



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, October 26, 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

Councilmember Williams left the meeting at approximately 12:10 PM.

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 item 4B.J. be removed from the October 27, 2020 City Council meeting Consent Calendar. Consensus of City Council agreed to this change.

4. Review of Previous Meeting Minutes

4.A. [20-590](#) City Council Work Session Meeting Minutes October 12, 2020

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [10-12-20 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the October 12, 2020 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open

- 5A.A.** [20-584](#) Brandon Nicholas Gilpin v. Colorado Springs Police Department/Officer Zachary Case 20-S-379

The Civil Action Investigation Committee has recommended that the City represent the Officer as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. The Officer was acting in the course and scope of his employment, and was acting in good faith. 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: [2020-10-26 Open](#)

Wynetta Massey, City Attorney, stated with the recommendation of the Civil Action Investigation Committee, the City is requesting authorization to defend.

President Pro Tem Strand polled City Council regarding authorizing the City to represent the Officer. Consensus of City Council agreed.

5B. Closed

- 5B.A.** [20-598](#) 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) and (b), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed involves consultation with the City Attorney to receive legal advice pertaining to a potential taking of property by eminent domain for a public works project.

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: [2020-10-26 Closed Session.docx](#)

Tracy Lessig, Division Chief, 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 an electronic Closed Executive Session. The issue to be discussed involves consultation with the City Attorney to receive legal advice pertaining to a potential taking of property by eminent domain for a public works project.

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.** [20-593](#) Office of the City Attorney Legal Ethics Guidelines Policy Regarding Fire District Exclusions

Presenter:

Wynetta Massey, City Attorney/Chief Legal Officer

Attachments: [CAOEthicsGuidelines10152020Highlighted.pdf](#)

Wynetta Massey, City Attorney, gave an overview of the changes to the Office of the City Attorney (CAO) legal ethics guidelines policy regarding fire district exclusions as a result of City Council change in policy authorizing the CAO to unilaterally initiate exclusion proceedings from Fire Districts. She stated the CAO will only be acting as attorney for the City and not the individual property owners or the Fire District Board.

Councilmember Geislinger asked if this meets the obligations of the guidelines on acting on behalf of multiple persons. Ms. Massey stated this is not a multi-representation situation, they are initiating the exclusion proceedings, but are only representing the City.

- 6.B.** [20-589](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 10-26-20.pdf](#)

There were no comments on this item.

7. Presentations for General Information

7.A. [20-592](#) Update on United States Space Command Application

Presenter:

Reggie Ash, Chief Defense Development Officer, Colorado Springs Chamber and EDC

Attachments: [202010_ReggieAsh_CityCouncil](#)

Reggie Ash, Chief Defense Development Officer, Colorado Springs Chamber and EDC, gave a brief update on the City's application for the permanent home of the U.S. Space Command headquarters. He gave an overview of the total economic benefits to the community, the bid to the Air Force, next steps, and key highlights.

Councilmember Murray asked if Space Command will remain in place if there is a change in the presidential administration. Mr. Ash stated they are looking at all options regardless of the outcome of the presidential election.

8. Items for Introduction

8.A. [20-357](#) A Resolution Approving the 2021 Budget for Pikes Peak Regional Building Department

Presenter:

Charae McDaniel, Chief Financial Officer

Roger Lovell, Building Official, Pikes Peak Regional Building Department

Ryan Johanson, CPA, Finance Director, Pikes Peak Regional Building Department

Attachments: [2021 PPRBD Budget Resolution-11.10.20](#)

[2021 Budget Final](#)

[2021 Budget Presentation - City Council Work Session](#)

Roger Lovell, Building Official, Pikes Peak Regional Building Department (PPRBD), presented the Resolution approving the 2021 budget for the PPRBD. He gave a brief overview of the 2020 data before COVID-19 and after COVID-19, accomplishments, inspection and permit trend, strategic goals, and community comments. Mr. Lovell explained the 2021 budget process, budget highlights and gave a summary of projected revenue and

expenditures for 2021.

Councilmember Gaebler asked if building review documents or permits could still be submitted manually. Mr. Lovell confirmed they could be on an appointment basis.

Councilmember Geislinger asked if multi-family units are one permit per project. Mr. Lovell stated townhome permits are handled the same as single-family, but apartments and condominiums are done per building. Councilmember Geislinger asked if the cost for developers for affordable housing units could be reduced. Mr. Lovell explained how simultaneous inspections and implementation of new local code changes provide a cost savings. Councilmember Geislinger requested a plan in a future presentation for how efficiencies could be obtained that would potentially decrease the cost of affordable housing projects. Mr. Lovell agreed to provide that information.

Councilmember Geislinger stated rent of the current building that houses PPRBD seems high. Ryan Johanson, CPA, Finance Director, PPRBD, stated they rent the building from El Paso County and are Certificate of Participation (COP) and the lease expires in 2023. Jeff Greene, Chief of Staff, stated it is a lease/purchase agreement with a facility corporation and once the COP expires, they will own their proportionate share.

Councilmember Williams asked if PPRBD is physically conducting residential inspections. Mr. Lovell confirmed they are with inspectors wearing proper personal protective equipment (PPE).

8.B. [20-502](#)

Resolution Approving a Third Amendment to the Service Plan for the Colorado Crossing Metropolitan District Nos. 1-3 Increasing the Maximum Debt Authorization from \$35,000,000 to \$50,000,000.

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Resolution Colorado Crossing Amendment](#)
[Exhibit 1- Third Amendment to the Consolidated Service Plan](#)
[Colorado Crossing Metro Dist Amendment and Debt Issuance PowerPoint](#)
[1- Letter to City of Colorado Springs re Proposed Third Amendment to Consolidated Service Plan \(9.14.2020\)](#)
[2- Petition to City - Third Amendment](#)
[3- Updated Applicant Presentation](#)
[4- Improvement Summary and Map - Service Plan Amendment](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a third amendment to the service plan for the Colorado Crossing Metropolitan District Nos. 1-3 increasing the maximum debt authorization to \$50M and the Resolution authorizing Colorado Crossing Metropolitan District No. 2 to issue debt in the form of Series 2020A-1, Series 2020A-2 and Series 2020B-2 Limited Tax General Obligation Bonds.

Otis Moore III, Principal, Westside Investment Partners, Inc., representing the applicant, gave an overview of the request, development update, existing buildings, Building F & A, INO retail parcel, Icon Cinema, changes since the original 2006 service plan, current and future infrastructure, and cost escalation

Meghan Becher, Esq. McGeady Becher, P.C., representing the applicant, went over the proposed 2020 bonds, INO project, pledged revenues, overlap of boundaries, mill levy caps, current district boundaries, projected district boundaries, district request, projected maintenance areas, projected operation mills, and net present value savings of the refunding bonds.

Councilmember Murray stated this is a Frankenstein model because every lot within the projected district boundaries could potentially become either commercial or residential, but the debt limits and property tax for each of these parcels will have already been authorized if City Council approves this. Ms. Becher stated this is already an existing structure which was approved by City Council in 2017 and this is the implementation of that plan.

Councilmember Williams asked if the commercial parcels will have a maximum 50 mill levy and residential parcels will have a maximum debt

service of 30 mill. Ms. Becher confirmed they would. Laci Knowles, D.A. Davidson & Co., representing the applicant, explained their modeling of full buildout there is \$14M of residential assessed value and \$42M of commercial assessed value.

Councilmember Geislinger requested the current rate of the bonds being refunded. Ms. Knowles stated seven percent and the net present savings will be approximately \$1.4M. Councilmember Geislinger asked who will be holding the Series 2020B-2 bonds. Ms. Knowles stated institutional investors will be holding all the bonds.

Councilmember Murray asked what the 2020B-2 bonds will yield in principal and interest after full payout. Ms. Knowles stated with their model assumptions, \$26.2M. Councilmember Murray asked when the public infrastructure of this property will be the City's responsibility. Mr. Moore stated they will be owned and maintained by the metropolitan district.

Mr. Schueler clarified that if these bonds were approved it would be contingent upon them being marketed issuances.

8.C. [20-503](#)

Resolution Authorizing Colorado Crossing Metropolitan District No. 2 to Issue Debt in the form of Series 2020A-1, Series 2020A-2 and Series 2020B-2 Limited Tax General Obligation Bonds

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Resolution](#)

- [1A- Applicant Presentation for 11-10-20](#)
- [1- Letter to City of Colorado Springs re Bond Issuance Submittal](#)
- [2- Term Sheet - Colorado Crossing\) \(as of 9.30.2020\)](#)
- [3- 2020 Bonds Anticipated Use Exhibit](#)
- [4- A-1 Base Case \(9.30.2020\)](#)
- [5- A-2, B-2 Model \(9.30.2020\)](#)
- [6- CO Crossing MD Indenture \(A-1\)](#)
- [7- CO Crossing MD Indenture \(A-2\)](#)
- [8-CO Crossing MD No. 2 Pledge Agreement \(A1\)](#)
- [9- CO Crossing MD Indenture \(B-2\)](#)
- [10- CO Crossing MD No. 2 Pledge Agreement \(A1\)](#)
- [11- CO Crossing MD No. 2 Pledge Agreement \(A2B2\)](#)
- [12- Form of General Counsel Opinion](#)
- [13- Net Present Value Analysis- Sep16](#)
- [14- District Boundary Exhibit](#)
- [15- District Maintenance Exhibit](#)
- [16- Updated Finance Plan Approval Request - Oct 27 2020](#)
- [17- Community Meeting Notice - October 28, 2020](#)
- [18- 10-26-20 Applicant Presentation](#)

Please see comments in Agenda item 8.B.

- 8.D.** [20-594](#) A resolution adopting the final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Black Forest Fire Rescue Protection District

Presenter:

Frederick Stein, Public Safety Attorney

- Attachments:** [Black Forest Exclusion City Resolution-FINAL](#)
[Black Forest Fire AgreementJoint Plan for](#)
[Exclusion-BlackForest-FINAL10-20-20](#)
[CumbreVista Filings12-ExA-1](#)
[Forest Meadows Filing1-ExA-2](#)

Frederick Stein, Public Safety Attorney, presented the Resolution adopting the agreement and joint plan for the exclusion of certain property from the Black Forest Fire Protection District. He stated the City and the Black Forest Fire Protection District is seeking a phased exclusion plan from the District based on properties which have been within the City and the District the longest amount of time. Mr. Stein stated these properties

include four hundred homes within Cumbre Filing No. 1, Cumbre Filing No. 2, and Forest Meadows Filing No. 1.

There were no comments on this item.

- 8.E. [20-595](#) A resolution adopting final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Falcon Fire Protection District

Presenter:

Frederick Stein, Public Safety Attorney

Attachments: [Falcon Fire Exclusion City Resolution-FINAL](#)

[Falcon Fire Agreement Joint Plan for Exclusion-CLEAN-DRAFT-10-20-20](#)
[Shilo Mesa Annex-GIS-ExA](#)

[Quail Brush Creek Map Exhibit A-2](#)

[Shiloh Mesa Exclusion Properties-Updated4-9-20](#)

Frederick Stein, Public Safety Attorney, presented the Resolution adopting the agreement and joint plan for the exclusion of certain property from the Falcon Fire Protection District. He stated the City and the Falcon Fire Protection District is seeking exclusion from the District for Shiloh Mesa and Quail Brush Creek properties.

There were no comments on this items.

- 8.F. [20-506](#) A resolution approving the Transit Services Division's Public Transportation Agency Safety Plan (PTASP) and establishing safety performance targets for public transportation operations.

Presenter:

Craig Blewitt, Transit Services Division Manager

Wendy Patterson, Transit Operations Administrator

Attachments: [MMT Safety Plan 2020 Slides.pptx](#)

[MMT Safety Plan-2020.pdf](#)

[Safety Plan Resolution.docx](#)

Craig Blewitt, Transit Services Division Manager, introduced the Resolution approving the Transit Services Division's Public Transportation Agency Safety Plan (PTASP).

Wendy Patterson, Transit Operations Administrator, provided the background of the PTASP, general safety plan requirements, and the five areas of emphasis which include 1. develop safety performance targets, 2.

develop safety management policy, 3. develop safety risk management, 4. develop safety assurance, and 5. develop safety promotion.

Councilmember Geislinger stated Citizens' Transportation Advisory Board (CTAB) unanimously approved the plan.

- 8.G.** [20-588](#) Proposed update to the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals

Presenter:

Danielle Delgado, HR Manager, Human Resources Department

Attachments: [Policy 30 Sworn PPM Draft - Political Activity](#)
[Policy 42 Civilian PPM Draft - Political Activity](#)

Tracy Lessig, Division Chief, Office of the City Attorney, presented the proposed update to the Sworn and Civilian Policies and Procedures Manuals (PPM) which would remove the phrase which prevents City employees from running for City Council while employed by the City.

Councilmember Geislinger stated this item was brought forward due to a potential inconsistency with the PPM and the broader policy question will be presented in January or February 2021.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Geislinger stated due to his employment schedule, he will be unable to attend the October 26, 2020 City Council Budget Work Session.

11. Adjourn

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

Sarah B. Johnson, City Clerk