



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, June 8, 2020

10:00 AM

Council Chambers

How to Watch the Meeting

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- 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 Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated item 5.B.A. Closed Executive Session will be moved to the end of the meeting. Consensus of City Council agreed to this change on the agenda.

3. Regular Meeting Comments

Councilmember Knight requested items 4B.A. and 4B.B. be removed from the June 9, 2020 City Council meeting Consent Calendar. Consensus of City Council agreed to these changes.

4. Review of Previous Meeting Minutes

4.A. [20-252](#) City Council Work Session Meeting Minutes May 22, 2020

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [5-22-20 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the May 22, 2020 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open

5A.A. [20-256](#) Open Executive Session

Presenter:
Wynetta Massey, City Attorney

Attachments: [06082020Open-Closed](#)
[2020-06-08-CouncilMemo-Melvin](#)

Wynetta Massey, City Attorney, stated the City is requesting authorization to defend.

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

5B. Closed

5B.A. [20-257](#) 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), (d), and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issues to be discussed involve: (1) legal advice and consultation with the City Attorney on specific legal questions related to specialized details of security arrangements; (2) legal advice and consultation with the City Attorney on specific legal questions related to the interpretation of City ordinances; and (3) legal advice and negotiation consultation with the City Attorney regarding an intergovernmental agreement.

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: [06082020Open-Closed](#)

Wynetta Massey, City Attorney, stated the first two issues of the electronic Closed Executive Session have been withdrawn. Wynetta Massey, 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 an electronic Closed Executive Session. The issue to be discussed involves legal advice and negotiation consultation with the City Attorney regarding an intergovernmental agreement.

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. [20-251](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 6-8-20](#)

There were no comments on this item.

7. Presentations for General Information

7.A. [20-238](#) Mountain Metropolitan Transit Update

Presenter:

Craig Blewitt, Transit Services Manager, Public Works Department

Attachments: [June 8 Council Work Session Transit Update.pptx](#)

Craig Blewitt, Transit Services Manager, provided an update regarding Metro Transit Services concerning COVID-19. He gave an overview of the challenges, highlights, timeline, latest processes/procedures, and the safety of drivers and passengers.

Councilmember Avila asked if drivers are issued a new N95 mask each day. Mr. Blewitt stated there is a four-month supply available to drivers so they can be swapped out as recommended.

Councilmember Avila asked why the routes have not been made whole again. Mr. Blewitt stated it is due to a driver shortage and ridership levels.

Councilmember Avila asked why the bus identification recordings are not

on at the terminal. Mr. Blewitt stated he will check on the announcements, but each bus also announces its number.

Councilmember Gaebler asked how the \$21.6 million in CARES Act funding will be utilized. Mr. Blewitt stated it will go towards cleaning, sterilization, and addressing the economic impact of COVID-19 in regards to revenue shortfalls due to reduced ridership.

Councilmember Williams asked how many electronic mobile tickets go unused. Mr. Blewitt stated he follow up on that question.

8. Items for Introduction

- 8.A.** [20-239](#) A Resolution of the City Council of the City of Colorado Springs Approving Issuance of Limited Tax General Obligation Series 2020 Bonds by the Interquest Town Center Business Improvement District in an Amount Not to Exceed \$2,860,000

(Legislative Item)

Presenters:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)

[ITC PowerPoint](#)

[Attachment 1- Transmittal Letter](#)

[Attachment 2- Draft District Bond Resolution](#)

[Attachment 3- Bond Details](#)

[Attachment 4- Preliminary Financing Numbers](#)

[Attachment 5- Draft General Counsel Opinion](#)

[Attachment 6- Draft Bond Counsel Opinion](#)

[Attachment 7- External Financial Advisor Opinion](#)

[Attachment 8- Summary of Improvements Costs](#)

[Attachment 9- Improvements Map](#)

[Attachment 10- Summary of Interest Rates for Privately Placed Debt](#)

[Attachment 11 Interquest Town Center Cost Detail](#)

[Attachment 12.a- 2020-06-01 RBCCM Memo for Interquest Town Center BID vfinal](#)

[Attachment 12.b- 2020-06-02 Interquest TC Comps - Corrected](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Development Department, provided a summary of the request for the

issuance of Limited Tax General Obligation Series 2020 Bonds by the Interquest Town Center Business Improvement District (BID) for \$2,860,000. He presented the BID vicinity map, BID boundaries and gave a brief overview of the public improvements to be financed and Budget Committee questions.

Councilmember Murray stated regardless of the seven percent capped interest rate on the bonds, they are still tax free and City Council needs to bring a stop to this particular process. Councilmember Knight stated the market is very volatile right now which is why they are being privately placed with the developer and believes the bond interest should be capped at six percent.

Councilmember Knight asked if the eligible cost is \$2.8 million even though the anticipated cost is \$2.1 million. Russ Dykstra, Spencer Fane, LLC, representing the applicant, stated it is \$2.5 million with approximately \$400,000 left to be built.

President Pro Tem Strand asked if the six percent interest rate is acceptable. Mr. Dykstra stated it is doable, but the seven percent is considered market rate.

Councilmember Pico commented that the market drives the interest rate which changes on daily basis.

- 8.B.** [20-273](#) A resolution approving an economic development agreement between the City of Colorado Springs and Jaxon Engineering Maintenance LLC

Presenter:

Bob Cope, Economic Development Officer

Chelsea Gaylord, Senior Economic Development Specialist

Attachments: [Jaxon Engineering Resolution](#)
 [Jaxon Engineering Economic Development Agreement](#)
 [Jaxon Engineering EDA Presentation](#)

Chelsea Gaylord, Senior Economic Development Specialist, presented a Resolution approving an economic development agreement with Jaxon Engineering Maintenance LLC. She gave an overview of Jaxon Engineering Maintenance LLC, the proposed economic development agreement, the financial analyses, and staff recommendation.

Councilmember Avila asked if any areas in the Southeast were considered for this project. Ms. Gaylord stated she will research that information.

- 8.C.** [20-236](#) A Resolution Accepting a Donation of a 5.3679 Acre Parcel of Real Property from Armstrong Financial Services, LLC to the City of Colorado Springs as part of the Flood Control - Colorado Springs Sand Creek/Karr to West Fork Stabilization Project

Presenter:

Tim Biolchini, City Stormwater Capital Projects Program Manager

Attachments: [AcceptingDonationArmstrongPropertyRES Final](#)
[Armstrong Doation Exhibit](#)

Tim Biolchini, City Stormwater Capital Projects Program Manager, presented the Resolution authorizing the acquisition of a 5.3679-acre vacant parcel for the Flood Control - Sand Creek/Karr to West Fork Stabilization Project and provided a vicinity map of the land acquisition.

Councilmember Geislinger asked if there are any disadvantages to the City by accepting this land donation in advance of the project. Mr. Biolchini stated the City looks three years out in regards to project parcels.

- 8.D.** [20-254](#) 2021 Audit Plan Approval

Presenter:

Jacqueline Rowland, Assistant City Auditor, Office of the City Auditor

Attachments: [2021 Audit Plan final.pdf](#)
[2021 Audit Plan Final for Approval](#)

Jacqueline Rowland, Assistant City Auditor, presented the 2021 Audit Plan for the Office of the City Auditor. She identified the International Professional Practices Framework (IIA Audit Standards), considerations taken to develop the 2021 Audit Plan, calculation of estimated audit hours, allocation of audit services by audit entity, and 2021 alternate projects.

There were no comments on this item.

- 8.E.** [CPC CA](#)
[20-00088](#) Ordinance No. 20-39 amending Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Accessory Dwelling Unit Overlay

(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD CodeAmendment ADUOverlay](#)

Hannah Van Nimwegen, Senior Planner, Planning and Community Development Department, stated there was discussion regarding ordinance 1.3 Accessory Dwelling Unit Overlay and its applicability to new residential development. She stated the minimum district size is ten acres and identified the requirements in order for a smaller district to be considered.

Councilmember Knight asked if the district needed to be contiguous parcels with one ownership. Ms. Van Nimwegen confirmed it does.

Peter Wysocki, Director of Planning and Community Development spoke regarding how property ownership will be identified through utility connection and how enforcement would be made to ensure the owner lives on the property.

Councilmember Knight stated violations of non-occupation fall under City Code Chapter 7, Article 10, which could extend the process past the three-year exemption period. He asked if the cure time could go against the three years. Wynetta Massey, City Attorney, stated if good cause could not be shown, the exemption will not be approved or enforcement will be initiated by the Planning Director. Mr. Wysocki stated their goal is the abatement of the violation.

Councilmember Knight requested the A zone identified in the overlay district that does not require owner occupancy be labeled as the Agriculture zone. He also requested the language regarding economic hardship be revised to reflect temporary economic hardship which is resolvable within two years.

8.F. [20-150](#)

A Resolution Authorizing the Acquisition of Approximately 341.5 Acres of Open Space located in the Mountain Shadows Open Space Candidate Area through the Trails, Open Space and Parks Program.

Presenter:

Britt Haley, TOPS Program Manager, Parks, Recreation & Cultural Services Department

Attachments: [Final Offer Summary Letter 11.21.19](#)
[ResolutionMTNSHADOWSOPENSSPACEAcquisitionFINAL](#)
[CCJune8WorkSessionMtnShadowsAcquisitionsPowerpoint](#)
[Signed Resolution 41-20.pdf](#)

Britt Haley, TOPS Program Manager, Parks, Recreation and Cultural Services Department, presented the Resolutions for acquisition of up to 193.47 Acres at the Black Canyon Quarry and 148.02 acres of Pikeview Quarry frontage property for the purpose of public open space and trails through the Trails, Open Space and Parks (TOPS) fund. She presented a vicinity map, an aerial view of the Black Canyon Quarry, and photos of the Pikeview frontage property. Ms. Haley gave a brief overview of the Black Canyon Quarry Properties, reclamation, Department of Local Affairs Mineral Impact Assistance Fund, the Pikeview frontage properties, and the two reclamation approaches. She identified the draft concept plan, TOPS estimated fund balance summary, and proposed timeline.

Councilmember Williams asked if Garden of the Gods Park has platted lots within it. Ms. Haley confirmed it does and the City has been receiving donations as well as purchasing those types of parcels.

Councilmember Knight stated reclamation of the Black Canyon Quarry may not be very easy and asked if there was any documentation from the state that only revegetation was required. Ms. Haley stated she has received all of the reclamation documentation and permit as well as spoke with Tim Kazier an engineer with the Division of Reclamation Mining and Safety (DRMS) regarding the \$340,000 bond amount in relation to the work that needs to be done.

President Skorman asked if repair to the access road will be expensive. Ms. Haley stated the Traffic Engineering Department stated it is usable in its current condition.

Councilmember Geislinger asked if there a value to the City to reclaim these parcels for use even if there are additional costs associated with the reclamation. Ms. Haley stated these properties have unique attributes to them that will require work, but will be a benefit to the City due to the connection to all the surrounding properties, trails, and the wildlife located there.

Justin Spring, Senior Project Manager, Conservation Fund, gave an

overview of the Conservation Fund, proposed bike park in the area, and outdoor recreation in the City

Jerry Schnabel, Castle Concrete Company, gave an overview of how any risks related to the property would be identified and mitigated and how the property will be revegetated.

President Skorman asked why this acquisition is contingent on City Council supporting and approving Permit Amendment 4. Mr. Schnabel stated because the DRMS office was closed due to COVID-19, the amendment hearing will be taking place June 24, 2020. He stated he would prefer to do away with the contingency, but he will contact their Chicago office to see if that contingency could be removed.

David Deitemeyer, Senior Landscape Architect, Parks, Recreation, and Cultural Services, gave an overview of the proposed bike park, technical trails, elevation, connectivity, and grading aspects.

Richard Mulledy, Engineering Manager, addressed the concerns regarding sedimentation and revegetation and how the City will review the plans as well as inspect the property for safety and regulation compliance.

Councilmember Geislinger asked what the benefits will be to the stormwater program. Mr. Mulledy stated the buffer and open space will improve the stormwater infrastructure.

Councilmember Knight stated he understand the cost benefit to go with Permit Amendment 4, but does not want the contingency to set precedence. He asked if there is anything in the contract to limit the amount of soil removed from the seven-acre property. Ms. Haley stated because it is a conservation transaction. Permit Amendment 4 is a way to make the bottom line work for them.

Councilmember Geislinger asked if the City would be liable if the cost for mediation of the parcel is astronomical. Ms. Haley stated it would not be.

President Pro Tem Strand asked why the City is paying more than the appraised value for the Pike View frontage property. Ms. Haley stated it was determined the value of the parcel is approximately five percent higher than the appraised valuation and the reclamation will take place whether

the City is involved or not.

Councilmember Knight requested a more realistic percentage regarding the TOPS account loss of revenue due to COVID-19 because he believes it is higher than ten percent. Ms. Haley agreed to provide that information.

- 8.G.** [20-151](#) Ordinance No. 20-40 amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$6,243,900 for the Phase I Acquisition of Approximately 193.47 Acres of Property at the Black Canyon Quarry and 89.85 Acres of Property Known as the Pikeview Frontage Property (of a total of 148.02 Acres) for the Purpose of Public Open Space and Trails in the Mountain Shadows Candidate Open Space Area.

Presenter:

Britt Haley, TOPS Program Manager, Parks, Recreation & Cultural Services Department

Attachments: [Appropriation Ordinance.MTNSHADOWS PhaseI](#)

Please see comments in Agenda item 8.F.

9. Items Under Study

- 9.A.** [20-097](#) Protect Our Parks (“POPS”) Discussion

Presenter:

Richard Skorman, Third District City Councilmember
Kent Obee

Attachments: [Charter-Amendment-ParklandConveyances-2020-03-09-CLEAN.docx](#)
[Exhibit A--Parkland Designation List.xlsx](#)
[POPS-WhatWhy.doc](#)

President Skorman introduced the Protect Our Parks (POPS) discussion which would refer a Charter Amendment to the November 2020 election.

Citizen Kent Obee stated the three outstanding issues include: 1) the park designation list should include the TOPS open space properties, as well as the several other parks which had been removed from the original list, 2) the automatic additions of future parkland to the park designation list and 3) there could be an exclusion in regards to an environmental threat.

Councilmember Avila stated the Valley Hi Golf Course should also be on the list. Mr. Obee stated all municipal golf courses should be on the

designation list.

Wynetta Massey, City Attorney, stated because this is an initiated Ordinance, City Council would already not be able to change it without it going back to the voters, Patty Jewett Golf Course has specific deed restrictions, and cemeteries are not park property.

President Skorman asked if the TOPS properties could be added to the list. Ms. Massey stated it would require two separate questions which would create an issue if one was approved and not the other.

Karen Palus, Director, Parks, Recreation and Cultural Services Department, identified how the park designation list was created by direction of City Council and that some of the neighborhood parks are actually owned by the school district.

Councilmember Murray stated the designation list needs to be ironed out.

President Pro Tem Strand asked when they need to have the final designation list. Sarah B. Johnson, City Clerk, stated the ballot language needs to be determined by the end of August. President Pro Tem Strand stated he would like the list finalized within the next weeks.

Councilmember Gaebler stated she is amenable to a much narrower list of parks the City wants to ensure they would never lose. Mr. Obee stated there is a mechanism in place in regards to exclusions.

Councilmember Pico stated the principle of defining what needs to be protected needs to be established and putting too many properties on the list could be too restrictive.

Councilmember Geislinger stated taking the ultimate decision out of the hands of the people elected to make decisions is a bad idea and if the concern is about the City selling park property, that is what the question should be to the voters. He stated the way it is written could instigate a large number of legal challenges.

Councilmember Pico stated the list should only include developed parkland.

Jeff Greene, Chief of Staff, stated the City Attorney's Office, has been working very closely with several City Councilmembers and the designation list should be developed through a discussion between staff and City Council. Ms. Massey stated the different versions of the Charter Amendment previously drafted also need to be discussed.

Councilmember Williams stated there is no way to address every possible scenario which would require an exception and the best solution would be to refer a Charter Amendment ballot measure which would require a super-majority of City Council.

Mr. Obee urged everyone to push ahead and stated the list is ninety percent complete, but once the land is gone, it is gone forever.

Councilmember Knight stated if it goes forward, the list should be inclusive.

Councilmember Geislinger requested a comparison as to what other jurisdictions have done in regards to this matter. Ms. Massey stated this particular initiative is different because it has been in response to what Mr. Obee and the Protect Our Parks group has requested and has not focused on how the other jurisdictions have addressed the matter.

Councilmember Pico stated the criteria has to be established before the list is created and should only apply to developed parkland.

- 9.B.** [20-098](#) An informational presentation of the 2019 PlanCOS Annual Report
(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [PlanCOS Annual Report Presentation](#)
[2019 PlanCOS Annual Report](#)

Peter Wysocki, Planning and Community Development Director, introduced the 2019 annual report of PlanCOS comprised of data from multiple City Departments.

Hannah Van Nimwegen, Senior Planner, Planning and Community Development, presented an overview of the PlanCOS annual report and

Keystone Indicator Dashboard.

Several Councilmembers expressed appreciation for all the hard work that went into the plan.

- 9.C.** [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

Attachments: [RetoolCOS Timeline](#)

[Module 1: Districts and Uses](#)

[RetoolCOS ProjectPlan](#)

[ReToolCOS Module 1 PPT](#)

Morgan Hester, Principal Planner, presented an update on RetoolCOS. She spoke briefly regarding Module 2 which will be presented in July 2020 which will include character areas and alternatives versus general standard for development and parking standards. Ms. Hester gave an overview of the public comments received regarding single-family use in residential developments.

Councilmember Knight stated Module 1 has many more uses included in it than the current City Code Chapter 7. He requested a Work Session presentation identifying which uses were added and a detailed map of what is in Subarea A and Subarea B to be included in the regulations. Ms. Hester agreed to provide that information.

10. Councilmember Reports and Open Discussion

President Skorman stated there will be a Special Work Session held Thursday, June 11, 2020 to discuss the formation of a committee similar to a police oversight committee to address the relationship between the community and the Colorado Springs Police Department. He clarified there will not be a vote taken at this Special Work Session.

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