second Publication\) \(46400730v1\).DOC](#)

- 4A.B.** [CPC V  
17-00019](#) Ordinance No. 17-71 Vacating Portions of Public Right-Of-Way Consisting of 0.57 Acre Located Along Dublin Boulevard East of Vista Del Tierra Drive

(Legislative)

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community  
Development  
Peter Wysocki, Director of Planning & Community Development

**Attachments:** [ORD - BLR Fil 20 ROW Vacation  
Exhibit A - Legal Description  
Exhibit B - Legal Description Depicted](#)

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

- 4B.A.** [17-1215](#) City Council Regular Meeting Minutes August 8, 2017

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [8-8-2017 City Council Regular Meeting Minutes Final](#)

**4B.B. [17-1214](#)** Appointments to Boards and Commissions

Presenter:  
Jacquelyn Puett, Assistant to Council

**Attachments:** [082217 Boards and Commissions](#)

**4B.C. [17-1207](#)** The City Clerk reports that on June 2, 2017 there was filed with her a petition for the annexation of Airport Spectrum Addition No. 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:** [Petition - Airport Spectrum Addition No. 1.pdf](#)  
[Vicinity Map - Airport Spectrum Addition No. 1.pdf](#)

**4B.D. [17-1041](#)** A Resolution Approving the Assignment of 2017 Private Activity Bond Volume Cap Allocation to El Paso County

Presenter:  
Bob Cope, Economic Development Manager

**Attachments:** [2017 Colorado Springs Assignment Exhibit A](#)  
[2017 Private Activity Bond Allocation Cap Resolution.doc](#)  
[Attachment I](#)

**4B.E. [17-1167](#)** A resolution adopting City Council's annual Report to the Citizens for 2016-2017, pursuant to City Charter Section 3-10(d).

Presenter:  
Eileen Lynch Gonzalez, City Council Administrator

**Attachments:** [080717 Annual Report Resolution](#)  
[2017 Council Report to Citizens DRAFT](#)

**4B.F.** [CPC ZC  
17-00054](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.46 acres from PBC (Planned Business Center) and C-6 (General Business) to PBC (Planned Business Center) located at the southeast corner of North Academy Boulevard and North Carefree Circle

(Quasi-Judicial)

Presenter:

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

**Attachments:**

[ORD ZC CVS Store 11001](#)

[Exhibit A - Legal Description](#)

[Vicinity Map](#)

[CPC Staff Report CVS](#)

[Figure 1 - CVS Development Plan](#)

[Figure 2 - Project Statement](#)

[Figure 3 - Property Diagram](#)

[7.5.603 Findings - ZC req CA](#)

[CPC July 20 2017 - CVS Pharmacy Store # 11001- Consent Minutes](#)

**4B.G.** [CPC DP  
17-00055](#)

A development plan for CVS Pharmacy Store Number 11001 consisting of 1.46 acres for the purpose of a 13,111 square foot pharmacy and retail store

(Quasi-Judicial)

Presenter:

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

**Attachments:**

[Figure 1 - CVS Development Plan](#)

[7.5.502.E Development Plan Review](#)

**5. Recognitions****5.A.** 17-1201

A Resolution to support September 2017 as National Preparedness Month in the City of Colorado Springs.

Presenter:

Bret Waters, Deputy Chief of Staff

**Attachments:**

2017\_PreparednessMonth\_RES\_Final.doc

## **6. Citizen Discussion**

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

- 7.A. [17-1163](#) A resolution submitting to the registered qualified electors of the city of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 7, 2017, the question of approval of ordinance no. 17- 69 authorizing the collection of stormwater service fees for the sole purpose of funding the construction, improvement, operation and maintenance of public stormwater facilities and a public stormwater system in the city; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this resolution.

Presenter:  
Mayor John Suthers  
Tom Florczak, Deputy City Attorney

**Attachments:** [StormwaterFee-BallotRES-2017-08-2](#)

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

## **9. Utilities Business**

- 9.A. [17-958](#) Consideration of a Resolution Regarding Certain Changes to Utilities Rules and Regulations

Presenter:  
Chris Bidlack, City Attorney's Office-Utilities Division  
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Attachments:** [URR - Restated Vol. 5 - Final.pdf](#)  
[8-8-2017 URR 2017 Hearing.pptx](#)  
[2017\\_CAO\\_Instructions\\_URR\\_Hearing.docx](#)  
[2017\\_URR\\_Rate\\_Hearing\\_Agenda.docx](#)  
[2017 URR Supplemental Filing.pdf](#)  
[2017\\_DO\\_URR-8-10-17.docx](#)

## **10. Unfinished Business**

- 10.A.** [17-1164](#) Ordinance No. 17-69 amending sections of article 8 (Stormwater Enterprise) of Chapter 14 (municipal enterprises) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the stormwater enterprise and stormwater service fees.

Presenter:  
Tom Florczak, Deputy City Attorney

**Attachments:** [Ordinance AmendingDStormwater Enterprise from G-rev-8-11-17.docx](#)

## **11. New Business**

- 11.A.** [17-1208](#) An Emergency Ordinance Amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Public Space and Development Fund in the Amount of \$450,000 to Fund the Completion of the John Venezia Community Park

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

**Attachments:** [08-21-17 Venezia Emergency Suppl Appropriation ORD.docx](#)  
[8-21-17 - Venezia Community Park Supplemental Appropriation Presentation - I](#)

- 11.B.** [17-1195](#) A Resolution approving an Intergovernmental Agreement between the City of Colorado Springs and El Paso County Clerk and Recorder regarding the conduct and administration of the November 7, 2017 Coordinated Election

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [Clerk-IGACoordinatedElectionRES-2017-08-07.docx](#)  
[City of Colorado Springs IGA \(2\).pdf](#)

- 11.C.** [17-1210](#) An Ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$137,265 for November 2017 election expense

Presenter:  
Charae McDaniel, Acting Budget Director

**Attachments:** [Ordinance - Supp Approp for Nov Election Expenses.docx](#)

- 11.D. [17-973](#) An Ordinance amending Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Entertainment Districts, Common Consumption Areas, and Promotional Associations.

Presenter:

Sarah B. Johnson, City Clerk

Lee McRae, License Enforcement Officer

**Attachments:**

[EntDistrictORD-2017-07-27 DRAFT](#)

[Sample Entertainment District Resolution \(2017-07-26 DRAFT\)](#)

[Entertainment Districts and Promotional Associations 2017-08-07](#)

- 11.E. [17-1179](#) An Ordinance amending Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended

Presenter:

Sarah B. Johnson, City Clerk

Lee McRae, License Enforcement Officer

**Attachments:**

[Clerk-CS\\_Ch2ORD-2017-07-26 DRAFT](#)

- 11.F. [17-1178](#) A Resolution accepting and adopting the Liquor and Beer Rules and Regulations for The City of Colorado Springs

Presenter:

Sarah B. Johnson, City Clerk

Lee McRae, License Enforcement Officer

**Attachments:**

[Clerk-LiquorBoardRulesRES-2017-07-27](#)

[Clerk-LiquorBoardRulesRES-EXHIBITA-2017-08-16](#)

[Clerk-EntDistrictLIQUOR\\_RULES-2017-08-16-redline](#)

## **12. Public Hearing**

- 12.A. [17-987](#) An appeal of an administrative approval of a Revocable Permit for a freestanding wireless broadband facility for Peak Internet located at Research Parkway and Chapel Hills Drive.

(Quasi-Judicial)

Presenter:

Meggan Herington, Planning & Community Development, Assistant Director

Peter Wysocki, Planning & Community Development Director

**Attachments:**

[Peak Internet PowerPt\\_CC1](#)

[Exhibit 1 PermitPeak Internet](#)

[Exhibit 2 Appeal Letters](#)

[Exhibit 3 Correspondence](#)

[Exhibit 4 Letter to City of COS](#)

- 12.B. [CPC SWP 16-00155](#) A request to postpone an appeal of the City Planning Commission's approval of a subdivision waiver to allow primary legal access via a public alley and associated preliminary and final plat applications re-platting the subject property from three lots into six lots

(Quasi-Judicial)

Related File: CPC PFP 16-00155, AR NV 17-00141

**Attachments:**

[EXHIBIT 1 appeal request](#)

[EXHIBIT 2 postponement request FW August 22nd City Council Meeting app](#)

[Staff Report - CPC SWP 16-00155; CPC PFP 16-00156; CPC NV 17-00141 \(R](#)

[FIGURE 1A.rev - Preliminary Plat](#)

[FIGURE 1B - Final Plat](#)

[FIGURE 2 - Project Statement](#)

[FIGURE 3 - emails](#)

[FIGURE 4 - Letters](#)

[FIGURE 5 - Appeal Letter](#)

[FIGURE 6 - OWN letter](#)

[FIGURE 7 - CGS Recommendations](#)

[FIGURE 8.rev - Geological Hazard Investigation](#)

[FIGURE 9 - Survey Ltr for Admin Relief](#)

[7.7.1302 Waiver of Subdivision Dev](#)

[CPC July 20 2017 543 Robbins Place Minutes](#)

- 12.C. [AR NV 17-00141](#) A request to postpone an appeal of the City Planning Commission's approval of a nonuse variance for lot width and associated subdivision waiver to allow primary legal access via a public alley and preliminary and final plat applications re-platting the subject property from three lots into six lots

(Quasi-Judicial)

Related File: CPC SWP 16-00155, CPC PFP 16-00156

**Attachments:** [FIGURE 1A - Preliminary Plat](#)  
[7.5.802 Nonuse Variance](#)

- 12.D. [CPC PFP 16-00156](#) A request to postpone an appeal of the City Planning Commission's approval of a preliminary and final plat and associated subdivision waiver to allow primary legal access via a public alley applications re-platting the subject property from three lots into six lots

(Quasi-Judicial)

Related File: CPC SWP 16-00155, AR NV 17-00141

**Attachments:** [FIGURE 1A - Preliminary Plat](#)  
[FIGURE 1B - Final Plat](#)  
[7.7.102 Subdivision Plats Review Criteria](#)  
[7.7.204 Preliminary Plat Req - Subdivision Plats Review Criteria](#)  
[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)

- 12.E. [AR NV 17-00123](#) An appeal of the Planning Commission decision to approve a nonuse variance to allow two 19,230 square foot lots where 20,000 square feet is required in the R zone district located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00024, AR PFP 17-00122

Presenter:  
Lonna Thelen, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [FIGURE 1 - Preliminary Plat](#)  
[7.5.802 Nonuse Variance](#)  
[7.5.906 \(A\)\(4\)](#)

12.F. [AR NV  
17-00124](#)

An appeal of the Planning Commission decision to approve a nonuse variance to allow a 67-foot lot width at the rear setback line for Lot 1 and a 59-foot lot width at the rear setback line for Lot 2 where 100 feet of lot width is required at the front and rear setback line located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR PFP 17-00122, AR NV 17-00123

Presenter:

Lonna Thelen, Principal Planner, Planning & Community  
Development

Peter Wysocki, Planning and Community Development Director

**Attachments:**

[FIGURE 1 - Preliminary Plat](#)

[7.5.803.B Use Variance Review Criteria](#)

[7.5.906 \(A\)\(4\)](#)

- 12.G. [AR PFP  
17-00122](#) An appeal of the Planning Commission decision to approve the Preliminary and Final Plats to subdivide one 38,460 square-foot lot into two single-family lots located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00123, AR NV 17-00124

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

**Attachments:**

[EXHIBIT A - Appeal Memo](#)

[Vicinity Map](#)

[CPC Staff Report 28 Polo](#)

[FIGURE 1 - Preliminary Plat](#)

[FIGURE 2 - Final Plat](#)

[FIGURE 3 - 28 Polo Appeal](#)

[FIGURE 4 - Project Statement](#)

[FIGURE 5 - 1st Review - neighborhood comments](#)

[FIGURE 6 - 2nd Review - neighborhood comments](#)

[FIGURE 7 - Record of Decision](#)

[FIGURE 8 - CGS Geologic Hazard Review](#)

[7.7.102 Subdivision Plats Review Criteria](#)

[7.7.204 Preliminary Plat Req - Subdivision Plats Review Criteria](#)

[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)

[7.5.906 \(A\)\(4\)](#)

[CPC July 20 2017 - 28 Polo Minutes](#)

### **13. Added Item Agenda**

### **14. Executive Session**

### **15. Adjourn**