



City of Colorado Springs

Plaza of the Rockies
South Tower, 5th Floor
Blue River Board Room
121 S Tejon St
Colorado Springs, CO
80901

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, August 23, 2021

10:00 AM

Blue River Board Room

How to Watch the Meeting

Coloradosprings.gov/springstv | Facebook Live: Colorado Springs City Council
Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)
- CenturyLink Channel 18

1. Call to Order and Roll Call

Present 9 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Pro Tem Richard Skorman, President Tom Strand, and Councilmember Wayne Williams

President Pro Tem Skorman, Councilmember Murray, and Councilmember Williams attended the meeting virtually.

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

Councilmember Henjum requested item 4B.O. and 4B.P be removed from the August 24,2021 City Council meeting Consent Calendar. Consensus of City Council agreed to this change.

Councilmember Henjum also requested the Planning Commission meeting minutes be provided for these items.

4. Review of Previous Meeting Minutes

4.A. [21-484](#) City Council Work Session Meeting Minutes August 9, 2021

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [8-9-21 City Council Work Session Meeting Minutes Final](#)

The minutes of the August 9, 2021 Work Session meeting were approved

by Consensus of City Council.

5. Staff and Appointee Reports

5.A. [21-483](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 8-24-21](#)

There were no comments on this item.

5.B. [21-471](#) Affordable Rental Housing Fee Offset Program

Presenter:

Steve Posey, Community Development Division Manager

Charae McDaniel, Chief Financial Officer

Peter Wysocki, Director, Planning & Community Development

Attachments: [Task Force Report Final September 2019](#)

[Dev Incentives](#)

Peter Wysocki, Director, Planning and Community Development, gave a brief introduction of the Affordable Rental Housing Fee Offset Program and explained the three categories of income limits.

Steve Posey, HUD Program Manager, Planning and Community Development, gave an overview of the affordable rental housing fee offset program, how the City can assist affordable housing projects, development fees, and Development Incentives Task Force. He identified the scoring criteria, greenway flats scoring, fee offsets, sustainable program funding, and percentage of applications being funded by the state versus the City.

Councilmember Avila asked if the Colorado Housing and Finance Authority (CHAFA) grants only apply to affordable housing projects within certain areas of the City. Mr. Posey stated any project within the City can apply for tax credit financing, but there are certain areas which are within Qualified Census Tracts (QCT) where developers can receive a boost to the tax credits available and those are offered twice per year.

Councilmember Williams asked if the High Opportunity Neighborhood 360 program rewards concentration or distribution of affordable housing within the City. Mr. Posey stated distribution.

Councilmember Donelson asked the criteria of "located in high opportunity neighborhoods" drive development into more affluent neighborhoods. Mr. Posey stated the City does not select the location of these projects, they

are selected by the development team and often times they will choose locations within the QCT areas.

Councilmember Avila requested a heat map of the locations of affordable housing units within the City. Mr. Posey agreed to provide that information.

President Strand asked when the plan to increase production of affordable housing will be implemented. Mr. Posey stated they have been working on it, but there are limited ways that local government can get into the game. Jeff Greene, Chief of Staff, stated the City is very serious about the availability of affordable housing, but it also needs to provide attainable housing for the community.

Councilmember Donelson asked how much funding will be pledged from the Land Use Review Enterprise and Development Review Enterprise. Mr. Wysocki stated they are still evaluating it and anticipate it will be in the \$100,000 range.

Councilmember Donelson asked how much funding is anticipated from outside contributions. Mr. Posey stated they are hopeful it will match Colorado Springs Utilities pledge of \$2M, but they do not currently know what the source will be. Councilmember Donelson stated he does not support CSU's pledge to use rate payer funds to pay for another project.

Councilmember Henjum asked if the City has reached out to international companies which have received tax credits to see if they would contribute to the program. Mr. Posey confirmed they are looking into that.

Councilmember Williams stated he is concerned with raising the cost of housing by raising fees to fund housing. Mr. Wysocki stated the intent is not raise the Land Use Development fees, only use a small percentage of them as a sustainable source.

6. Presentations for General Information

6.A. [21-501](#) Public Safety Evacuation Process Discussion

Presenter:

Randy Royal, CSFD Fire Chief

Vince Niski, CSPD Chief

Jim Reid, Regional Director, Office of Emergency Management

Randy Royal, Colorado Springs Fire Department (CSFD) Fire Chief, gave an overview of the public safety evacuation process, their collaboration with the Colorado Springs Police Department (CSPD), El Paso County, and the state, fleet modeling, the Incident Command System, and available software to assist with the evacuation process.

Councilmember Helms asked if there was value in conducting a test evacuation in certain neighborhoods. Chief Royal confirmed there was and the software they are looking into also provides training and drills. Jim Reid, Regional Director, Office of Emergency Management, stated the City has conducted seven full-scale evacuations as well as brought in Red Cross and the Humane Society to show them what they would be experiencing.

President Skorman stated if the Taxpayer Bill of Rights (TABOR) ballot measure passes, it will assist the City with mitigation efforts and evacuation planning. Chief Royal highlighted the role of residents and Homeowner's Association regarding mitigation efforts.

President Strand asked what the primary mission of CSPD, CSFD, and OEM would be if there was a fire in Old Colorado City. Vince Niski, CSPD Chief, stated they would notify residents in the area, notify the CSFD, try to block people from going into the area, evacuate the people out of the area, and bring in additional resources. Chief Royal stated they would determine if they could fight the fire and if they cannot fight it, they would assist with the evacuation. Mr. Reid stated they would contact Red Cross to set up shelters, establish the joint information center, calculate how long it will run, and assign a liaison to the command post.

Councilmember Helms asked for additional information regarding access. Chief Niski stated they will make any adjustments needed in order to get the people out. Jeff Greene, Chief of Staff, stated in the case of any emergency they would utilize all available infrastructure to get the word out.

Councilmember Murray requested documentation of a plan identifying staging areas and mitigation issues that involve each piece of the City. Mr. Reid stated the problem with identifying a staging area prior to an event, is that the staging area might be within the area of evacuation. Chief Royal will send the information regarding the drills which have been conducted.

Councilmember Henjum asked what data is available to the public. Mr. Reid gave an overview of the available sources of information to the public.

Councilmember Donelson stated he is concerned with more and more developments being added to the high-risk Wildland Urban Interface (WUI) areas. Chief Royal stated by requiring those houses to be built with the hardening of structures standards will make those neighborhoods safer and the Fire Wise program identifying the homes in the WUI which need additional mitigation.

7. Items for Introduction

- 7.A. [21-481](#) A resolution adopting 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: [City Resolution-FINAL](#)
[BFFPD Exclusions West of BFR-PetitionExA-2021](#)
[AgreementJoint Plan for Exclusion-BlackForest-2021 \(1\).docx](#)

Frederick Stein, Public Safety Attorney, presented the Resolution adopting final form of the agreement and joint plan for the exclusion of certain property from the Black Forest Fire Rescue Protection District. He stated this plan is the second part of at three-part plan to exclude properties which are located within the Black Forest Fire Rescue Protection District and are also annexed into the City in order to discontinue the dual fire protection and taxes these residents are currently receiving. He stated there was an issue with the joint plan regarding some of the properties not being listed in the exhibit and they will have that issue resolved by the September 14, 2021 City Council meeting.

Councilmember O'Malley and Councilmember Helms expressed support of this process.

- 7.B. [21-344](#) A resolution of the City of Colorado Springs approving a Service Plan for the Catalyst Campus Metropolitan District Nos. 1 & 2 east of Downtown Colorado Springs

(Legislative)

Presenter:
Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department
Peter Wysocki, Director of Planning and Community Development

Attachments: [RES_Catalyst Campus](#)[Exhibit- Service Plan - Catalyst Campus MD Nos. 1 & 2](#)[1- Catalyst Staff PowerPoint](#)[2- Applicant Catalyst District Presentation 7-26-21](#)[3- 2021 07 20 - Transmittal Letter - Catalyst Campus Districts](#)[4- Redline Comparison Service Plan - Catalyst Campus MD Nos. 1 & 2](#)[5- Cost Estimates 7-20-21](#)

Peter Wysocki, Director of Planning and Community Development, presented the Resolution approving a service plan for the Catalyst Campus Metropolitan District Nos. 1 and 2. He provided a summary, vicinity/context map, district boundaries, processes, Downtown Development Authority (DDA), and proposed future Urban Renewal Area (URA). Mr. Wysocki identified the improvement costs, authorized debt, operations and maintenance functions, and next steps.

Alex Armani-Munn, Economic Development Manager, O'Neil Group Company, representing the district, gave an overview of the Catalyst Campus, activities, community, economic impact/growth, and 2030 plan. He identified the notable public improvements, alignment with Envision Shooks Run Master Plan, proposed districts, and Catalyst Campus Expansion Phasing.

Councilmember Avila asked if there will be a need for a large amount of office space in light of so many people working from home. Mr. Armani-Munn confirmed there is due to it being highly specialized office space for government contractors and the work done on Catalyst Campus cannot be done remotely.

7.C. [21-345](#)

Ordinance No. 21-75 organizing the Catalyst Campus Business Improvement District and appointing an initial board of directors.

(Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

Attachments: [Ordinance](#)
[Exhibit A- Catalyst BID Petition signed](#)
[Exhibit B- Catalyst Campus BID - Certificate of Mailing of Notice of Public Hearing](#)
[Exhibit C- 2021-2022 Catalyst Campus BID Operating Plan and Budget](#)
[Exhibit D- SpecialDistrictPolicyJan06](#)

Please see comments in Agenda item 7.B.

- 7.D. [21-482](#) A Resolution Authorizing the Use of Eminent Domain to Acquire a Permanent Easement on Real Property Owned by the Garden Valley Water and Sanitation District needed for the Circle Drive Bridge Replacement Project

Presenter:

Ryan Phipps, P.E. Sr. Engineer, City Engineering Division of the Public Works Department

Attachments: [Resolution Circle Br Garden Valley 07232021](#)
[Exhibit 1- Garden Valley Legal Description](#)
[Circle Bridges Presentation - City Council 08302021](#)

Ryan Phipps, P.E. Sr. Engineer, City Engineering Division of the Public Works Department, presented the Resolution authorizing the use of eminent domain to acquire a permanent easement on real property owned by the Garden Valley Water and Sanitation District needed for the Circle Drive Bridge Replacement Project. He gave an overview of the location of the bridges, project timeline, scope, easements acquired, easement not acquired, and parcel # 6428300003. Mr. Phipps identified Phase 1, Phase 2, and Phase 3 of the project, cross section at point of interest, negotiation history, and next steps.

Councilmember O'Malley asked if there has been any consideration for a land swap. Mr. Phipps stated there has not been because it is a fairly small parcel.

- 7.E. [CPC CA 21-00130](#) Discussion on amendments to City Code pertaining to carports.

Presenter:

Mitch Hammes, Manager, Neighborhood Services
Peter Wysocki, Director of Planning and Community Development

Attachments: [CarportORD-2021-08-03](#)

Peter Wysocki, Director of Planning and Community Development,

introduced the discussion on amendments to City Code pertaining to carports and stated because this Ordinance is being reconsidered because it failed by a vote of 4-4 by City Council, it will need to go before the Planning Commission again. He stated they are introducing the concept of a front yard carport permit and they can provide reasonable and necessary accommodations under the Americans with Disabilities Act (ADA) and Fair Housing Act.

Mitch Hammes, Manager, Neighborhood Services, stated based on Councilmember and public comments, Staff recommends many of the standards proposed with the prior Ordinance carryover to the new Ordinance with the following additions: a requirement for a front yard carport permit with a nominal fee which would be reviewed and approved administratively and be subject to standard appeal procedures, the front yard carport permit would run with the property and expires automatically upon the removal or destruction of the front yard carport, as with other land use applications, staff would notify property owners at least within 150 feet or 1000 feet, the front yard carport may exceed the eight-foot height limit, but shall not exceed twelve feet, the carport shall be architecturally compatible with the primary dwelling unit which still needs to be defined, and carports would only be permitted in a front yard setback when the side or rear yard is inaccessible for the carport.

Councilmember Henjum asked what the permit fee would be. Mr. Wysocki stated it will most likely be approximately \$119.00.

Councilmember Henjum asked if property owners will be notified within 150 feet or 1000 feet. Mr. Wysocki stated that will need to be determined.

Councilmember Donelson asked what the criteria is if there is objection from the neighborhood. Mr. Wysocki stated staff will work toward a compromise between the parties and if it not reached, the approval can be appealed to the Planning Commission.

8. Items Under Study

There were no Items Under Study.

9. Executive Session

9A. Open

There was no Open Executive Session.

9B. Closed

9B.A. [21-460](#)

In accord with City Charter art. III, § 3-60(d) and its incorporated

Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(d), 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 and City staff regarding specialized details of security arrangements.

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: [08232021 Closed session](#)

Tracy Lessig, Deputy 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 consultation with the City Attorney and City staff regarding specialized details of security arrangements.

President Strand 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.

10. Councilmember Reports and Open Discussion

There were no Councilmember Reports and there was no Open Discussion.

11. Adjourn

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

Sarah B. Johnson, City Clerk