



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.

Monday, February 10, 2020

10:00 AM

Council Chambers

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. Changes to Agenda

Sarah B. Johnson, City Clerk, stated the second and third topics for item 5.B.A. Closed Executive Session will be moved to the end of the meeting and items 8.C. and 8.D. will be back-to-back and will be considered by City Council for a vote at the February 11, 2020 City Council meeting. Consensus of City Council agreed to these changes on the agenda.

Ms. Johnson stated item 9.A. is the first of a series of updates to occur at upcoming meetings.

3. Regular Meeting Comments

Councilmember Pico requested item 4B.C. be removed from the February 11, 2020 City Council Meeting Consent Calendar.

Consensus of City Council agreed to these changes.

4. Review of Previous Meeting Minutes

4.A. [20-060](#) City Council Work Session Meeting Minutes January 27, 2020

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [1-27-20 City Council Work Session Meeting Minutes Final.pdf](#)

[File 19-748 Harry Salzman Presentation Slides.pptx](#)

[ADU Facts Councilmember Gaebler 1-27-20.pptx](#)

The minutes of the January 27, 2020 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

5B.A. [20-010](#)

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 (c), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed include: (1) consultation with the City Attorney for the purpose of receiving legal advice on specific legal questions related to the interpretation of Colorado law, the City Charter, City Code, and City Council Rules and matters required to be kept confidential by state law, rules and regulations; (2) consultation with the City Attorney for the purpose of receiving legal advice on specific legal questions related to a real property title matter; and (3) negotiation consultation with the City Attorney for the purpose of receiving legal advice on specific legal questions related to a real property acquisition matter.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:
Wynetta Massey, City Attorney

Attachments: [01272020ClosedSession](#)

Marc Smith, Corporate Division Chief, Office of the 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 a Closed Executive Session. The issue to be discussed include: (1) consultation with the City Attorney for the purpose of receiving legal advice on specific legal questions related to the interpretation of Colorado law, the City Charter, City Code, and City Council Rules and matters required to be kept confidential by state law, rules and regulations.

President Skorman polled City Council regarding the desire to proceed with a Closed Executive Session. At least two-thirds of City Council agreed to proceed in Closed Executive Session.

6. Staff and Appointee Reports

6.A. [20-059](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 2-10-20](#)

Councilmember Knight stated if the Lodgers and Rental Tax (LART) supplemental appropriation includes the Challenger Learning Center he will need to recuse himself because his wife is a member of their board.

Councilmember Knight requested an additional presentation to City Council from the Colorado Springs Health Foundation before they hold their retreat on March 18,2020.

Councilmember Williams asked if stakeholders will be invited to attend the Tobacco 21 discussion. President Skorman stated it will be discussed further at the City Council lunch today. Sarah B. Johnson, City Clerk, stated staff is waiting for direction from City Council prior to an Ordinance being drafted.

Councilmember Murray asked if the Colorado Secretary of State Office will provide a presentation regarding ranked-choice voting. Ms. Johnson stated it is scheduled to be presented at the March 24, 2020 City Council Work Session Meeting.

7. Presentations for General Information

7.A. [20-056](#) Garden of the Gods Commercial Use Permit

Presenter:

Matt Mayberry, Cultural Services Manager

Jan Martin, President, Garden of the Gods Foundation

Attachments: [GOG Commercial Permit Presentation 2020](#)

Matt Mayberry, Cultural Services Manager, Parks, Recreation and Cultural Services presented the proposed Garden of the Gods (GOG) Commercial Use Permit. He explained the purpose, types of commercial use in GOG, the public process, and private outdoor fee-based activities (POFA). He gave an overview of the market research, GOG permit administration, and permits, and Garden of the Gods Foundation.

Councilmember Geislinger asked how long the POFA permits had been in place. Mr. Mayberry stated approximately five years.

Councilmember Gaebler asked if the City is consistent with El Paso County for commercial permit fees. Mr. Mayberry stated they heard from a commercial photographer that El Paso County charges five hundred dollars for a six-month commercial vendor permit.

Councilmember Williams requested clarification regarding what classifies a commercial use. Mr. Mayberry stated if there is a transfer of money for services, it would be considered commercial, but there are three exemptions with this commercial use structure: 1. the permitting of drones (which is processed through the Parks, Recreation and Cultural Services Department), 2. the permitting of commercial films, and 3. commercial photography. He stated there is however, a permit required for commercial photography in Rock Ledge Ranch or if the event would require the closure of a park.

Councilmember Pico asked if there are plans for implementing commercial permits for commercial photography. Mr. Mayberry stated it has been discussed, but it would not be implemented through the GOG Visitor and Nature Center.

Councilmember Knight asked for an explanation for the difference between POFA permits Tier A and Tier B. Mr. Mayberry stated it is based on the number of amenities within the parks.

Councilmember Knight asked if this revenue has been calculated into the 2020 budget and what the Taxpayer's Bill of Rights (TABOR) impact will be. Karen Palus, Director, Parks, Recreation and Cultural Services, stated the revenue will go through the GOG Visitor and Nature Center and then the GOG Foundation will provide maintenance and capital projects. Charae McDaniel, Chief Financial Officer, stated because it is a gift to the City from the GOG Foundation, there is no TABOR impacts.

Councilmember Williams requested additional information on potential fees for commercial photography. Mr. Mayberry stated when the discussion for the implementation of permit fees began, commercial photography was set aside to allow for additional comments to be submitted from people with an interest in commercial photography.

Jan Martin, President, Garden of the Gods Foundation, gave an overview of the twenty-five-year history of the GOG Foundation and the donations made to the City on behalf of maintenance for the GOG park.

President Pro Tem Strand asked if there is a timeline for when a permit will be required for commercial photography. Mr. Mayberry stated there is not.

President Pro Tem Strand stated the GOG was given to the City and part of the restriction was the City would not charge the public to use it. Ms. Palus stated there is no charge for the public to use it, only those running a business through GOG will be charged.

Councilmember Pico stated he is concerned with how the companies impacted by these permit fees were not contacted until after the permit fees were already implemented, the excessive amount of the fees, and how confusing the commercial photography piece of it was.

Councilmember Knight stated he does not oppose the fee for someone using the park for business use because it is very expensive to maintain the park. He stated the \$4.2M the City previously received was from revenue generated from the visitor's center not from revenue generated inside the park. He stated with the City setting these permit fees for the use of City land, but being collected by another party and then being given back to the City as a gift is a means of getting around TABOR requirements and that bothers him.

Jeff Greene, Chief of Staff, stated the Administration does not interpret this as a means of getting around TABOR requirements, they see it as a long-term partnership with a foundation which provides a benefit to the City. He stated there is an impact of the profit-making individuals to other visitor's experience of the park and there should be a permit in place for those profit-making activities.

Councilmember Pico stated the City calculates fees across the City based on the cost of service provided, but he feels these commercial fees go beyond the cost.

Councilmember Gaebler stated she supports a charge for people who are making money off the use of the park and requested the information be communicated appropriately.

8. Items for Introduction

- 8.A. [20-051](#) A Resolution approving the amended 2020 Budget for the Colorado Springs Downtown Development Authority in Colorado Springs, Colorado

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [01 Res to Approve DDA budget 2.25.20 Final](#)
[DDA Final 2020 Budget \(002\) Exh A](#)
[01.27.20 DDA financial high level Exh B](#)

President Skorman recused himself.

Charae McDaniel, Chief Financial Officer, presented the amended 2020 Budget for the Colorado Springs Downtown Development Authority. She explained the difference in the tax increment financing line item created a modification of \$1.2M in the annual budget which required the need for the amendment.

There were no comments on this item.

- 8.B.** [20-053](#) A resolution approving the administrative dissolution of the Powers Center Metropolitan District

Presenters

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [PowersCorridorDissolutionRES_2020-02-03](#)
[Exhibit A - Board Resolution](#)
[Attachment 1-Transmittal letter](#)
[PowerPoint](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development present the Resolution approving the administrative dissolution of the Powers Center Metropolitan District. He gave a brief summary of the district and presented a map of the district vicinity and location.

President Pro Tem Strand asked if there is anything City Council should be aware of with this dissolution. Mr. Schueler stated the district has not taken any action such as issuing any formal debt so there is no issue with the dissolution.

Councilmember Knight asked if there have been any tax or mill operation levies collected. Mr. Schueler stated to his knowledge, there has not been any revenue collected and they have never certified a mill levy.

- 8.C.** [19-642](#) A resolution authorizing the Southwest Downtown Business Improvement

District to issue debt in the form of Series 2020 Limited Tax Supported and Special Revenue Senior Bonds in a total principal amount not to exceed \$50,000,000.

(Legislative Item)

Presenters:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Bob Cope, Economic Development Officer

Attachments: [Resolution](#)

[PowerPoint](#)

[Attachment 1- Bond Resubmittal Cover Letter](#)

[Attachment 2- Draft Bond Resolution](#)

[Attachment 3- Draft Master Indenture](#)

[Attachment 4- Draft Supplemental Indenture](#)

[Attachment 5- Draft Capital Pledge Agreement](#)

[Attachment 6- Redevelopment Financing Analysis](#)

[Attachment 7- Infrastructure Cost Worksheets](#)

[Attachment 8 - Draft General Counsel opinion](#)

[Attachment 9 - Draft Bond Counsel Opinion](#)

[Attachment 10 - External Financial Advisor Letter- RBC](#)

[SWD Phase 1A PPP - 12272019 - 2](#)

[Signed Resolution 10-20.pdf](#)

Councilmember Knight expressed appreciation for incorporating the Budget Committee's recommendations in the Resolution authorizing the Southwest Downtown Business Improvement District to issue debt in the form of Series 2020 Limited Tax Supported and Special Revenue Senior Bonds in a total principal amount not to exceed \$50M.

8.D. [20-028](#)

A Resolution Approving a Cooperation Agreement for Redevelopment of Portions of Southwest Downtown, Colorado Springs, Colorado

Presenter:

Bob Cope, Economic Development Officer

Attachments: [Resolution Approving Cooperation Agreement SWDT 01.22.20](#)
[City Draft Cooperation Agreement - 1-22-20-version-clean](#)
[City Draft Cooperation Agreement - 1-22-20-version-redline](#)
[City Draft Cooperation Agreement - 2-04-20-Revised-Clean](#)
[City Draft Cooperation Agreement - 2-04-20-Revised-Redline](#)
[Urban Renewal Plan Museum Park \(final - updated\)](#)
[Exhibit - Museum + Park URA Boundary](#)
[20055695 1 SW Downtown Project Concept Plan](#)
[Exhibit D - Authority Redevelopment Pledge Agreement 1.23.docx](#)
[20055691 1 EXISTING UTILITY ADVANCED RELOCATION EXHIBIT - CIMARRON NORTH..](#)
[SWD Infrastructure -Exhibit F](#)

Jeff Greene, Chief of Staff, gave an overview of the two cooperation agreements for redevelopment of portions of Southwest Downtown. He stated one of the agreements is the original cooperation agreement negotiated and the second agreement is based upon the recommendations which came through the Budget Committee process.

Bob Cope, Economic Development Officer, gave an overview of the proposed revisions.

Councilmember Knight stated there are five parties to this agreement and he felt because City Council is one of the parties, they should be notified if there is a major change to the agreement or the master developer. Councilmember Williams stated even if one of the parties assigns it to another party, the same obligations and criteria would apply to the original entity.

Councilmember Geislinger stated he feels both versions of the agreement are sufficient to protect the City's interest so he supports either version. Mr. Greene stated the Administration recommends removing the language "or the City Regulations" in Section 9.07 **Conflicts**. If the terms and provisions of this Agreement are in conflict with any prior agreement between the Parties ~~or the City Regulations~~, the terms and provisions of this Agreement, as it may be amended from time to time, shall control.

Councilmember Pico states he supports both versions of the agreement.

President Pro Tem Strand stated he supports the Administration's recommendation.

Councilmember Knight stated he supports the February 4th version of the cooperation agreement, but does not support the January one.

Councilmember Williams stated he also supports the February 4th version.

Chris Jenkins, Nor'Wood development Group, representing the applicant, stated they decided to agree to disagree even though they prefer the original agreement version.

Consensus of City Council agreed to move forward with the February 4, 2020 red-line version of the cooperation agreement.

9. Items Under Study

- 9.A. CPC CA 20-00005** Update on the amendment of City Code Chapter 7 (Zoning and Subdivision Regulations)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Don Elliott, Darcie White, and Geoff Green of Clarion Associates

Attachments: FIGURE 1 - RetoolCOS Timeline
FIGURE 2 - RetoolCOS_ProjectPlan
RetoolCOS

Peter Wysocki, Director of Planning and Community Development, stated the City has hired Clarion and Associates to assist with the re-write of City Code Chapter 7 (Zoning and Subdivision Regulations) and is committed to have the Ordinance finally passed at the first City Council meeting in April 2021. He gave an overview of the RetoolCOS project kick-off, RetoolCOS Advisory Committee, and review modules.

Morgan Hester, Principal Planner, Planning and Community Development, went over the review process, and public input opportunities.

Councilmember Knight asked why the public meetings are all being held at the Regional Building Department (RBD). Ms. Hester stated it was to eliminate confusion as to where the meetings will be held, but staff is willing to meet with any other stakeholders if requested.

Councilmember Geislinger and Councilmember Williams emphasized how

important it is for citizens and stakeholders to be involved in this process.

President Pro Tem Strand asked how much the contract with Clarion and Associates was. Ms. Hester stated approximately \$350,000.

Councilmember Knight recommended representation from Peterson Air Force Base and Fort Carson on the RetoolCOS Advisory Committee. Jeff Greene, Chief of Staff, stated due to the redevelopment strategies of Peterson Air Force Base and Banning Lewis Ranch and their relationship with the Colorado Springs Airport, he agrees with moving forward with Councilmember Knight's recommendation of having representation from Peterson Air Force Base. He stated Fort Carson already has representation through other means.

Mr. Wysocki stated Clarion and Associates is also coordinating with Jviation who is working on the Colorado Springs Airport master plan.

Councilmember Geislinger stated the historic preservation group asked to be included as a stakeholder. Ms. Hester stated they held three stakeholder interviews specifically focused on historic preservation.

President Skorman asked if there will be representation for affordable housing. Ms. Hester stated they interviewed a stakeholder for affordable housing which provided very helpful feedback to Clarion and Associates.

10. Councilmember Reports and Open Discussion

President Pro Tem Strand stated he attended the Colorado Springs Police Department Annual Awards Ceremony and the retirement ceremony of Police Officer Eric Apodaca.

Councilmember Murray requested permission to attend the National League of Cities Congressional City Conference in Washington DC if his schedule permits. Consensus of Council agreed to Councilmember Murray's request.

President Skorman, President Pro Tem Strand, Councilmember Geislinger, Councilmember Avila, and Councilmember Williams stated they attended a panel on law enforcement accountability in regards to the death of De'Von Bailey at Relevant Word Ministries.

Councilmember Williams requested a representative from the Colorado Springs Police Department attend the 2020 Academic Symposium being held in Austin, TX by the University of Texas School of Law and Lyndon B. Johnson School of Public Affairs.

5B.A. [20-010](#)

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11. Adjourn

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

Sarah B. Johnson, City Clerk