



# 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.*

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Monday, March 26, 2018

1:00 PM

Council Chambers

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### 1. Call to Order

- Present** 8 - Councilmember Yolanda Avila, Councilmember Merv Bennett, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand
- Excused** 1 - President Pro Tem Jill Gaebler

Councilmember Geislinger arrived at approximately 1:12 PM

### 2. Changes to Agenda

Eileen Krauth, City Council Administrator, stated item 6.B. regarding the briefing on the Public Improvement Fee (PIF) will be presented after the City Attorney arrives and that item 5B.A. Closed Executive Session will be moved to the end of the meeting.

Consensus of Council agreed to these changes on the agenda.

### 3. Regular Meeting Comments

Councilmember Knight requested item 4B.C relating to the transfer of property to Greccio Housing Unlimited, LLC be removed from the Consent Calendar.

Eileen Krauth, City Council Administrator, stated that staff has requested items 7.A. and 9.A. be moved to before Citizen Discussion.

Consensus of Council agreed to these changes on the agenda.

### 4. Review of Previous Meeting Minutes

- 4.A. [18-0146](#) City Council Work Session Minutes March 12, 2018

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [3-12-18 City Council Work Session Meeting Minutes Final](#)

The minutes of the March 12, 2018 Work Session meeting were approved by Consensus of Council.

Councilmember Strand stated that he had requested information from the Municipal Court regarding the revenue from fines. Jeff Greene, Chief of Staff, stated that there will be a briefing at the April 10, 2018 City Council lunch.

## **5. Executive Session**

### **5A. Open**

There was no Open Executive Session.

### **5B. Closed**

[18-0157](#)

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 involves legal advice and negotiation consultation with the City Attorney regarding the Banning Lewis Ranch annexation.

Presenter:

Wynetta Massey, City Attorney

Marc Smith, Division Chief, Corporate Legislative Counsel, stated 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 involves legal advice and negotiation consultation with the City Attorney regarding the Banning Lewis Ranch annexation.

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

## **6. Staff and Appointee Reports**

**6.A.** [17-1326](#) Agenda Planner Review

Presenter:

Eileen Krauth, City Council Administrator

**Attachments:** [032618 Agenda Planner Review MEMO](#)

Eileen Krauth, City Council Administrator, stated that the Sands Annexation item will be an informational briefing at the April 9, 2018 City Council Work Session meeting related to the proposed Sands Metropolitan District Nos. 1-4 request for the annexation of properties included in these districts.

Councilmember Knight stated that the final version of the Economic Development Agreement for Project Renaissance is scheduled for the April 10, 2018 City Council meeting, but has not been scheduled for a Work Session meeting. Jeff Greene, Chief of Staff, stated that it will also be scheduled for the April 9, 2018 Work Session meeting. Councilmember Geislinger stated Bob Cope, Economic Development Officer, will be providing additional information.

**6.B.** [18-0138](#) Public Improvement Fee (PIF) Briefing

Presenter:

Wynetta Massey, City Attorney

Wynetta Massey, City Attorney, gave an overview of Public Improvement Fees (PIFs) and how they are used within special districts in the City. She said the purpose for PIFs is for landlords, through lease agreements, to fund private property improvements. Ms. Massey stated that it is generally assessed as a percentage of a sales transaction, but is not a sales tax. She stated that because it is not a tax and it is a private contractual matter between landlord and tenant, the City does not have the authority to regulate it.

Councilmember Knight asked that since the state is not regulating PIFs and with the City being a home-rule city, can there be a city-wide ordinance to require signage notifying customers of the use of PIFs. Ms. Massey said that it is not a purely local issue because of the State's Consumer Protection Act, PIFs being in common use around the state, and that it is a private contractual transaction, but said she will look into the signage issue.

Councilmember Pico asked if the use of PIFs was similar to a home owners association and if there were any restrictions on what the fees could be used for. Ms. Massey said that if there were, they would be within the landlord/tenant lease agreement.

Councilmember Murray asked who allows the PIFs to be used. Ms.

Massey said it was a financial determination by landlords for improvements and the City is not authorized to control it.

Councilmember Geislinger asked if the City could regulate future new developments that are planning to use a PIF. Ms. Massey stated that the City cannot get in the middle of the contractual relationship between the private land owner and the private renter, but may be able to do something with the notice regarding the assessment and collection of sales tax which is under the City's control.

## **7. Presentations for General Information**

### **7.A. [18-0033](#) City Council Civic Engagement Program Update**

Presenter:

Eric E. Phillips, President/CEO, Community Partnership Project, Inc.

**Attachments:** [Resolution 30-14](#)

Eric E. Phillips, President/CEO, Community Partnership Project, Inc., provided an update on the City Council Civic Engagement Program. He stated that sixty-seventy people have come through the program since 2014.

Erika Liljestrand, a participant of the City Council Civic Engagement Program, stated that she is currently interviewing for a position to become a member on the Food Policy Advisory Board.

### **7.B. [18-0154](#) Briefing on Exponential Impact**

Presenter:

Hannah Parsons, Chief Executive Officer

**Attachments:** [Accelerator Digital flyer \(v2\)](#)

Hannah Parsons, Chief Executive Officer, provided a briefing of the 2018 XI Accelerator Program which is a course through Exponential Impact where entrepreneurs receive mentoring and seed funding for their early stage companies. She stated that participants will go through Launch Camp, an eleven-week Accelerator Program and Demo Day. Ms. Parsons stated that housing will be provided through a partnership with Colorado College and reviewed their selection criteria, the continued business development team, and their corporate and strategic partners.

There were no comments on this item.

## **8. Items for Introduction**

- 8.A.**    [17-1196](#)        A Resolution Rescinding Resolution No. 73-14 and Establishing Fees and Charges for the Parks, Recreation and Cultural Services Cemetery Enterprise for 2018

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services  
Kim King, Recreation and Administration Manager

**Attachments:**    [3-26-18 - Resolution - Cemetery Fees \(17-1196\) - cw](#)  
[08-21-17 - Exhibit A - Cemetery Fees and Charges 2018](#)  
[03-26-18 - 2018 Cemetery Fees and Charges - City Council Presentation](#)

Kim King, Recreation and Administration Manager, gave a brief history and overview of the service levels, endowment, fund balance, and the proposed changes in fees and charges for Evergreen Cemetery and Fairview Cemetery.

Councilmember Knight commented that the Finance Committee was comfortable with the proposed increases and asked when the new fees would be in effect. Ms. King said if it is approved by City Council in two weeks, it would be effective April 15, 2018.

Councilmember Geislinger said the west is embracing cremation due to environmental conservation and asked if there could be a presentation regarding the conservation efforts of the cemeteries next year. Ms. King agreed to provide that information.

- 8.B.**    [18-0124](#)        An Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Pikes Peak - America's Mountain Fund in the Amount of \$13,500,000 for the Pikes Peak Summit Complex Project

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services  
Jack Glavan, Pikes Peak - America's Mountain Manager - Parks, Recreation and Cultural Services

**Attachments:**    [3-26-18 - ORDINANCE - PPAM Summit Complex Supplemental](#)

Charae McDaniel, Chief Financial Officer, stated the Pikes Peak is one of the most visited mountains in the world with more than 700,000 visitors

annually. She stated the environmental assessment and design phase of the project for the Pikes Peak summit visitor center is anticipated to be completed this summer and presented the request for the supplemental appropriation of \$13.5M for the proposed construction.

Councilmember Strand asked what the impact will be to the summit house in regards to the closing of the Pikes Peak Cog Railway. Jack Glavan, Manager of Pikes Peak-America's Mountain, stated there are approximately 500,000 visitors that arrive from the Pikes Peak Highway and 300,000 from the Pikes Peak Cog Railway. He stated that they anticipate half of the visitors that would have used the railway will now use the highway and that they may begin offering a shuttle service to the summit house.

Councilmember Knight said the Budget Committee was unanimously in support of the proposal.

- 8.C.**     [18-0135](#)     An ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$757,443 for the final payment to the Colorado Springs Convention & Visitors Bureau relating to the 2017 contract

Presenter:

Charae McDaniel, Chief Financial Officer

Doug Price, President and CEO of the Colorado Springs Convention and Visitors Bureau

**Attachments:**   [Ordinance for LART CVB 2017 final payment](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation to the Lodgers and Automobile Rental Tax (LART) fund for the 2017 revenue over budget related to the current contract with the Colorado Springs Convention and Visitors Bureau.

There were no comments on this item.

- 8.D.**     [18-0143](#)     An Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$50,000 for events recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

Fred Veitch, Chair, LART Citizen Advisory Committee

**Attachments:** [LART Resolution Exhibit A - 2018.pdf](#)  
[Ordinance for LART 2018 Additional Events.docx](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation to the Lodgers and Automobile Rental Tax (LART) fund for \$50K for the 2017 excess revenue fund balance. She stated the LART Citizen Advisory Committee approved three additional 2018 events for the use of the remaining funds.

Councilmember Knight commented that the Budget Committee also approved the use of these funds.

- 8.E. [CPC MPA 02-00101-A9 MJ18](#) An ordinance adopting a Major Master Plan amendment to the Intermodal Transportation Plan by approving and incorporating BikeCOS! A Citywide Bicycle Master Plan

Presenter:

Kathleen Krager, Transportation Manager  
Kate Brady, Senior Bicycle Planner

**Attachments:** [ORD PlanDev-BikeMasterPlan-2018-01-31 ExhibitA-ColoradoSpringsPlan\\_final](#)  
[Appendix A - State of Bicycling in Colorado Springs Report](#)  
[Appendix B - Bicycle Facility Toolbox](#)  
[Appendix C-Public Engagement Summary](#)  
[Appendix D - Summary of Public Comments](#)  
[BikeCOS 2018 03 26 Council](#)  
[CPC Staff Rep - Bicycle Master Plan](#)

Kate Brady, Senior Bicycle Planner, presented the 2018 BikeCOS! bicycle master plan. She stated that the plan received unanimous recommendations from the Active Transportation Advisory Committee (ATAC), Citizen Transport Advisory Board (CTAB), Parks and Recreation Advisory Board, and City Planning Commission. Ms. Brady stated that the City's bicycle infrastructure is outdated and PlanCOS meetings reflect the community's desire to improve neighborhood bicycle infrastructure and facilities. She explained why a bike plan is beneficial to the City and identified the bike plan vision, existing bicycle facilities, and the safety factor of the plan. She gave an overview of the bicycle vision network, connectivity, and how the BikeCOS! plan will be implemented and enforced.

Councilmember Pico asked for clarification on automated vehicle enforcement. Kathleen Krager, Traffic Engineering Division Manager, stated that technology that is coming in the near future would include bicycles in the enforcement of traffic violations.

Councilmember Pico asked about how the bike share system would be funded. Ms. Brady said that it would be funded by the Downtown Partnership and Downtown Ventures.

Councilmember Pico commented that the buffered bike lanes do not seem to be the best option. Ms. Krager said it is a top request from the biking community, but they are trying a different design than what was put on Weber Street in other locations.

Councilmember Bennett asked if part of the plan is to evaluate the changes. Ms. Krager stated that it does take some time for people to begin using them especially when bike lanes are opened at the beginning of the winter season.

Councilmember Knight commented that there are thousands of citizens opposed to bike lanes and asked if City Council will be burdened by the response from the street reconfigurations. Ms. Krager said that historically a lane reduction for a bike lane has not gone before City Council and there is not a plan to change that method.

Councilmember Knight said a large majority of people that attend the bike master plan meetings are bike-friendly people. Ms. Krager stated that there are many options that can be used other than lane reduction to add bike lanes. Councilmember Knight requested that the language be amended to state that it is not mandated that the streets identified in the Bicycle Vision Network maintain bike lanes. Ms. Krager agreed to put that change in the plan.

Councilmember Murray asked how big the population of bicyclists is. President Skorman said that the City is behind on bike infrastructure and that there is a demand for bicycle transportation.

Councilmember Strand asked if the vision is for the City to achieve a higher ranking of bike friendliness. Ms. Krager said that the bike master plan provides her with techniques and guidelines to assist her when she is



planning traffic. Ms. Krager stated the trail system within the City cannot support the bicyclists.

Councilmember Geislinger commented that gas assisted bikes need to be incorporated in the plan. Ms. Krager stated those would have to be addressed with City Ordinance and State law first.

**8.F.** [CPC V  
18-00011](#)

An Ordinance vacating portions of “Old” Eagle Rock Road right-of-way located east of North Nevada Avenue and south of the newly realigned Eagle Rock Road.

(Legislative)

Presenter:

Peter Wysocki, Planning and Development Director  
Kathleen Krager, Transportation Planning Manager  
Michael Schultz, Principal Planner  
Bryan English, Development Projects Manager (CSU)

**Attachments:** [Ord Vacation Portions of Eagle Rock Road - BB Edited 3-9-18](#)  
[Exhibit C - Legal Description and Drawings](#)  
[Attachment 3 to Vacation Ordinance](#)  
[UCCS IGA \(Eagle Rock\) Signed 20180227](#)  
[7.7.402.C Vacation Procedures](#)

Kathleen Krager, Traffic Engineering Division Manager, presented the proposed Intergovernmental Agreement (IGA) between the City and the University of Colorado Colorado Springs (UCCS) related to conveyance of new right-of-way and easements and vacation of old right-of-way of “Old” Eagle Rock Road located east of North Nevada Avenue and south of the newly realigned Eagle Rock Road. She gave an overview of the vicinity maps and the utility easements conveyed by UCCS.

Councilmember Geislinger asked if this will impact the Eagle Rock neighborhood. Ms. Krager stated that residents will continue to have access through Eagle Rock Road and that the City will be closing Stanton Road with the addition of a gate to prevent UCCS students from driving through the neighborhood.

Councilmember Knight asked if City Council would be able to get an update regarding the gates at the east end of Eagle Rock Road that would not violate the quasi-judicial rules. Ms. Krager agreed to provide that information.

Councilmember Geislinger stated that he was involved in recommending the Catholic Diocese purchase the property where the gate will be located when he was on the Diocesan Finance Council and wanted to make sure that would not be a conflict of interest. Marc Smith, Division Chief, Corporate Legislative Counsel, agreed to discuss that with him.

- 8.G.**     [18-0141](#)     A Resolution approving an Intergovernmental Agreement between the City of Colorado Springs, Colorado, and the Regents of the University of Colorado related to conveyance of new right-of-way and easements and vacation of old right-of-way.

Presenter:

Peter Wysocki, Planning and Development Director  
Kathleen Krager, Transportation Planning Manager  
Michael Schultz, Principal Planner  
Bryan English, Development Projects Manager (CSU)

**Attachments:**   [UCCS IGA RES-2017-11-28](#)  
[UCCS IGA \(Eagle Rock\) Signed 20180227](#)  
[IGA - Eagle Rock Rd Presentation](#)

Please see comments in Agenda item 8.F.

- 8.H.**     [17-1245](#)     A Resolution adopting City Council's annual Report to the Citizens for 2017, pursuant to City Charter Section 3-10(d).

Presenter:

Eileen Krauth, City Council Administrator

**Attachments:**   [RES ANNRPT 2017](#)  
[Exhibit A COCS Annual Report 2017 DRAFT](#)

Eileen Krauth, City Council Administrator, presented the draft of the City Council's annual Report to the Citizens for 2017.

Councilmember Geislinger recommended that the passage of the stormwater amendment and City Council's commitment to use those funds in support of the Mayor's initiative to improve public safety should be added. Consensus of Council agreed.

- 8.I.**     [17-1413](#)     A resolution approving the City Council's 2019 strategic plan pursuant to City Charter §3-10(C) to provide for the future of the City and for the Mayor's consideration in the development of the 2019 municipal administrative budget

Presenter:

Council President Pro Tem Jill Gaebler, Chair, City Council Strategic Planning Committee

**Attachments:** [StrategicPlanRES-2018-03-20](#)  
[Exhibit A Council Stratplan2019 DRAFT](#)

Eileen Krauth, City Council Administrator, presented the City Council's 2019 strategic initiatives.

Councilmember Strand stated he is concerned that there were no initiatives listed for items 2B and 2C. Ms. Krauth stated that she will change the language to clarify that City Council is supporting the executive branch initiatives on those items.

Councilmember Knight commented that City Council's work with Colorado Springs Utilities should be included in next year's strategic initiatives. City Council and Colorado Springs Utilities staff stated they will research this idea.

Councilmember Bennett said there is no mention of the comprehensive plan which is managed by City Council. Ms. Krauth agreed to add the support of the PlanCOS process.

## **9. Items Under Study**

There were no items under study.

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

Councilmember Knight stated that he and Councilmember Strand attended the grand re-opening of the Doubletree by Hilton hotel.

Councilmember Avila described the assistive technology she uses to get the information for City Council meetings.

Councilmember Murray stated he attend the Arc's fundraiser at Stargazer's Theater and joined students in Acacia Park regarding school violence.

Councilmember Geislinger stated he and President Skorman attended a meeting at a homeless camp and that the community needs to remember that these individuals are people and should not be labeled just because they are on the street.

Councilmember Strand stated he, Councilmember Pico, and

Councilmember Knight participated in Meal on Wheels with Silver Key Senior Services. He said he also attended the Boy Scouts of America Investment in Character event and an event to honor individuals celebrating their ten-year anniversary with the Nixon and Drake power plants.

## **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