



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.

Monday, September 23, 2019

10:00 AM

Council Chambers

1. Call to Order

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

President Skorman was excused at approximately 3:30 PM.

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

Councilmember Avila requested items 4B.D. and 4B.E. be removed from the September 24, 2019 City Council meeting Consent Calendar.

Councilmember Knight requested an updated map of the locations of short term rental units.

Marc Smith, Corporate Division Chief, Office of the City Attorney, requested there be a Closed Executive Session regarding legal advice on state and local laws added to the September 24, 2019 City Council meeting agenda.

Consensus of City Council agreed to these changes.

4. Review of Previous Meeting Minutes

- 4.A. [19-580](#) City Council Work Session Meeting Minutes September 9, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [9-9-19 City Council Work Session Meeting Minutes Final.pdf](#)

Councilmember Avila requested the meeting minutes be amended to reflect she was the one who brought up the Federal Opportunity Zone in regards to the Chapel Heights Metropolitan District.

The minutes of the September 9, 2019 Work Session meeting were approved as amended by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

There was no Closed Executive Session.

6. Staff and Appointee Reports

6.A. [19-579](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 9-23-19.pdf](#)

Councilmember Murray requested City Council receive a formal briefing regarding anything pertaining to the City's or the Urban Renewal Authority's position on Gold Hill Mesa. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated there could be active quasi-judicial applications regarding this matter.

Councilmember Knight stated the review of the United States Air Force Academy Business Improvement District (BID) amended operating plan and debt authorization request is scheduled for the October 21, 2019 Work Session and October 22, 2019 City Council meeting and should not be back-to-back items. Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, stated they will review the schedule.

President Pro Tem Strand asked if any of the October 7, 2019 Work Session items could be moved to the October 21, 2019 Work Session due to the number of items on the agenda. Councilmember Knight stated fifteen of the twenty-one items are approvals of the BID's operating plan and budgets which should go fairly quickly.

7. Presentations for General Information

7.A. [19-522](#) Introduction of PlanCOS Neighborhood Planning Program

Presenters:

Peter Wysocki, Planning and Community Development Director

Carl Schueler, Comprehensive Planning Manager

Attachments: [PowerPoint NPP](#)

[Attachment 1- PlanCOS Neighborhood Planning Program](#)

[Recommendation](#)

[Attachment 2- 190908_NPP Talking Points](#)

Peter Wysocki, Planning and Community Development Director, spoke regarding two awards the Planning Department received from the Colorado Chapter of the American Planning Association in regards to neighborhood planning and presented an introduction to the PlanCOS Neighborhood Planning Program known as PlanCOS Neighbourhood.

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, stated PlanCOS Neighbourhood is a program to create and adopt neighborhood plans for the entire City in alignment with PlanCOS. Mr. Schueler identified the spectrum of comparable cities, recommended geography breakdown, neighborhood planning areas, approaches, and timeline. He gave an overview of high level concept plan, future steering committee considerations, key features of the approach and process. Mr. Schueler stated this program will begin in southeast Colorado Springs and listed the next steps.

Councilmember Pico asked what the purpose of going into the details of existing neighborhoods which do not have plans for redevelopment. Mr. Schueler stated PlanCOS is a very high level visionary plan and this is the next level down to achieve granularity in more mature areas of the City if there were any vacant or re-developable properties.

Councilmember Knight stated dividing the City into twelve sections would cost the City too much time and PlanCOS encourages neighborhoods to have an identity not to combine them into one district. Mr. Wysocki stated if the neighborhoods are planned according to City Council districts, there will be smaller sub-area plans within the larger district plans.

Councilmember Knight stated PlanCOS is a City Council document and the steering committee should be appointed by City Council. He said there needs to be representation from each of the neighborhoods and members need to reside in the area they are representing. Mr. Wysocki stated staff will provide some alternative options.

Councilmember Gaebler stated connectivity, such as bicycle lanes, roads,

transportation, and transit, travels outside of neighborhood boundaries and neighborhoods need to assist other nearby neighborhoods to create a bigger community. She stated she would be comfortable with the program as long as PlanCOS is the minimum standard

Councilmember Geislinger stated the City needs to be open to changing demographics and transportation needs in older neighborhoods.

Councilmember Geislinger asked what type of funding the City has for this program. Mr. Wysocki stated it is intended to be implemented internally and used when there are annual budget appropriations for capital projects to prioritize the projects.

Councilmember Pico stated he sees the advantage of this plan in tying together transportation and identifying public infrastructure and land use change.

Councilmember Murray recommended working with the Council of Neighbors and Organizations (CONO).

7.B. [19-587](#) Special Districts Overview- Session No. 1

Presenters:

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

Attachments: [9-23-10 Work Session Special Districts 101.5](#)

[2019 Special District List](#)

[SpecialDistrictPolicyJan06](#)

[BID Model Plan - Budget and Operating Plan-7-21-14redline](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave overview of the number, types, and uses of special districts throughout the state. He identified the continuum of City influence, control, and responsibility for districts and gave a brief history of City district policy and evolution. Mr. Schueler went over the 2006 policies and model plans, business improvement districts (BID) in the City, BID governance options, mill levies, debt issuance, budgets, and operating plans.

Councilmember Geislinger requested information on how the City could be proactive in reviewing whether these districts could utilize various funding mechanisms such as the Urban Renewal Authority (URA) and Federal opportunity zones. Mr. Schueler stated when they go over information regarding metropolitan districts, they will explain the overlap with the URA and Federal opportunity districts.

President Skorman stated the biggest area of contention is regarding the topics in Sessions five and six. Councilmember Pico stated it is important to understand the purpose before the rest of the information is presented.

Councilmember Pico stated he agrees with Councilmember Gaebler's previous recommendation that the URA policy needs to be reviewed further.

Councilmember Pico requested what major jurisdictions do not allow metropolitan districts. Mr. Schueler stated the Special District Association will provide that information.

Councilmember Knight requested the minimum size a district can be and asked if the provision regarding the City being the only entity entitled to provide utility services to special districts will be included in one of the sessions. Mr. Schueler stated that will be covered in the findings City Council has to make when a district is created.

Councilmember Pico stated the key function of financing and allowable expenses should be covered in these presentations.

Councilmember Geislinger stated the economics need to be discussed to ensure the district is still performing as it should be twenty-five years from now.

Councilmember Knight requested a discussion on the tax advantages of these districts under the new tax laws.

Councilmember Knight asked if fifty mills was the maximum debt service. Mr. Schueler confirmed it is, but it could be Gallagher-adjusted and there have been situations where a district has requested an abatement. Councilmember Knight requested examples of when that has occurred. Mr. Schueler stated he will provide that information.

Councilmember Geislinger requested additional information regarding end of year financials and auditing process. Charae McDaniel, Chief Financial Officer, stated each of the districts requires a third party external auditor to provide a certified audit which is submitted to the City. Mr. Schueler stated the information is available on the Department of Local Affairs website.

8. Items for Introduction

- 8.A. [19-528](#) A resolution accepting and endorsing recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2020 budget

Presenter:

Laurel Prud'homme, Chair, LART Citizens' Advisory Committee
Charae McDaniel, Chief Financial Officer

Attachments: [LART Resolution - 2020 Projects](#)
[2020 LART Resolution Exhibit A Recommendations](#)

Councilmember Knight recused himself because Challenger Learning Center applied for funding and his wife is on their board.

Laurel Prud'homme, Chair, Lodgers and Automobile Rental Tax (LART) Citizens' Advisory Committee, presented the Resolution accepting and endorsing recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2020 budget. She stated there were over sixty applications received this year.

Councilmember Gaebler commented that the LART Citizens' Advisory Committee evaluates each project funding application logically and thoroughly for appropriate use of LART funds.

President Pro Tem Strand requested the total amount of revenue received for 2019. Ms. Prud'homme stated she will provide that information.

President Pro Tem Strand asked why there is a reserve of \$1M in the LART fund balance. Ms. Prud'homme stated it is for the potential of off-cycle catalytic events or projects which would be a great economic and tourism driver for the City and is also kept in reserve in case tourism fluctuates negatively.

President Pro Tem Strand asked if LART funds capital projects. Ms. Prud'homme stated the LART Citizens' Advisory Committee considers capital projects if they directly enhance the tourists' experience.

Councilmember Murray asked why the Chamber and EDC funding was increased to \$400,000 for airport advertising. Ms. Prud'homme stated the Chamber and EDC is a fiduciary conduit for the Colorado Springs Airport and the return on investment with the marketing efforts was so great in 2019, they wanted to continue it in 2020.

8.B. [19-389](#)

An ordinance amending Article 4 (Public Health and Sanitation-Garbage, Refuse, and Rubbish) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to waste disposal within a bear management area

Presenter:

Jan McHugh-Smith, CEO Humane Society of the Pikes Peak Region
Frank McGee, Area Wildlife Manager Colorado Parks and Wildlife

Attachments: [VERSION 1-Bear Smart ORD-2019-08-16-2019 Draft.docx](#)
[VERSION 2-Bear Smart ORD-2019-09-15 v2 Draft.docx](#)
[Bear Smart Taskforce PP July.2019](#)
[Summary of Colorado Ordinances](#)
[Bear Management Area Map](#)
[Colorado Springs City Council Bear Trash Presentation](#)
[Bear Smart Taskforce PP July.2019.pptx](#)

Jan McHugh-Smith, CEO Humane Society of the Pikes Peak Region, presented the Ordinance pertaining to waste disposal within a bear management area.

Councilmember Knight stated there needs to be a modification to the Ordinance which states the waste receptacles need to be moved on the day of rather than a specific time frame. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated they will provide an amended Ordinance which meets that concept. Ms. McHugh-Smith stated bears are very active at dawn and dusk so the best solution for people who have odd hours would be to get a bear-resistant receptacle.

President Skorman commented that this is a complaint based Ordinance and Code Enforcement will not be trying to find offenses.

President Pro Tem Strand asked if there were any updates regarding the bear population within the City. Frank McGee, Area Wildlife Manager, Colorado Parks and Wildlife, stated there has been 480 bear sightings in El Paso County since April, 1, 2019 due to the foothills being an excellent habitat and for bears and a large population base.

Councilmember Geislinger asked what is considered bear attractant waste. Mr. McGee stated bears are omnivores so anything a human would eat, a bear would eat. Councilmember Knight stated different odors or products which smell like food such as cosmetics, insect repellents, lotions, and toothpaste will also attract a bear.

8.C. [19-402](#)

A resolution establishing and adopting a bear management area map in the City of Colorado Springs

Presenter:

Mitch Hammes, Neighborhood Services Manager

Attachments: [BearAreaMap-RES 07-15-19-clean](#)

[Exhibit A - Bear Management Area Map](#)

Please see comments in Agenda item 8.B.

- 8.D. [19-426](#) Resolution Approving an Amended and Restated Service Plan for The Sands Metropolitan District Nos. 1-3 and The Sands Metropolitan District No. 5.

Presenter:

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

Attachments: [Resolution](#)

[Exhibit 1-The Sands 1-3 and 5 \(Ridge\) Amended and Restated SP- Sep 12 2019](#)

[Attachment 1- Transmittal Letter- Executive Summary- 08-26-2019](#)

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

[Attachment 3- The Sands 1-4 - 1986 Service Plan](#)

[Attachment 4- RedlineSP-The Sands 1-3 and 5 Sep 12 2019](#)

[Attachment 5- Financial Plan- 9.3.2019](#)

[Attachment 6- Ridge at Sand Creek PUD 2.7.19](#)

[Attachment 7- Ridge at Sand Creek - Engineer Estimate](#)

[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 and The Sands Metropolitan District No. 5. He provided a brief summary of the districts, presented maps of the district locations, gave a brief overview of the background of the districts, existing district boundaries, district 5 parcel, proximately of resulting City districts, and identified the contingency condition and questions from the City Council Budget Committee.

Jeff Mark, The Landhuis Company, representing the district, stated the two mile distance between the districts is largely irrelevant from their perspective and is allowable under Title 32 and metropolitan districts in Colorado. He stated they are working to maximize the bonding by lowering the initial costs to the homeowners. He stated the District No. 5 budget and bonding will be kept separate from the other districts.

Pat Hrbacek, Spencer Fane, LLP, Counsel for the district, stated the districts will be allowed to have their own resident board members and any certified costs incurred for District No. 5 will stay with District No. 5.

Councilmember Murray stated this would be precedent setting and he does not believe it is in the public's interest to allow this geographic range and this metropolitan district.

Councilmember Knight asked if one board will oversee all of the districts. Mr. Mark stated the board in District No. 1 will oversee the other districts until residents move in to District No. 5 and become controlling members of the board for that individual district.

Councilmember Knight requested the maximum debt allowance for District Nos. 1-3 be separated from District No. 5. Mr. Mark agreed to provide that information.

Councilmember Pico stated he supports this item because he does not see anything detrimental in it.

Councilmember Murray requested the clean separation of each of the districts to be detailed in the document.

Councilmember Murray stated this request will change commercial property to residential. Councilmember Pico stated the housing areas are becoming more commercial sales tax zones.

Councilmember Knight stated he would like a report from the Airport Advisory Commission regarding the flight line and zoning change. Councilmember Pico stated the Airport Advisory Commission requires appropriate notification to residents about the flight line.

Councilmember Geislinger stated he is concerned about this setting a precedent because he is not sure what the potential implications will be.

President Skorman stated he believes this is a reasonable request and the homeowners will benefit from the savings.

8.E. [19-553](#)

A Resolution Authorizing the Acquisition of up to 164 Acres in Rock Creek Canyon, as an Addition to the Cheyenne Mountain State Park Through the Trails, Open Space and Parks ("TOPS") Program

Presenter:

Britt Haley, TOPS Program Manager, Parks, Recreation and Cultural Services Department

Attachments: [CheyenneMt_RockCreekCanyonCandidateParcels](#)
[City 8.15.2019-signed](#)
[ResolutionRockCreekCanyonOpenSpaceAcquisition](#)
[09-23-19 Cheyenne Mtn State Park AdditionsCityCouncil](#)

Britt Haley, TOPS Program Manager, Parks, Recreation and Cultural Services Department, presented the Resolutions for acquisition of up to 164 Acres in Rock Creek Canyon for the purpose of public open space and trails as an extension of Cheyenne Mountain State Park through the Trails, Open Space and Parks (TOPS) fund. She discussed the 2014 Parks System Master Plan, the Cheyenne Mountain State Park expansion, and the Cheyenne Mountain Heritage Trail. Ms. Haley also presented site photos of Rock Creek Canyon which would provide connectivity through a trail corridor and described the categories of TOPS funding, restrictions, and approximate revenue.

There were no comments on this item.

- 8.F.** [19-554](#) An Ordinance Amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks ("TOPS") Fund in the Amount of \$1,284,000 for Acquisition of Approximately 164 Acres of Property for the Purpose of Public Open Space and Trails as an Extension of the Cheyenne Mountain State Park

Presenter:

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

Attachments: [Appropriation Ordinance 09-10-19](#)

Please see comments in Agenda item 8.E.

- 8.G.** [19-500](#) Resolution to Increase the 2019 Drainage Fee for the Sand Creek Drainage Basin

Presenter:

Richard Mulledy, P.E., Stormwater Enterprise Manager, Stormwater Enterprise

Erin Powers, P.E., Senior Engineer, Stormwater Enterprise

Attachments: [SandCreekDrainageFeeIncreaseRES-201908-13](#)
[Exhibit A 2019 Drainage Fee Schedule Proposed](#)
[Exhibit B 2019 Drainage Fee Schedule](#)
[Exhibit C Drainage Board Minutes 2018.12.06](#)
[Sand Creek Fee Adjustment 2019 Presentation](#)

Erin Powers, Senior Engineer, Stormwater Enterprise, presented the

proposed \$28.00 per acre increase for the Sand Creek drainage basin fees. She gave a brief background of the drainage basin and identified the increase in infrastructure costs.

There were no comments on this item.

- 8.H. [19-565](#) An Ordinance certifying delinquent stormwater fees and charges to the El Paso County Treasurer for collection

Presenter:

Richard Mulledy, Stormwater Enterprise Manager

Attachments: [Ordinance StormwaterFees-CertificationOfDeliquency](#)

Richard Mulledy, Stormwater Enterprise Manager, presented the Ordinance certifying delinquent stormwater fees and charges to the El Paso County Treasurer for collection of fees the City invoices which does not include the stormwater fees on Colorado Springs Utilities invoices. He stated commercial property owners who owe more than \$200, the Stormwater Enterprise will pursue the collection of unpaid fees through a potential property tax lien.

President Pro Tem Strand asked what the reason for businesses not paying is. Mr. Mulledy stated in many cases it is an internal issue of getting the invoice to the correct department for payment.

Councilmember Geislinger asked what percentage of the fees have been collected. Mr. Mulledy stated ninety-six percent.

- 8.I. [19-568](#) A resolution authorizing the Mayor to execute a contract between the City of Colorado Springs and the Colorado Department of Transportation for maintaining traffic signals on state owned facilities

Presenter:

Todd Frisbie, P.E., P.T.O.E, City Traffic Engineer, Public Works Department

Attachments: [Traff Maint Resolution 2019 Final](#)
[R2-IGA CO Spgs Traffic MTCE FY 20 Execs Final](#)

Todd Frisbie, City Traffic Engineer, Public Works Department, presented the Resolution authorizing the Mayor to execute a contract between the City the Colorado Department of Transportation (CDOT) for maintaining traffic signals on state owned facilities. He explained the City has provided maintenance on State-owned traffic signals since the nineties which benefits the City and this is a continuation of the five-year agreement. Mr.

Frisbie stated CDOT will pay the City \$332,880 per year for this service.

There were no comments on this item.

- 8.J. [19-577](#) A resolution approving and authorizing the Mayor to execute and administer the Intergovernmental Agreements between the City of Colorado Springs and the Colorado Department of Transportation for the construction management and the maintenance and operations obligations associated with the extension of State Highway 21 between I-25 Expressway and Voyager Parkway.

Presenter:

Travis Easton, P.E., Director of Public Works

Attachments: [PW-SH21PowersTol-25RES-2019-09-11](#)

[Exhibit A CDOT R2-22057-IGA SH 21 from I-25 to Powers Const. Mgt. Execs revised 11Sep2019](#)
[Exhibit B CDOT R2-IGA-22057 CO Spgs SH21 I-25 to Voyager Maintenance Execs revised 11Sep2019](#)
[Powers Ext. to Council](#)

Travis Easton, P.E., Director of Public Works, presented the Resolution for the Intergovernmental Agreements (IGA) between the City and the Colorado Department of Transportation (CDOT) for the construction management and the maintenance and operations and the IGA between the City and Copper Ridge Metropolitan District for the construction oversight, construction management and certain maintenance and operations obligations associated with the extension obligations associated with the extension of Powers Boulevard between I-25 Expressway and Voyager Parkway. He presented a map of where the interchange would be located and stated any financial obligations of the City will be passed onto the Copper Ridge Metropolitan district.

Councilmember Murray asked if the City would be obligated to pay CDOT \$82,000. Mr. Easton stated it would be, but the obligations would then be rolled over to the district for reimbursement.

Councilmember Knight asked if a maintenance and operations agreement has been previously executed with CDOT. Tom Florczak, Deputy City Attorney, City Attorney's Office, stated there have been other maintenance agreements with CDOT for specific projects and gave an overview of the City's and CDOT's responsibility for state highways which run through the City. Councilmember Knight requested an example of an intersection where the City has a maintenance and operations agreement with CDOT. Mr. Easton agreed to provide that information.

Gary Erickson, representing the district, stated CDOT has given the district

a \$10.3M grant for stormwater infrastructure and waived approximately \$12M in construction management fees for the project.

- 8.K.** [19-578](#) A resolution approving and authorizing the Mayor to execute and administer the Intergovernmental Agreement between the City of Colorado Springs and the Copper Ridge Metropolitan District for the construction oversight, construction management and certain maintenance and operations obligations associated with the extension of State Highway 21 between I-25 Expressway and Voyager Parkway

Presenter:

Travis Easton, P.E., Director of Public Works

Attachments: [PW-IGA_CityCopperRidgeDistrictRES-2019-09-11](#)
[Exhibit A City-District IGA \(9-11-19\)\(Clean version\)](#)

Please see comments in Agenda item 8.J.

- 8.L.** [19-571](#) A resolution approving submission of a grant application to the Colorado Department of Local Affairs for the City of Colorado Springs Census 2020 outreach and execution of a grant agreement awarding funds for outreach

Presenter:

Sarah B. Johnson, City Clerk

Carla Smith, City Grant Writer

Attachments: [Resolution Approving DOLA Census Grant Application](#)
[Census Grant Presentation.pptx](#)
[DOLA 2020 Census Outreach Grant and Budget Timeline.pdf](#)

Sarah B. Johnson, City Clerk, presented the Resolution approving submission of a grant application to the Colorado Department of Local Affairs (DOLA) for the City census 2020 outreach and execution of a grant agreement awarding funds for outreach. She gave an overview of the DOLA Census Outreach Grant and identified the members of the grant application committee who have expertise in working with hard-to-count (HTC) populations. Ms. Johnson provided summary of the project, the subawards for community partner HTC outreach efforts, and the temporary outreach and grant coordinator position. She explained the census education and promotion efforts, grant budget, HTC individuals reached, and timeline.

There were no comments on this item.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Avila stated she toured the Pentagon and visited Capitol Hill in Washington, D.C. She commented that there has been 3,500 Medals of Honor awarded with only one female recipient, Dr. Mary Walker.

Councilmember Murray stated he was honored to attend and speak at the 38th Annual National Fallen Firefighter Memorial service.

11. Adjourn

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

Sarah B. Johnson, City Clerk