



# 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, September 9, 2019

1:00 PM

Council Chambers

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### 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

There were no Changes to Agenda.

### 3. Regular Meeting Comments

Councilmember Knight requested the historic value of the homes located where the proposed site of the tiny home community is. Jeff Greene, stated they will provide that information at the September 10, 2019 City Council meeting.

### 4. Review of Previous Meeting Minutes

4.A. [19-536](#) City Council Work Session Meeting Minutes August 26, 2019

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [8-26-19 City Council Work Session Meeting Minutes Final.pdf](#)

Councilmember Pico requested his comments during the presentation of Colorado Colleges' Climate Vulnerability Report be included in the meeting minutes.

The minutes of the August 26, 2019 Work Session meeting were approved as amended by Consensus of City Council.

### 5. Executive Session

#### 5A. Open

**5A.A.** [19-532](#) Delbert Sgaggio v. Bret Poole et al., Case No. 19-cv-01975-PAB-KMT, United States District Court, District of Colorado

The Civil Action Investigation Committee met on August 23, 2019, and has recommended that the City represent the Officers as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. The Officers were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.

Presenter:  
Wynetta Massey, City Attorney

**Attachments:** [09092019OpenSession](#)  
[2019-09-09-Council\\_Memorandum-Sgaggio](#)

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

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

## **5B. Closed**

**5B.A.** [19-556](#) 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) 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 consultation with the City Attorney regarding a land acquisition matter and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

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:** [09-09-2019-Closed Session](#)

Wynetta Massey, City Attorney, Office of the City Attorney, 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 issues to be discussed involves consultation with the City Attorney regarding a land acquisition matter and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

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. [19-535](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 9-9-19.pdf](#)

Sarah B. Johnson, City Clerk, stated the endorsement for a grant for the 2020 Census outreach efforts will be presented at the September 23, 2019 or October 7, 2019 City Council Work Session.

Councilmember Knight asked if the Church of all Nation annexation will be on the September 24, 2019 City Council meeting Consent Calendar or New Business. President Skorman stated it will be New Business.

President Pro Tem Strand commented that there will be a public hearing regarding short-term rental units at the September 24, 2019 City Council meeting.

Jeff Greene, Chief of Staff, stated the September 23, 2019 City Council Work Session will begin the series on the discussion of special districts.

### **6.B. [19-008](#) City Financial Report**

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [Sep 9 Monthly Financial Report](#)

Charae McDaniel, Chief Financial Officer, presented the September 2019 financial report which represented activity through July 2019. She gave an overview of general fund revenue, expenditures, sales tax trends, grant funds, and economic indicators.

Councilmember Pico asked how the 2C road tax could be down 3.2 percent while the sales use tax is up 3.2 percent. Ms. McDaniel stated she will verify the 2C road tax information, but sometimes they have various refunds which make the numbers vary.

President Pro Tem Strand request data from the 2018 awarded grants. Ms. McDaniel agreed to provide that information and explained that many grants are one-time only grants for various projects.

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

### **7.A. [19-479](#) 2020 Census Pikes Peak Area Complete Count Committee**

Presenter:

John Suthers, Mayor of Colorado Springs

Merv Bennett, Chair of the PPACCC

Eric Phillips, Co-Chair of the PPACCC

**Attachments:** [2020 Census \(1\).pdf](#)

[Join the Census Job Flyer EngSpan](#)

Mayor Suthers provided an overview of the 2020 Census Pikes Peak Area Complete Count Committee (PPACCC) and explained the potential for more federal funding and an additional congressional seat in Colorado based on a complete and accurate count of the 2020 Census.

Merv Bennett, Chair of the PPACCC, presented the reasons why everyone needs to complete the 2020 Census which include Federal funds and reapportionment. He explained why it is important, easy, safe, and required. Mr. Bennett identified the members of the PPACCC and their accomplishments. He explained the timeline for the 2020 Census and how everyone can help with an accurate count.

President Skorman asked what the Federal funding per person is. Laila Senger, Partnership Specialist, U.S. Census Bureau, stated it is approximately \$1,400 per person.

Councilmember Williams stated Colorado Department of Transportation (CDOT) also calculates their state funding based on the results of the Census.

President Pro Tem Strand stated education of parents from elementary school students is very effective.

Councilmember Avila spoke in Spanish and encouraged citizens to complete the Census because it is important and safe.

Councilmember Murray suggested combining the Census information with the upcoming November 5, 2019 election information booklet which will be distributed to voters.

## **8. Items for Introduction**

- 8.A. [19-510](#) A resolution authorizing the disposal of surplus, City-owned property to JVKHE-2, LLC, ("Purchaser") as the one logical, potential purchaser.

Presenter:

Greg Phillips, Director of Aviation, Colorado Springs Airport

**Attachments:** [Exhibit A-Approved Concept Plan-Peak Innovation Park 121818](#)

[Exhibit B-2019.08.20 Hotel Site\(s\) Exhibit](#)

[Hotel Letter of Support...8.28.19.pdf](#)

[Exhibit C - FAA Instrument of Release.pdf](#)

[8-28-19 - Marriott Backup Memo.docx](#)

[8-28-19 - Resolution for Marriott Hotel 6 acres.docx](#)

Troy Stover, Assistant Director of Aviation, Colorado Springs Airport, presented the Resolution authorizing the disposal of surplus City-owned property for a hotel site within Peak Innovation Park. He gave an overview of the hotel site location, hotel permitted use, hotel concept plan, and the advantages of a hotel site in Peak Innovation Park. Mr. Stover went over the action items and conceptual layout.

Councilmember Gaebler asked if there are restrictions regarding the Marriott being able to sell the hotel. Mr. Stover stated there are no restrictions after the hotel is built, but the Peak Innovation Park has an architectural control committee and stringent covenants for design standards.

Councilmember Geislinger asked how they know this is the one logical purchaser. Mr. Stover stated this land has been advertised on the market for many years with no legitimate proposals. John Maier, Chair, Airport Advisory Commission, stated there has not been any other logical purchasers that have previously come forward.

President Pro Tem Strand asked what the Airport Advisory Commission considers prudent development. Mr. Maier stated there has been a lot of discussion regarding lease versus purchase. He stated the proceeds from this particular sale of property will fund the infrastructure, but it would not be prudent to sell everything in the business park.

Councilmember Knight asked how many acres have been sold or leased. Mr. Stover stated out of nine hundred acres they have sold approximately eighty-eight acres and are in negotiations to lease approximately fifteen acres.

Councilmember Williams asked if there an exclusivity agreement with the hotel. Mr. Stover confirmed there is, but it is for a short period of time.

- 8.B.**     [19-291](#)     A Resolution authorizing issuance of debt by the Tuscan Foothills Village Metropolitan District in the form of Limited Tax General Obligation Convertible Capital Appreciation Bonds in an aggregate principal amount of \$1,100,000.

(Legislative Item)

Presenter:

Peter Wysocki, Director, Planning and Community Development  
Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

**Attachments:**   [City Resolution Approving Debt Issuance 2019-08-13](#)  
[Attachment 1-TFVMD - CO Springs Submittal Letter](#)  
[Attachment 2- Term Sheet - Tuscan Foothills Village MD \(8.15.19\)](#)  
[Attachment 3- Form of CCAB Series 2019 Bond](#)  
[Attachment 4- Financial Projections](#)  
[Attachment 5 - Reimbursable Cost Summary](#)  
[Attachment 6 -General Counsel Opinion Letter, 2019-08-16](#)  
[PowerPoint](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Development Department, presented the authorization of Tuscan Foothills Village Metropolitan District to issue debt in the amount of \$1.1 M in the form of Limited Tax General Obligation Convertible Capital Appreciation Bonds. He provided a brief summary, presented the area and district map, and identified Budget Committee comments.

Councilmember Knight stated he will not be supporting this item because he does not support the formation of this district.

- 8.C.**     [19-397](#)     A Resolution approving a service plan allowing for the creation of the Chapel Heights Metropolitan District

(Legislative)

Presenter:  
Peter Wysocki, Director of Planning and Community Development

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Development Department

**Attachments:** [resolution](#)

[Exhibit A- 2019 07 02 - Service Plan - Chapel Heights MD](#)

[Attachment 1- 2019 07 02 - Transmittal Letter - Chapel Heights MD](#)

[Attachment 2- 2019 07 02 - Redline Comparison Service Plan - Chapel Heights MD](#)

[Attachment 3- Chapel Heights MD Cost Estimates](#)

[Attachment 4- Opportunity Zone Highlights](#)

[Chapel Heights PowerPoint](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a service plan allowing for the creation of the Chapel Heights Metropolitan District. He provided a brief summary of the service plan, presented a vicinity map, the pending development plan, the contingency condition, and identified the questions from the City Council Budget Committee.

Councilmember Knight asked why the operations and maintenance mills are Gallagher-adjusted. Mr. Schueler stated the operations and maintenance mills have been Gallagher-adjusted in a number of other districts in the City.

Councilmember Knight asked if there is any other existing debt which is not included in the \$20M service plan. Mr. Schueler stated a district may refinance its existing debt without it being considered new debt with respect to the cap.

Councilmember Geislinger asked what the expected price point is for these homes. Russ Dykstra, Spencer Fane, representing the district, stated it is very similar to Pikes Peak Heights and Patriot Park and is market affordable. He stated they are trying to lower the cost to the homeowner by removing the overhead costs of a Homeowner's Association (HOA).

Councilmember Geislinger asked how much homeowners will be expected to pay for operations and maintenance and what will be included in it. Mr.

Dykstra stated the district will take over the HOA functions such as trash removal and open space common area maintenance, but he would not have the exact figures until the development is completed.

Councilmember Avila stated this is the only tract in the Southeast area which is a Federal qualified opportunity zone and she has concerns with this project exemplifying gentrification. She stated she would like to see more revitalization such as affordable housing or retail in this area.

Councilmember Murray asked if the district will maintain the park as a public park. Mr. Dykstra confirmed they will.

Councilmember Geislinger asked why the Federal qualified opportunity zone is not being considered or utilized with this development. Mr. Dykstra stated he will need to defer that question to his client when they come back for the zoning process.

Councilmember Knight requested an overlay map of the opportunity zone with this property. Jeff Greene, Chief of Staff, stated they will provide that information.

Peter Wysocki, Director of Planning and Community Development, stated staff has received land use change and zone change applications for this site.

Councilmember Pico asked what the impact of the opportunity zone would be. Mr. Greene stated they will provide that information. Councilmember Knight requested the impact of the opportunity zone information be presented at the September 24, 2019 City Council meeting.

President Skorman stated he does not see market rate homes as a benefit to this community.

**8.D.**     [19-396](#)

A resolution approving a service plan allowing for the creation of the Stadium Metropolitan District.

(Legislative)

Presenter:  
Peter Wysocki, Director of Planning and Community Development

Carl Schueler, Planning Manager- Comprehensive Planning, Planning &



## Development Department

**Attachments:** [Resolution](#)[Exhibit - 2019 07 02 - Service Plan - Stadium MD](#)[Attachment 1- 2019 07 02 - Service Plan Transmittal Letter - Stadium MD](#)[Attachment 2- 2019 08 05 - Redline Comparison Service Plan - Stadium MD](#)[Attachment 3- Switchbacks - Cash flow forecast](#)[Attachment 4- Weidner Stadium - Revenues and Expenses at Normalized Operations](#)[Attachment 5- 8-19-19 Budget Committee STADIUM PRESENTATION](#)[PowerPoint](#)

Due to Centura being a partial partner in the stadium project, Councilmember Geislinger disclosed he is employed by Centura, but believes it is not a mandatory conflict of interest.

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a service plan allowing for the creation of the Stadium Metropolitan District. He provided a brief summary of the service plan, presented a vicinity map, the proposed stadium plan, and identified the relationship to the Downtown Development Authority (DDA), and Downtown Business Improvement District (BID). Mr. Schueler gave an overview of the urban renewal area, development approvals, and questions from the City Council Budget Committee.

Councilmember Knight stated the City Council Budget Committee was told the fifteen mills in debt authorization was strictly for refurbishment costs, not as a repayment to a third party. Russ Dykstra, Spencer Fane, LLC, representing the district, stated the fifteen mills operations and maintenance is not going to be pledged for any debt or used to repay any debt.

Councilmember Knight stated this stadium was not supposed to be owned or operated by the City so why would it be tax exempt. Mr. Dykstra stated anything owned by a governmental entity is tax exempt and the land the stadium sits on is owned by the district which is a governmental entity.

Councilmember Murray stated this stadium is supposed to pay for itself and the public should not condone a \$50M debt issuance. Mr. Dykstra stated the \$50M is not anticipated to be a debt issuance and will not be

supported by property taxes because the only people paying property taxes on the mill levy will be the people who lease restaurant space in the stadium. He stated the stadium will only be built with City for Champions (C4C) and private funding. Jeff Greene, Chief of Staff, stated general fund dollars will not be allocated, but if a quasi-judicial governmental entity such as a special district is established, it is a way to finance and maintain this facility.

## **9. Items Under Study**

- 9.A.**    [CPC CA 19-00027](#)    Discussion of possible amendments to Chapter 7 (Planning, Development and Building) of City Code pertaining to accessory dwelling units.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development  
Hannah Van Nimwegen, Senior Planner, Land Use Review Division

**Attachments:**    [Attachment 1 - Option Breakdown](#)  
[Work Session ADU Presentation - 6.10.19](#)  
[Attachment 1 - Draft 10 ADU Ord - Option A - 5-28-19](#)  
[Attachment 2 - Draft 10 ADU Ord - Option B - 5-28-19](#)  
[Attachment 3 - Draft 3 - Affidavit - 5.28.19 - Notification, HOA Covenant](#)  
[Attachment 4 - Draft 3 - Restrictive Covenant - 5.28.19 - Subdivision, Owner Occupancy](#)  
[CPC Staff Report - Accessory Dwelling Unit](#)  
[Figure 1 - ADU Draft Ordinance](#)  
[Figure 2 - Zone Districts Map](#)  
[Figure 3 - Comparable Cities](#)  
[Figure 4 - ADU Citizen Forum Materials](#)  
[Figure 5 - Citizen Comment](#)  
[Figure 6 - ADU Existing Vs Proposed Table](#)  
[Figure 7 - Integrated ADU Illustration](#)  
[Figure 8 - Detached ADU Illustration](#)  
[Figure 9 - PlanCOS Resource Sheet](#)  
[Figure 10 - Mill Street Plan Summary](#)

Hannah Van Nimwegen, Senior Planner, presented the Ordinance amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for accessory dwelling units (ADU). She went over the zoning code definition of a family, provisional definition of a familial relationship, and the 2015 International Residential Code (IRC)

requirements for an ADU. Ms. Van Nimwegen listed several options for City Council to consider;

Option 1: ADUs are a permitted land use in single-family zone districts

Option 1A: Two families on one property, Option 1B: One family occupying the entire property

Option 1C: Requiring a familial relationship to the property owner

Option 2: ADUs require a permit review through City Planning

Option 2A: Two families on one property

Option 2B: One family occupying the entire property

Option 2C: Requiring a familial relationship to the property owner

Option 3: ADUs require Conditional Use approval by the City Planning Commission

Option 3A: Two families on one property

Option 3B: One family occupying the entire property

Option 3C: Requiring a familial relationship to the property owner

Option 4: ADUs may be allowed through any method and must also be located within an Accessory Dwelling Unit Overlay Zone

Option 5: There is no change to single-family zone districts.

Councilmember Pico stated City Council has already determined no detached ADUs should be allowed in single-family zone districts. He presented photos of several ADU's in various states of dilapidation that had been started over twenty years ago, but never completed.

Councilmember Pico stated there needs to be a provision for an architectural review and inspection of ADUs that are disintegrating. Jeff Greene, Chief of Staff, stated Building Permits are obtained from the Regional Building Department (RBD) and the City cannot control someone not completing construction. Peter Wysocki, Director of Planning and Community Development, stated RBD staff said they are not in a position to put any deadlines for completion or deconstruction of a project. Mr. Green stated there needs to be discussion with the Regional Building Commission to resolve this issue.

Councilmember Williams stated when people bought their homes in a single-family zone, the law has stated people can live with related to them or a maximum of five unrelated individuals and he does not favor increasing the number of unrelated individuals. He said he is in favor of Option 2B, but there should be public notice and neighborhood input before an ADU is permitted.

Councilmember Knight stated "immediate family member" has been defined in the ethics section of City Code and there needs to be a stronger

definition of "family" for this item. He stated he is in favor of Option 2B because it keeps the residents to one family or five unrelated people and is open to an option of ADU overlay zones in new areas as long as they are owner-occupied. Councilmember Knight stated this option would be a solution for children who want to continue to live at home, but have some independence and also for parents who want to age in place.

Councilmember Murray stated he prefers Option 5 because the other options will create additional complexities and they should honor single-family properties.

Councilmember Gaebler stated owners should be able to modify their home to utilize their home in another capacity and there would be no difference in impact to a neighborhood to have unrelated individuals living together as a large family would. She stated she supports having an administrative review process and multiple families because she believes it will create more affordable housing for the future.

Councilmember Pico stated he supports Option 2B, but homes should not be converted into duplexes.

Councilmember Geislinger stated this will be an incremental process, but having something to address this issue is better than nothing. He stated he supports Option 2B and Option 5. He stated they need to be mindful that times and conditions have changed opportunities available for children and the elderly.

President Skorman stated there is an affordable housing crisis and this may help the issue. He said he believes all new development should have an ADU overlay zone in it. Councilmember Pico stated this is not the solution to affordable housing because of the number of units needed. Councilmember Knight commented that ADUs are not necessarily affordable either.

Councilmember Williams stated he agrees the City should move forward with creating an ADU overlay zone and a change to City Code is appropriate to allow a second stove in order for a family member to have some independence without adversely affecting neighbors.

Councilmember Geislinger stated he agrees that all new development

should have an ADU overlay zone in it. Councilmember Knight stated the land owner or developer should have the option for it, but it should not be mandated.

Mr. Wysocki asked if City Council would like to have Town Hall meetings regarding Option 2B. Consensus of City Council agreed.

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

Councilmember Knight stated he attended the recognition ceremony for the U.S. Space Command and the City needs to continue to be diligent in the fight to keep the U.S. Space Command here.

#### **11. Adjourn**

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

Sarah B. Johnson, City Clerk