



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, November 25, 2019

10:00 AM

Council Chambers

1. Call to Order

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

2. Changes to Agenda

President Skorman stated Mayor Suthers requested item 8.G. be taken at 1:15 PM so he may be in attendance for it.

President Skorman stated staff has requested items 8.J. and 8.K to be postponed indefinitely.

Consensus of City Council agreed to these changes on the agenda.

3. Regular Meeting Comments

There were no Regular Meeting Comments.

4. Review of Previous Meeting Minutes

- 4.A. [19-719](#) City Council Work Session Meeting Minutes November 7, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [11-7-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the November 7, 2019 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

There was no Open Executive Session.

6. Staff and Appointee Reports

6.A. [19-718](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 11-25-19.pdf](#)

Sarah B. Johnson, City Clerk, stated there will be a Recognition item for Metro Transit for two state awards at the December 10, 2019 City Council meeting.

Consensus of City Council agreed to this change.

7. Presentations for General Information

There were no Presentations for General Information.

8. Items for Introduction

8.A. [19-705](#) A resolution approving an Amended and Restated Service Plan for The Sands Metropolitan District Nos. 1-3.

Presenter:

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

Attachments: [Resolution - Sands 1-3](#)

[Exhibit 1- Service Plan](#)

[Attachment 1- Trans. Letter- Exec. Summary](#)

[Attachment 2-2018 IGA-Resolution 76-18](#)

[Attachment 3- Original Sands 1-4 Service Plan](#)

[Attachment 4- Sands 1-3 A&R SP-Redline](#)

[PowerPoint](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving an amended and restated service plan for the Sands Metropolitan District Nos. 1-3. He provided a brief summary and background of the districts, existing district boundaries, and identified the questions from the City

Council Budget Committee.

Councilmember Murray asked if City Council is required to allow the forty mills. Mr. Schueler stated there is an intergovernmental agreement (IGA) between City Council and the district in which the forty mills was agreed upon in 2018. Councilmember Pico and Councilmember Geislinger stated the numbers were previously reviewed extensively and agreed to by City Council when the district was annexed into the City.

Councilmember Murray asked why the \$28M was not reduced from the earlier service plan. Mr. Schueler stated the district had that amount approved by El Paso County in 2016 which would have covered eighty-nine percent of the cost at the time.

Councilmember Williams asked if a district formation is approved by the County and then annexed into the City, which jurisdiction's regulations is the district required to follow. Mr. Schueler stated the City becomes the approving authority if all of the property is being annexed, but they continue to operate under their existing service plan approved by the County.

Councilmember Williams asked the IGA addresses the procedures of the City in regards to the debt issuance of the district. Pat Hrbacek, Spencer Fane, LLP, Counsel for the district, stated the maximum mill levy of forty mills is addressed in the IGA.

8.B. [19-702](#) A Resolution Appointing Five Members to the Briargate Center Business Improvement District Board of Directors

Presenter:

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

Attachments: [Briargate Appointment Resolution](#)
[Attachment 1- Letter to Carl Schueler re Appt of Board Directors](#)
[Attachment 2- Petition](#)
[Briargate BIS Appt. PowerPoint](#)
[Signed Resolution 139-19.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution appointing five members to the Briargate Center Business Improvement District Board of Directors. He provided a brief summary, vicinity map, identified the directors to be temporarily appointed, and the need for an amendment of the 2002 creation Ordinance of this BID.

President Pro Tem Strand asked when these appointments will be effective. Mr. Schueler stated it would be effective upon the approval and execution of the Resolution.

Councilmember Williams asked if Hines Global Income Trust was the only property owner for all the properties in the district. Mr. Schueler confirmed they were.

- 8.C. [19-704](#) A resolution approving a service plan for the Ridge at Sand Creek Metropolitan District.

Presenter:

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

Attachments: [Resolution - Ridge at Sand Creek](#)
[Exhibit 1- The Ridge at Sand Creek MD - Service Plan - Nov 5 2019](#)
[Attachment 1- Transmittal Letter- Exec. Summary](#)
[Attachment 2- Redline SP Ridge at Sand Creek Nov 5 2019](#)
[Attachment 3- The Ridge at Sand Creek - Financial Plan - Oct 2019](#)
[PowerPoint-Ridge at Sand Creek Metro](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution approving a service plan for the Ridge at Sand Creek Metropolitan District. He provided a brief summary of the district, vicinity maps, and identified the statutory criteria.

Councilmember Murray stated because the area is only nineteen acres in the middle of the City, defining it as a district is an abuse of Colorado Revised Statutes Section 32.1203 and a tax advantage. Tom Florczak, Deputy City Attorney, stated under the metropolitan districts act, the City does not use other taxpayer dollars to fund public infrastructure on raw land which is not currently served by the City and therefore it is appropriate for the formation of a metropolitan district. Councilmember Murray stated the developer should build the infrastructure. Jeff Greene, Chief of Staff, stated in order for the developers to build the infrastructure, they request the formation of special districts to help fund it. Jeff Mark, representing the district, and Councilmember Pico stated the City's model service plan is very prohibitive compared to other jurisdictions on the Front Range and in the state.

- 8.D. [19-668](#) Ordinance No. 19-94 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the

Lodgers & Auto Rental Tax (LART) Fund in the amount of \$154,652 for three additional projects and events as recommended by the LART Citizen Advisory Committee

Presenter:
Charae McDaniel, Chief Financial Officer
Laurel Prud'homme, Chair, LART Citizen Advisory Committee

Attachments: [Ordinance for LART 2019 Additional Events-Nov 2019](#)
[11-25-19 LART Resolution Exhibit A 2019 - CAC recommendations REVISIED 8-29-18](#)

Laurel Prud'homme, Chair, LART Citizen Advisory Committee, presented the Ordinance for a supplemental appropriation of \$154,652 to the Lodgers and Automobile Rental Tax (LART) fund for three additional projects and events as recommended by the LART Citizen Advisory. She stated the three projects/events include Colorado Springs July 4 Summer Symphony for \$38,771, International Association of Firefighters (IAFF) Fallen Firefighter Memorial for \$15,881, and Exponential Impact for \$100,000.

Charae McDaniel, Chief Financial Officer, explained the additional funding for the IAFF Fallen Firefighter Memorial is to reimburse the Colorado Springs Fire Department for staff overtime hours accrued during the event. She stated the Budget Committee is in support of this item, there is \$1.6M in the fund balance, and identified several of the events and conferences projected for 2020.

Councilmember Murray and President Pro Tem Strand requested a copy of the Exponential Impact application. Ms. Prud'homme agreed to provide that information.

Councilmember Avila asked if Exponential Impact represented the entire City in regards to opportunity zones. Councilmember Gaebler stated Hannah Parsons, Executive Director of Exponential Impact, confirmed it will represent start-up companies for all opportunity zones within the City.

- 8.E. [CPC MP 92-227-A1MJ](#) A resolution adopting HistoricCOS as the City of Colorado Springs Historic Preservation Plan.

[17](#)

(LEGISLATIVE)

Presenter:
Peter Wysocki, Director, Planning and Community Development

Daniel Sexton, Principal Planner, Planning & Community Development

Attachments: [Resolution_HistoricCOS](#)
[CC_HistoricCOS_Staff-Presentation](#)
[CPC Report_HistoricCOS](#)
[FIGURE 1 - Action Item Matrix](#)
[FIGURE 2 - HistoricCOS Preservation Steering Committee Roster](#)
[FinalPlan_HistoricCOS_1232019](#)
[CPC_Minutes_HistoricPreservation_draft](#)

Daniel Sexton, Principal Planner, Planning and Community Development, presented the Resolution adopting HistoricCOS as the City's historic preservation plan. He gave an overview of the City's historic preservation initiatives, project team, stakeholder process, adoption process, staff recommendation, budget, and why HistoricCOS is needed.

Councilmember Pico stated Councilmember Knight requested a red-line version of the plan. Mr. Sexton stated he will provide that version.

Councilmember Pico asked if the property owner would be the only one allowed to request preservation of the property. Mr. Sexton confirmed it would have to be initiated by the property owner in order to preserve private property rights, but the residents of the neighborhood would be allowed to weigh in on the discussion as to whether or not it is determined to be historical. Councilmember Williams requested language regarding the property owner's role be included in the HistoricCOS Plan. Mr. Sexton stated they will look into adding that content.

Patrick Rawley, Stan Clauson Associates, went over the details of the HistoricCOS Plan document.

Councilmember Geislinger suggested researching historic plans of other world class cities. Mr. Rawley stated they will consider that recommendation.

- 8.F.** [19-669](#) A resolution endorsing the Mayor's submission of a grant application to the Colorado Department of Local Affairs for development of a Colorado Springs Electric Vehicle Readiness Plan and execution of a grant agreement awarding funds for development of the plan.

Presenter:
Ryan Trujillo, Support Services Manager

Attachments: [Resolution Endorsing DOLA Renewables Grant Application](#)
[Renewables application narrative](#)
[Signed CSU Letter of Support](#)

Ryan Trujillo, Support Services Manager, presented the Resolution endorsing the a grant application in the amount of \$200,000 to the Colorado Department of Local Affairs (DOLA) for development of an Electric Vehicle Readiness Plan and execution of a grant agreement awarding funds for development of the plan. He stated the adoption rate of electric vehicles in Colorado Springs is three to five percent. Mr. Trujillo identified the four key components of the plan which include developing a road map for the internal fleet of the City and Colorado Springs Utilities (CSU), education and outreach to the community, policy recommendations, and plan for infrastructure

Councilmember Pico stated he is not opposed to electric vehicles, but is concerned with converting the entire City and CSU fleet to electric vehicles because this would increase the electric load of the City at the same time the state is working toward cutting the electric generation capability by going after various types of power plants. He stated he does not agree with pushing this agenda on people because it will increase the electrical usage of households by forty percent and will not be supporting this item. Mr. Trujillo stated it is not their intent to convert one hundred percent of the City and CSU fleet or mandate electric vehicles for the public.

Councilmember Gaebler expressed support of this project and stated she is glad to see the City leading by example. She stated these vehicles typically charge at night which will provide consistency with the electrical load.

Councilmember Geislinger stated this grant is for the development of a plan which will assist the City and CSU in preparing for the wave which is coming.

Councilmember Murray commented this is a great opportunity for the development of smart streets over and above setting up a metering system.

Councilmember Williams stated he cannot advocate the plan to support Governor Polis' executive order of one hundred percent renewable

electricity and zero fossil fuel system by 2040 because he does not see does not see it as a workable goal with current technology. Mr. Trujillo stated the plan is not an endorsement, it is a strategy for a readiness plan.

Councilmember Pico stated there are advantages to electric vehicles, but they are not zero emissions because it transfers part of the emissions from the vehicle to the power plant. He stated the vast majority of the vehicles will be plugged in at 5:00 PM which will add to the peak load of electricity. He said if this study was focused on how the City will address the increase use of electric vehicles, he would be supportive. Mr. Trujillo stated they will modify the cover memo to clarify their intent.

President Skorman listed some of the advantages of the use of electric vehicles and stated he supports this item.

- 8.G.** [19-661](#) Ordinance No. 19-95 amending Ordinance No. 14-20, Section 3; Repealing Ordinance No. 18-9; and Prescribing the Salary of the City Attorney

Presenter:

Mike Sullivan, Human Resources Director

Mayor John Suthers

Attachments: [CityAtty-MasseySalaryORD-2019-09-19.docx](#)

Michael Sullivan, Human Resources Director, presented the Ordinance approving the salary of the City Attorney. He stated the annual salary of the City Attorney is well below market average and has not been previously compressed at the recommended eleven percent against the next senior attorney position in the City Attorney's Office and the recommended annual salary to be set at \$206,000.

Mayor John Suthers stated a comparison was made with the salaries of City Attorneys in other jurisdictions, he listed the qualifications of Wynetta Massey as City Attorney, and recommended a five percent salary increase for her.

Councilmember Murray asked how many employees Ms. Massey supervises in comparison to the Attorney General. Mayor Suthers stated the Attorney General position is an elected position.

Councilmember Williams asked why the proposed salary is set below

market average. Mayor Suthers stated it is representative of the salaries of City directors as well as the residents of Colorado Springs.

President Skorman and Councilmember Geislinger expressed support of the increase.

- 8.H. [19-662](#) Ordinance No. 19-96 repealing Ordinance No. 19-32 (approving the salary of the City Auditor) and prescribing the salary of the City Auditor

Presenter:

Mike Sullivan, Human Resources Director
Council President, Richard Skorman

Attachments: [CityAuditor-NesterSalaryORD_2019-09-19.docx](#)

Michael Sullivan, Human Resources Director, presented the Ordinance approving the salary City Auditor. He stated the recommended annual salary of the City Auditor shall be set at \$174,354.

Councilmember Avila requested the cost and rationale for the City vehicle issued to the City Auditor. Mr. Sullivan stated he will provide that information.

- 8.I. [19-663](#) Ordinance No. 19-97 repealing Section 3 of Ordinance No. 18-120 (setting the salary of the City Council Administrator) and setting the salary of the City Council Administrator

Presenter:

Mike Sullivan, Human Resources Director
Council President, Richard Skorman

Attachments: [Emily Evans Salary Ordinance \(December 2019\).docx](#)

Michael Sullivan, Human Resources Director, presented the Ordinance approving the salary City Council Administrator. He stated the recommended annual salary of the City Council Administrator shall be set at \$103,584.

There were no comments on this item.

- 8.J. [19-603](#) A Resolution Authorizing the Acquisition of Approximately 154 Acres Known as the Kettle Creek Greenway Through the Trails, Open Space and Parks (TOPS) Program

Presenter:

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

Services Department

- Attachments:** [KettleCreekNorth TOPS Graphic PRINT \(3\)](#)
[ResolutionKettleCreekGreenwayAcquisition](#)
[Exhibit1 KCGWLegal Description 10.3.19](#)
[10-21-19CCWS KettleCreekGreenway](#)
[CityCOS-KettleCreek LOS 2019-08-08](#)

This item was postponed indefinitely.

- 8.K.** [19-604](#) An Ordinance Amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$3,045,500 for Acquisition of Approximately 154 Acres of Property for the Purpose of Public Open Space and Trails at the Kettle Creek Greenway

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

- Attachments:** [Appropriation OrdinanceOct2019KCGW](#)

This item was postponed indefinitely.

9. Items Under Study

- 9.A.** [19-590](#) Special Districts Overview- Session No. 4

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

- Attachments:** [Background on the Gallagher Amendment for 9-23-19 Council Work Session](#)
[Metro District 'Inadequate Services' Criterion](#)
[Overview of Colorado Springs Local Improvement Districts](#)
[PowerPoint-Session 4](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave an update from the special districts overview session no. 3, assessment districts, special district mill levies and Gallagher adjustments.

Councilmember Murray asked why developers are not required to provide the public infrastructure in their developments. Mr. Schueler stated in most cases the infrastructure is built to meet basic City standards whether it is street cross sections sidewalks, or Colorado Springs Utilities facility

extensions, but there may also be amenities built such as community centers and landscaping which requires financing.

Councilmember Murray requested the specific regulation requirements for developers to provide public infrastructure in regards to streets, parks, and utilities. Marc Smith, Corporate Division Chief, Office of the City Attorney, identified the specific requirements in the City's subdivision code, 7.7.102(e), 7.7.103, and 7.7.108.

Councilmember Williams stated on of the ways El Paso County dealt with public infrastructure which was not up to County standards was to put it to a vote of the people.

Councilmember Geislinger requested a presentation regarding the civil liability for a developer if they do not accomplish or complete the public infrastructure for what they are collecting the taxes for. Mr. Schueler stated it depends on the type of district as to which entity or jurisdiction holds the responsibility and agreed to provide additional information at the Special Districts Overview - Session No. 7.

10. Councilmember Reports and Open Discussion

Councilmember Williams stated he and several councilmembers attended the ribbon cutting ceremony for the Westside Avenue Action Plan and presented a piece of the ribbon to President Skorman.

President Pro Tem Strand gave an overview of the year-to-date statistics from the Child Fatality Review Team. He stated he attended the Medal of Valor luncheon and Community Service Officer graduation ceremony.

11. Adjourn

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

Sarah B. Johnson, City Clerk