



COMMISSIONERS:  
MARK WALLER (CHAIR)  
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS  
STAN VANDERWERF  
CAMI BREMER

## MINUTES

(Audio and audio/video copies of the meeting are available at the Office of the Clerk and Recorder)

Board of County Commissioners (“BOCC”) Meeting  
Tuesday, July 23, 2019, 9:00 AM  
Centennial Hall Auditorium  
200 S. Cascade Avenue, Colorado Springs, Colorado  
**PRESENT: WALLER, VANDERWERF AND BREMER**  
**ABSENT: GONZALEZ AND WILLIAMS**  
**PRESENT LATER: N/A**

Call to Order

1. Invocation

**INVOCATION GIVEN BY AL MCCLAUSLAND, ROAD AT CHAPEL HILLS CHURCH.**

2. Pledge of Allegiance to the Flag of the United States of America  
**PLEDGE LED BY AMY FOLSOM, COUNTY ADMINISTRATOR.**

**BOCC ACTION: VANDERWERF, STAN MOVED/BREMER, CAMI SECONDED TO EXCUSE COMMISSIONERS GONZALEZ AND WILLIAMS. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

3. Staff Emergency Items

- a. Approve up to \$1,000,000.00 from Emergency Funds for repairs to Sawatch Garage. (Sherri Cassidy, Chief Financial Officer - Financial Services)

**BOCC ACTION: VANDERWERF, STAN MOVED/BREMER, CAMI SECONDED TO APPROVE, THE CONTRACT TO BE RATIFIED AT THE JULY 30, 2019 BOARD MEETING. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

4. Changes/Postponements/Notice of Next Meeting

**ITEM NO. 7.f. SHOULD REFLECT \$12,000.00 INSTEAD OF \$12,00.00.**

**ITEM NOS. 12. AND 13. WILL BE HEARD TOGETHER WITH SEPARATE VOTES ON EACH.**

**ITEM NOS. 14 THROUGH 17 WILL BE HEARD TOGETHER WITH SEPARATE VOTES ON EACH.**

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**REQUEST BY STAFF TO CONTINUE ITEM NO. 21.b. TO JULY 30, 2019.**

**BOCC ACTION: BREMER, CAMI MOVED/VANDERWERF, STAN SECONDED TO CONTINUE ITEM NO. 21.b. TO JUNE 30, 2019. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

5. Comments by Elected Officials and Commissioner Liaison Report(s)
6. Community Service Organization Reports
7. Consent Calendar
  - a. Issuance of two (2) Ambulance Permits to Ambulnz Inc. (Ted Sayer, ESA Business Analyst - Department of Public Works)
  - b. Request to approve appointment to the El Paso County Juvenile Community Review Board. (Ingrid Mobley, Administrative Assistant - Administrative Services)
  - c. Resolution declaring the intent of El Paso County, Colorado to issue tax-exempt multifamily housing revenue bonds for the Barnes and Medical View Apartments Project. (Crystal LaTier, Executive Director - Economic Development Department) **(RESOLUTION 19-263)**
  - d. Resolution declaring the intent of El Paso County, Colorado to issue tax-exempt multifamily housing revenue bonds for the Winfield Apartments Project. (Crystal LaTier, Executive Director - Economic Development Department) **(RESOLUTION 19-264)**
  - e. Report on public hearing with respect to proposed Arizona industrial development authority charter school revenue bonds / public approval certificate. (Crystal LaTier, Executive Director - Economic Development Department)
  - f. Resolution for authorization of petty cash for budget year 2019. (Sherri Cassidy, Chief Financial Officer - Financial Services) **(RESOLUTION 19-265)**
  - g. Resolution to recognize revenue and appropriate expenditures in the amount of \$711.00 from 7-Eleven, Inc. to the Sheriff's Office 2019 Budget. (Sherri Cassidy, Chief Financial Officer - Financial Services/Larry Borland, Administrator - Sheriff's Office) **(RESOLUTION 19-266)**
  - h. Resolution to recognize revenue and appropriate expenditures in the amount of \$80,000.00 from the Tuolumne Band of Me-Wuk Indians to the Sheriff's Office 2019 Budget. (Sherri Cassidy, Chief Financial Officer - Financial Services/Larry Borland, Administrator - Sheriff's Office) **(RESOLUTION 19-267)**
  - i. Resolution to recognize revenue and appropriate expenditures in the amount of \$71,450.00 from the State of Colorado, Colorado Department of Public Safety, through the Beating Auto Theft Through Law Enforcement Grant Program (BATTLE) to the Sheriff's Office 2019 Budget. (Sherri Cassidy,

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- Chief Financial Officer - Financial Services/Larry Borland, Administrator - Sheriff's Office) **(RESOLUTION 19-268)**
- j. Resolution to recognize the donation of a 2019 Polaris RZR Utility Vehicle (UTV) to the Sheriff's Office Reserve Unit. (Sherri Cassidy, Chief Financial Officer - Financial Services/Larry Borland, Administrator - Sheriff's Office) **(RESOLUTION 19-269)**
  - k. Resolution to recognize revenue and appropriate expenditures in the amount of \$458,977.00 from the State of Colorado Department of Local Affairs, Division of Local Government to the Sheriff's Office and the Fourth Judicial District Attorney's Office 2019 Budgets. (Sherri Cassidy, Chief Financial Officer - Financial Services/Larry Borland, Administrator - Sheriff's Office) **(RESOLUTION 19-270)**
  - l. Resolution to accept a Quitclaim Deed Associated with the Monument Hill Road Safety Improvements Project. (Scot Cuthbertson, Executive Director - Department of Public Works/Jennifer Irvine, County Engineer - Department of Public Works) **(RESOLUTION 19-271)**
  - m. Resolutions to cancel mobile home taxes (2016-2017), state assessed taxes (2017), personal property taxes (2013-2017) and possessory interest taxes (2013-2017 as provided by C.R.S. 39-10-114)(F)(2)(a). (Gina Trivelli, Deputy Treasurer) **(RESOLUTION 19-272)**
  - n. Resolution to cancel uncollectable real estate property taxes (1989-2004) as provided by C.R.S. 39-10-114(F)(2)(b). (Gina Trivelli, Deputy Treasurer) **(RESOLUTION 19-273)**
  - o. Summary presentation of receipts and expenditures for period of January 1, 2019 through June 30, 2019. (Jeanine Debowey, Accounting Administrator - Treasurer's Office)
  - p. Approval of the 2019-2020 Core Services Program Plan for the El Paso County Department of Human Services. (Julie Krow, Executive Director - Department of Human Services/Matthew Caywood - Director, Department of Human Services) **(RESOLUTION 19-274)**
  - q. Proclamation recognizing the retirement of Shirley Cooke from El Paso County Financial Services. (Mark Waller, Chairman - Board of County Commissioners) **(RESOLUTION 19-275)**
  - r. Procurement and Contracts Consent Calendar: (Eileen Gonzales, Contracts and Procurement Manager)
    - 1. Contract Amendment #6 and Change Order to HDR Engineering, Inc. for design services for Highway105 Project B-E segment from Lake Woodmoor Drive to Highway 83 for the Department of Public Works, Engineering Division at a cost not to exceed \$860,624.90. (CON#10-076)

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2. Contract Amendment #1 and Change Order to Front Range Arborists, Inc. for Black Forest Regional Park Forest Restoration and Thinning Project for the Community Services Department. Change Order amount is not to exceed \$123,300.00. (CON# 19-019)
3. Contract Amendment #2 and Change Order to WaterVation, PLLC (WaterVation) for Civil Engineering Design Services for the Fountain Creek Channel Stabilization Project at Riverside Mobile Home Park for the Public Works Department / Engineering Division at a cost not to exceed \$148,106.00. (CON 18-037)

**BOCC ACTION: VANDERWERF, STAN MOVED/BREMER, CAMI SECONDED TO APPROVE. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

8. Proclamation remembering the Korean War. (Stan VanderWerf, Commissioner - Board of County Commissioners) **(RESOLUTION 19-276)**

**BOCC ACTION: VANDERWERF, STAN MOVED/BREMER, CAMI SECONDED TO APPROVE. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

9. Proclamation Advocating for U.S. Space Command to be located in El Paso County. (Mark Waller, Chairman - Board of County Commissioners) **(RESOLUTION 19-277)**

**BOCC ACTION: WALLER, MARK MOVED/BREMER, CAMI SECONDED TO APPROVE. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

10. Called-up Consent Calendar
11. Rollin Ridge Commercial Map Amendment (Rezone) -- A request by TC&C, LLC, for approval of a map amendment (rezoning) of 8.17 acres from RR-5 (Residential Rural) to PUD (Planned Unit Development). The property is located at the southwest corner of the Hodgen Road and Highway 83 intersection. The subject property is located within the boundaries of the Tri-Lakes Comprehensive Plan (2000). (Parcel Nos. 61270-00-064 and 61270-00-065) (Commissioner District No. 1) (PUD-18-003) (Gabe Sevigny, Planner II - Planning and Community Development) **(RESOLUTION 19-278)**

**BOCC ACTION: WALLER, MARK MOVED/BREMER, CAMI SECONDED TO APPROVE WITH THE CONDITIONS AND NOTATIONS LISTED IN THE BACKGROUND MATERIAL AND INCORPORATED INTO THE RESOLUTION FOR THIS ITEM. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

12. Rollin Ridge Residential Map Amendment (Rezone) -- A request by TC&C, LLC, for approval of a map amendment (rezoning) of 48.84 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at the southwest corner of the Highway 83 and Hodgen Road intersection. The subject

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property is located within the boundaries of the Tri-Lakes Comprehensive Plan (2000). (Parcel Nos. 61270-00-064 and 61270-00-065) (Commissioner District No. 1) (P-18-001) (Gabe Sevigny, Planner II - Planning and Community Development) **(RESOLUTION 19-279)**

**BOCC ACTION: VANDERWERF, STAN MOVED/BREMER, CAMI SECONDED TO APPROVE WITH THE CONDITIONS AND NOTATIONS LISTED IN THE BACKGROUND MATERIAL AND INCORPORATED INTO THE RESOLUTION FOR THIS ITEM. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

13. Rollin Ridge Estates Preliminary Plan -- A request by TC&C, LLC, for approval of a preliminary plan to create sixteen (16) single-family residential lots, one (1) tract for drainage detention, one (1) tract for future development, and right-of-way. The fifty-seven (57) acre property is zoned RR-5 (Residential Rural) and is located at the southwest corner of the Hodgen Road and Highway 83 intersection. (Parcel Nos. 61270-00-064 and 61270-00-065) (Commissioner District No. 1) (SP-18-001) (Gabe Sevigny, Planner II - Planning and Community Development) **(RESOLUTION 19-280)**

**BOCC ACTION: BREMER, CAMI MOVED/VANDERWERF, STAN SECONDED TO APPROVE WITH THE CONDITIONS AND NOTATIONS LISTED IN THE BACKGROUND MATERIAL AND INCORPORATED INTO THE RESOLUTION FOR THIS ITEM AS IT IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE REVIEW CRITERIA WITH THE FINDING OF SUFFICIENCY AS IT RELATES TO WATER QUANTITY AND DEPENDABILITY WHILE DEFERRING WATER QUALITY. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

14. Special District Service Plan -- Winsome Metro Districts Nos. 1, 2, 3, and 4 -- A request by ProTerra Properties, LLC, for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Winsome Metropolitan Districts Nos. 1, 2, 3, and 4. The proposed Districts are located at the northwest corner of the intersection of Meridian Road and Hodgen Road and within Sections 24 and 24, Township 11 South, Range 65 West of the 6th P.M. and Section 19, Township 11 South, Range 64 West of the 6th P.M. The applicant is proposing the following: a maximum debt authorization of \$20 million, a debt service mill levy of 55.277 mills, an operations and maintenance mill levy of 10 mills, and 5 mills for covenant enforcement. The proposed maximum combined mill levy is 70.277 mills. The statutory purposes of the proposed Districts include: 1) street improvements and safety protection; 2) design, construction, financing, and maintenance of drainage facilities; 3) design, acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; and 5) covenant enforcement. Properties within the boundaries of the proposed Districts are included within the Black Forest Preservation Plan (1987). (Parcel No. 51000-00-493) (ID-19-003) (Nina Ruiz, Planner III - Planning and Community Development Department) **(RESOLUTION 19-281)**

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**BOCC ACTION: VANDERWERF, STAN MOVED/BREMER, CAMI SECONDED TO APPROVE WITH THE CONDITIONS AND NOTATIONS LISTED IN THE BACKGROUND MATERIAL AND INCORPORATED INTO THE RESOLUTION FOR THIS ITEM WITH A MODIFICATION OF HIGHER DEBT SERVICE MILL LEVY OF 55.277 MILLS IN CONDITION 1. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

15. Special District Service Plan -- Saddlehorn Metro Districts Nos. 1, 2, and 3 -- A request by roi Property Group, LLC. for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Saddlehorn Metropolitan Districts Nos. 1, 2, and 3. The proposed Districts are located at the southeast corner of the Judge Orr Road and Curtis Road intersection and within Sections 3, 10, Township 13 South, Range 64 West of the 6th P.M. The applicant is proposing the following: a maximum debt authorization of \$45 million, a debt service mill levy of 50 mills, an operations and maintenance mill levy of 10 mills, and 5 mills for covenant enforcement. The proposed maximum combined mill levy is 65 mills. The statutory purposes of the proposed Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) covenant enforcement, and 6) design, construction, and maintenance of public water and sanitation systems. Properties within the boundaries of the proposed Districts are included within the Falcon/Peyton Small Area Master Plan (2006). (Parcel Nos. 43000-00-561, 43000-00-562, 43000-00-554, 43000-00-556, 43000-00-555, 43000-00-557, 43000-00-543, 43000-00-541) (Commissioner District No. 2) (ID-19-004) (Nina Ruiz, Planner III - Planning and Community Development Department) (**RESOLUTION 19-282**)

**BOCC ACTION: BREMER, CAMI MOVED/VANDERWERF, STAN SECONDED TO APPROVE WITH THE CONDITIONS AND NOTATIONS LISTED IN THE BACKGROUND MATERIAL AND INCORPORATED INTO THE RESOLUTION FOR THIS ITEM. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

16. Special District Service Plan -- Gardens at North Carefree Metro District -- A request by Mule Deer Investments, LLC, for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Gardens at North Carefree Metropolitan District. The proposed 11.56 acre district service area is located at the southeast corner of the intersection of North Carefree Circle and Akers Drive and is within Section 29, Township 13 South, Range 65 West of the 6th P.M. The applicant is proposing the following: a maximum debt authorization of \$5 million, a debt service mill levy of 30 mills with a maximum of 40 mills, and an operations and maintenance mill levy of 10 mills. The statutory purposes of the proposed District includes: 1) design, construction, financing, maintenance, and ownership of water and wastewater lines; 2) street improvements and safety protection; 3) design, construction, financing, and maintenance of drainage facilities; 4) design, acquisition, construction, and maintenance of recreation facilities; 5) mosquito control; and 6) covenant enforcement. The proposed District is not included within the boundaries of a small area master plan. (Parcel Nos. 53294-00-012 and

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53294-11-002) (Commissioner District No. 2) (ID-19-001) (Nina Ruiz, Planner III - Planning and Community Development Department) (**RESOLUTION 19-283**)

**BOCC ACTION: VANDERWERF, STAN MOVED/BREMER, CAMI SECONDED TO APPROVE WITH THE CONDITIONS AND NOTATIONS LISTED IN THE BACKGROUND MATERIAL AND INCORPORATED INTO THE RESOLUTION FOR THIS ITEM. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

17. Special District Service Plan -- Mayberry, Colorado Springs Metro Districts Nos. 1 and 2 -- A request by Colorado Springs Mayberry, LLC, for approval of an amended and restated Colorado Revised Statutes Title 32 Special District service plan for the Mayberry, Colorado Springs Metropolitan Districts No. 1 as well as approval of a proposed Colorado Revised Statutes Title 32 Special District service plan for the Mayberry, Colorado Springs Metropolitan District No. 2. The district service area boundary is located immediately south of Highway 94 and approximately 1.24 miles west of North Ellicott Highway and is within Sections 14 and 15, Township 14 South, Range 63 West of the 6th P.M. The purposes of the Districts, as outlined in the amended and restated service plan, include the following: 1) design, construction, maintenance, and ownership of water and wastewater lines; 2) street improvements and safety protection; 3) design, construction, and maintenance of drainage facilities; 4) design, land acquisition, construction, and maintenance of recreation facilities; 5) mosquito control; 6) covenant enforcement, and 7) television relay and transmission. The multiple district service plan proposes the following: a maximum debt authorization of \$164,240,000, a proposed debt service mill levy of 50 mills for District No. 1 and 25 mills for District No. 2 and an operations and maintenance mill levy of 10 mills for each district. The maximum combined mill levy is proposed to be 65 mills for District No. 1 and 40 mills for District No. 2. The proposed District is within the Ellicott Valley Comprehensive Plan (1989). (Parcel Nos. 34000-00-362, 34000-00-356, 34000-00-349, 34000-00-350, 34000-00-259, 34000-00-260, 34000-00-357, 34000-00-358, 34000-00-353, 34000-00-354) (Commissioner District No. 4) (ID-19-002) (Nina Ruiz, Planner III - Planning and Community Development Department) (**RESOLUTION 19-284**)

**BOCC ACTION: VANDERWERF, STAN MOVED/BREMER, CAMI SECONDED TO APPROVE WITH THE CONDITIONS AND NOTATIONS LISTED IN THE BACKGROUND MATERIAL AND INCORPORATED INTO THE RESOLUTION FOR THIS ITEM TO INCLUDE AN AMMENDMENT TO CONDITION NO. 2 REVISING IT TO \$178,420,00.00 WITH STAFF'S RECOMMENDATION TO NOT AUTHORIZE THE ISSUANCE OF DEBT UNTIL FINAL PLAT IS FILED WITH THE CLERK AND RECORDER'S OFFICE. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

**ITEM NO. 19 HEARD BEFORE ITEM NO. 18.**

18. Public Comment on Items Not Scheduled on the Agenda  
**DEBORAH STOUT MEININGER SPOKE ON CONCERNS WITH AQUIFERS AND FAULT LINES IN THE DENVER BASIN.**

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19. Department and Committee Reports/Non Action Items

- a. Pikes Peak Workforce Center update. (Traci Marquez, Executive Director - Pikes Peak Workforce)

20. Addendum

**REQUEST BY STAFF TO CONTINUE ITEM NO. 21.a. TO AUGUST 6, 2019.**


**BOCC ACTION: BREMER, CAMI MOVED/VANDERWERF, STAN SECONDED TO CONTINUE ITEM NO. 21.a. TO AUGUST 6, 2019. MOTION CARRIED (3 - 0) WITH COMMISSIONERS GONZALEZ AND WILLIAMS EXCUSED.**

21. Executive Session

- a. Pursuant to C.R.S. § 24-6-402(4)(b) and (e), the County Attorney's Office is requesting an Executive Session regarding the following matters pertaining to Saul Cisneros and Rut Noemi Chavez Rodriguez v. Bill Elder as Sheriff of El Paso County, Court of Appeals Case No. 19CA136; and Saul Cisneros v. Elder, Court of Appeals Case No. 19CA546, to include:
  1. Conference with the County Attorney's Office for the purpose of receiving legal advice on specific legal questions related to a litigation appeal matter; and
  2. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. (Peter Lichtman, Senior Assistant County Attorney/Mary Ritchie, Assistant County Attorney) **CONTINUED TO AUGUST 6, 2019.**
- b. Pursuant to C.R.S. § 24-6-402(4)(b) and (e), the County Attorney's Office is requesting an Executive Session regarding issues associated with the Taxpayers' Bill of Rights (TABOR), to include:
  1. Conference with the County Attorney's Office for the purpose of receiving legal advice on specific legal questions, including but not limited to options for ballot questions and/or return of taxpayer funds; and
  2. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. (Lori Seago, Senior Assistant County Attorney/Sherri Cassidy - Chief Financial Officer) **CONTINUED TO JULY 30, 2019.**

**THE MEETING ADJOURNED AT 1:10 PM.**

Approval Date: August 6, 2019

By:   
\_\_\_\_\_  
Chuck Broerman  
County Clerk and Recorder