



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

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

---

Tuesday, January 9, 2018

3:00 PM

Council Chambers

---

### 1. Call to Order

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

### 2. Changes to Agenda

There were no changes to the Agenda.

### 3. Executive Session

#### 3A. Open

There was no Open Executive Session.

#### 3B. Closed

There was no Closed Executive Session.

### 4. Staff and Appointee Reports

4.A. [18-0027](#) Discussion on Banning Lewis Ranch Annexation Agreement

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Development

**Attachments:** [Figure 1-BLR AX AGR Comparison table\\_2017-12-11\\_Council Packet](#)

[Figure 2-Draft-BLR-AX-Agmt-12-08-17](#)

[010918 BLR powerpoint](#)

[BLR 1988 Annexation Agreement](#)

Jeff Greene, Chief of Staff, stated that this is the first step of many steps involved for the review and possible amendment of the Banning Lewis Ranch (BLR) annexation agreement. He said that the location of BLR is in the eastern part of El Paso County and at the time of the annexation, due to

the requirements associated with the annexation agreement, it did not fully develop. He explained that El Paso County does not have the resources available to support such a large citizen population. He said that numerous questions have been presented regarding the proposed agreement and will be addressed adequately with responses on a "Frequently Asked Questions" (FAQ) page on the City's Economic Development and Planning Department website.

Peter Wysocki, Director of Planning and Development, provided a brief history of the annexation of the Banning Lewis Ranch, the issues with the 1988 annexation agreement, the reasons for the amendment, and the proposed changes.

President Pro Tem Gaebler inquired how the City's requests for open-space and industrial use zoning will be met and what the timeline for identifying the zoning was. Mr. Wysocki said that when a developer requests a zone change proposal, the City could do a master plan amendment or a new master plan to meet the City's requirements. President Pro Tem Gaebler asked if City Council could require a certain amount of open space zoning in the revised annexation agreement. Wynetta Massey, City Attorney, said that because the property is already annexed, the City cannot require more land dedicated to open space than what it would already have under the City's existing land use Ordinances.

Councilmember Murray asked if there is a fee schedule in place for the current annexation agreement. Ms. Massey stated that there is a fee schedule based on City Code for the BLR property.

Councilmember Knight asked if the cost recovery period could be extended as development occurs. Mr. Wysocki said that City Code currently requires a twenty-five year cost recovery period and that a City Code amendment would potentially be required if it were to extend past that timeframe.

Kathleen Krager, Traffic Engineer, stated that even though development sometime occurs similarly to a jigsaw puzzle, the City works with the developers to insure usable, connecting streets. She also stated that the City utilizes developer agreements to assist with cost recovery for developments that occur at a later time. Ms. Krager said depending on the type of road, it could range anywhere from \$500K to \$5 million. Mr. Greene asked if Marksheffel Boulevard would still need to be improved even if BLR does not develop. Ms. Krager confirmed it would.

Councilmember Geislinger also asked if improvements to Marksheffel Boulevard were a high priority at this time. Ms. Krager confirmed it was.

Councilmember Pico asked what aspect of the drainage maintenance features cost would developers be responsible for in the proposed amendment. Travis Easton, Director, Public Works, said developers would be responsible for maintaining the landscaping aspects of the ponds.

Councilmember Bennett asked who would be responsible for maintaining the unique archeological sites located on the property. Mr. Greene said that a negotiation process would be conducted with the property owners regarding the acquisition of certain sites. He also said that based upon support of City Council, there will be processes made in regards to improvements to the Park Land Dedication Ordinance.

Councilmember Knight commented that constituents have expressed concerns regarding reducing public safety protection with Police and Fire. Mr. Greene stated that staff will provide a more accurate number based upon the requirements of the proposed buildout.

President Skorman asked how the Police and Fire service fee is determined. Mr. Wysocki said that it is calculated based on response time to a geographical area not the density of an area. Bob Cope, Economic Development Officer, said the projected capital impact cost would be \$24 million for the 5.1 fire substations and \$7.6 million for the police substation which includes the equipment that would need to go into those substations.

President Pro Tem Gaebler asked what the cost of service for transit would be based on the distance from the downtown transit station. Mr. Cope said that there is no specific fee currently built in to the agreement to increase transit service in that area.

Bethany Burgess, Senior Attorney, City Attorney's Office, gave an overview of the differences of the current BLR annexation agreement and the proposed amended annexation agreement as it relates to Colorado Springs Utilities.

Councilmember Strand commented that there needs to be more public process regarding the schedule for discussion of the development of BLR and asked for City staff to respond to the BLR annexation agreement questions that have been already been presented. Mr. Greene said that they will be very sensitive to the public process and will be glad to have a feature discussion with City Council.

Councilmember Avila expressed her concern that with the development of the BLR, the Southeast area of the City will be overlooked. She also said that without transportation, people with disabilities will be isolated and that

the Fire and Police Departments will be overtaxed. Mr. Greene said the transportation and infrastructure impacts in El Paso County are subsidized by the City now and this amended agreement will add equity and development which in turn will increase the tax base.

Councilmember Pico stated that development has already occurred in the Falcon area and the goal is to bring the taxpayers back into the City and to reduce the cost to develop to reduce the cost to homeowners. He also stated that the amended BLR annexation agreement does not shift development cost to the taxpayers

Councilmember Geislinger stated that renegotiating the BLR annexation agreement will be better for the City.

#### **5. Presentations for General Information**

There were no Presentations for General Information.

#### **6. Items for Introduction**

There were no Items for Introduction.

#### **7. Items Under Study**

There were no items under study.

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

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

#### **9. Adjourn**

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

Sarah B. Johnson, City Clerk