



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, January 8, 2018

1:00 PM

Council Chambers

1. Call to Order

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

Councilmember Geislinger was excused from the meeting at approximately 4:19 PM.

2. Changes to Agenda

Eileen Lynch Gonzalez, City Council Administrator, stated that item 7.C. relating to the presentation from the Regional Building Department was added late last week after the initial publication of the Agenda on Wednesday, January 3, 2018.

3. Regular Meeting Comments

President Skorman stated that there will be a Special Work Session meeting immediately following the regular City Council meeting on January 9, 2018 to discuss the Banning Lewis Ranch Annexation Agreement.

4. Review of Previous Meeting Minutes

- 4.A. [18-0010](#) City Council Work Session Meeting Minutes December 11, 2017

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [12-11-2017 City Council Work Session Meeting Minutes Final](#)

The minutes of the December 11, 2017 Work Session meeting were approved by Consensus of Council.

5. Executive Session

5A. Open

- 5A.A.** [18-0012](#) Leslie Weise v. City of Colorado Springs, Andres Pico, Bill Murray, Amy Trinidad, Wynetta Massey, Tom Strand, Helen Collins, Keith King, Jill Gaebler, Larry Bagley, Don Knight, and Merv Bennett, Case No. 17-cv-02696-NYW, United States District Court for the District of Colorado

Presenter:

Wynetta Massey, City Attorney

Attachments: [2018-01-08-CAICMemotoCouncil](#)

Marc Smith, Division Chief, Corporate Legislative Counsel, stated that with the recommendation of the Civil Action Investigation Committee, the City is requesting authorization to defend the City officials. Council President Skorman polled Council regarding authorizing the City to represent the City officials. Consensus of Council agreed.

- 5A.B.** [18-0013](#) Pinnacol Assurance v. Sam Martinez; City of Colorado Springs; and Joshua Wonders, Case No. 17CV32759

Presenter:

Wynetta Massey, City Attorney

Attachments: [01082018OpenCAICMemoPinnacol](#)

Marc Smith, Division Chief, Corporate Legislative Counsel, stated that with the recommendation of the Civil Action Investigation Committee, the City is requesting authorization to defend Mr. Martinez. Council President Skorman polled Council regarding authorizing the City to represent Mr. Martinez. Consensus of Council agreed.

Councilmember Geislinger disclosed that he and his firm represented Pinnacol Assurance years ago, but does not believe it to be a conflict of interest.

5B. Closed

There was no Closed Executive Session.

6. Staff and Appointee Reports

- 6.A.** [17-1321](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Attachments: [010818 Agenda Planner Review MEMO](#)

Eileen Lynch Gonzalez, City Council Administrator, stated that an Ordinance prescribing the salary of the City Attorney will be added to Items for Introduction for the January 22, 2018 Work Session meeting. Ms. Gonzalez also stated that staff has requested that the update for the Southwest Downtown redevelopment scheduled for the January 22, 2018 Work Session meeting be postponed to the February 12, 2018 Work Session meeting.

Councilmember Knight asked if the Certificates of Participation bonds for the USOC building lease were completed by the end of 2017. Jeff Greene, Chief of Staff, confirmed they were.

Councilmember Knight said that before the first reading of the Banning Lewis Ranch annexation agreement Ordinance, City Council has requested to hear from constituents first. Mr. Greene said that he met with the City Attorney and that they will have a slight revision to the schedule to allow some additional time to incorporate the comments from the public meetings with the citizens and also to have additional time to schedule with City Council members in regards to the negotiations of the agreement.

7. Presentations for General Information

7.A. [18-0024](#) Sports and Event Center Proposal for Antlers Park

Presenter:

Bob Cope, Economic Development Officer
Perry R. Sanders, Jr

Attachments: [010818 Concept Plans - Preliminary COS Stadium](#)

Bob Cope, Economic Development Officer, introduced Perry Sanders, Jr., Ed Ragain, and Nick Ragain who, in collaboration with Charles Ochs, developed a proposal to build an outdoor sports venue in downtown Colorado Springs.

Perry Sanders, Jr., Sanders Law Firm and owner of Antlers Hotel, said the proposal for the sports and event center for Antlers Park was in line with the wishes of General Palmer. He stated that the Colorado Springs Company opposes this plan even though lots 277 and 278, which have been divided and sold, are contiguous to Antlers Park. He said that he and his partner are requesting a level playing field. He said that if City Council follows the City Attorney's recommendation of a court action and a public vote, it would take too much time to meet the December 2018 State deadline for the City for Champions (C4C) Sports and Event Center component.

Ed Ragain, owner of the Colorado Springs Switchbacks, and Nick Ragain, President of Colorado Springs Switchbacks, stated that their plan is to activate Antlers Park and provided an outline of the history of Antlers Park. Andy Barnard, AIA Principal with Perkins and Will, presented the two preliminary site plans for the stadium and events center. Mr. Sanders identified the current use of Antlers Park and how the park could be better utilized if their proposal is approved.

Councilmember Murray asked what the Mayor's objection was to moving forward with this plan. Jeff Greene, Chief of Staff, said the Mayor has specific questions as to the direction City Council would like to move towards regarding the plans for Antlers Park. He said that Antlers Park has a very specific conveyance from General Palmer in regards to legal restrictions and protection which are different from North Cheyenne Canyon and Strawberry Fields. Mr. Sanders commented that both lots 277 and 278 had the exact same deed structure, but the City did sell one of those lots already.

Councilmember Murray asked why action has not been taken earlier on this proposal. Mr. Greene said that when this concept was presented to the Mayor, Mr. Sanders was aware that this area could have restrictions. He said that it is not a Mayoral decision about the use of Antlers Park, it is a City Council determination of direction. Wynetta Massey, City Attorney, said that in regards to this property, City Council could follow the recommendation of the opinion of the City Attorney or develop a strategic plan through a Closed Executive Session regarding whether or not they want to direct exploration of this option.

Councilmember Bennett asked if Mr. Sanders had met with the Parks Board. Mr. Ragain said the Parks Board was reluctant to meet with them because of the recommendation of the City Attorney. Consensus of Council agreed to authorize a meeting with the Parks Board.

Councilmember Geislinger asked how many seats would be required for this stadium. Mr. Ragain stated that the Switchbacks are now Division 2 and would require an 8-10 thousand seat capacity. Councilmember Geislinger asked for the seating capacity of the indoor arena. Mr. Sanders replied that there would be two thousand seats. Councilmember Geislinger stated that this size of stadium may not be large enough for the City's long-term requirements. Mr. Sanders said that the location of the Drake

Power Plant would accommodate future stadium requirements.

Councilmember Geislinger asked about the standards to qualify for State funding. Mr. Cope said that the State Resolution Number 3 has a threshold of substantial commencement of work and predevelopment activities by December 2018.

Councilmember Murray asked about the history of the Colorado Springs Company. Matthew Driftmier, Executive Director of the Colorado Springs Company, gave an overview of the history of the company and the board. Mr. Sanders said that historically, the Colorado Springs Company has previously sold property and would not be violating General Palmer's deed for the park. President Skorman asked if the Colorado Springs Company had received the presentation previously. Mr. Ragain stated they had not because it was difficult to find them, but that they were willing to meet with them.

Mr. Driftmier stated the Colorado Springs Company is opposed to an event center being built on Antlers Park, but not to a stadium or event center itself. Councilmember Geislinger asked if they are opposed to any changes within the park. Mr. Driftmier stated that the park should be kept in line with the requirements of the deed. Councilmember Geislinger asked for the names of the other two members of the Colorado Springs Company Board. Mr. Driftmier said that he is not comfortable identifying them without their permission.

Ms. Massey commented that this land requires a very unique analysis and that the plat dedication of this piece of land is what sets forth the special requirements. This property was dedicated by plat and was not an acquisition by deed.

President Skorman stated that it would be unfortunate for the City to lose this opportunity to build this downtown stadium. He said the public amenity planned for this park would be an asset to the City. Mr. Sanders said that he would be willing to meet with anyone interested and listed the groups that they have already met with.

Mr. Greene said that a Closed Executive Session with City Council would be required before any other action is taken. Consensus of Council agreed.

Councilmember Pico asked what the funding gap was. Mr. Sanders said the cost of a 10K seat stadium is \$15 million, but they are working towards minimizing that cost. If there is any gap, Mr. Sanders suggested the City look toward using Lodgers and Automobile Rental Tax (LART) funding. President Skorman asked if Mr. Sanders would be responsible for the management, the business plan, and would just be leasing the ground from the City. Mr. Sanders said that AEG or the City could be responsible for it. Councilmember Pico said that he would like to see a detailed financial plan of how the cost will be covered. Mr. Sanders agreed to provide that information.

Mr. Greene said that regardless of the outcome of the stadium, a new master plan does need to be developed in order to revitalize Antlers Park. He also stated that the Mayor would have reservations if the City's general fund would be required to subsidize the stadium and event center.

7.B. [18-0008](#) Local Residential Real Estate Market Update and 2018 Forecast

Attachments: [Salzman residential re market SLIDES](#)
[Salzman residential re market presentation](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)
[Exhibit E](#)
[Exhibit F](#)
[Exhibit G](#)
[Exhibit H](#)
[Exhibit I](#)
[Exhibit J](#)

Jeff Greene, Chief of Staff, introduced Harry A. Salzman, Realtor Emeritus, ERA Shields/Salzman Real Estate Services, who was presenting on behalf of the membership of the Pikes Peak Association of Realtors (PPAR).

Mr. Salzman gave an overview and update of Colorado Springs residential real estate and a forecast for 2018. He stated that the City experienced a remarkable year of growth, a population increase, and an employment increase in 2017. He said that the median sales price of existing single-family homes at the end of the 3rd quarter for 2017 had a national

growth of 5.3% appreciation and Colorado Springs had a growth of 7.3% appreciation. He identified the increases of the local average home sale price and listed reasons the City has seen such strong home value appreciation compared to the national average. Mr. Salzman said that there have been 114,890 single-family home sales in the past six years and 74,833 (65.1 percent) of those home sales were served by local realtors. Mr. Salzman indicated that interest rates and rental prices will be trending higher for the next year.

Councilmember Geislinger said that he is interested in more options for affordable housing and asked how the PPAR could assist individuals in buying homes. George Nehme, Governor Affairs Chair, PPAR, said that there are programs available that realtors can utilize to assist individuals in the steps necessary to buy a house.

7.C. [17-1384](#) Introduction to the Regional Building Department

Presenter:

Roger Lovell, Regional Building Official, Pikes Peak Regional Building Department

Attachments: [010818 RBD101](#)

Roger Lovell, Regional Building Official, Pikes Peak Regional Building Department (RBD), gave a brief history of the RBD, identified the departments within RBD, and described the functions of the departments.

Councilmember Strand asked if any staff had been added to the RBD in the past year. Mr. Lovell stated that three staff members had been added. Councilmember Strand asked if there had been many changes in the safety requirements for permits. Mr. Lovell said the biggest changes have occurred in high-rise construction.

Councilmember Pico inquired about inspectors completing twenty-four inspections per day. Mr. Lovell said that a comparable number among other building departments is ten per day, but through efficiency and leveraging technology, the RBD has been able to exceed that.

Jeff Greene, Chief of Staff, stated that the fees associated with the RBD are the lowest in the state. Councilmember Geislinger commented that the fee schedule should be addressed as an incentive for more development of affordable housing.

8. Items for Introduction

- 8.A. [18-0022](#) An ordinance establishing the terms, fees, compensation, conditions and other matters relating to the granting of a cable franchise to Falcon Broadband, Inc. and approving a cable franchise agreement between Falcon Broadband, Inc. and the City of Colorado Springs

Presenter:

Bret Waters, Deputy Chief of Staff

Attachments: [FalconBroadband-CableFranchiseAgreement-2017-12-19](#)
[Ordinance Agreement](#)

Bret Waters, Deputy Chief of Staff, stated that the City currently has franchise agreements with Comcast, Century Link, and Falcon Broadband, Inc. Mr. Waters said that the franchise fee, access channels, standard installation, and customer service standards for Falcon Broadband, Inc. are either very similar or identical to those contained in the Comcast Franchise Agreement. Mr. Waters stated that the build-out requirements are different due to Falcon Broadband, Inc. being a smaller company and being geographically limited. Mr. Waters also stated that Falcon Broadband, Inc. has requested a transfer of control of the franchise.

Councilmember Knight asked what the build-out requirement differences were. Brandon Dittman, attorney with Kissinger and Fellman, said the build-out requirements are the same, but the geographical area of service is different. Councilmember Knight asked if there was language in the agreement that if Falcon Broadband, Inc. agrees to provide service to a certain neighborhood, they would be required to provide that service to the entire neighborhood. Mr. Dittman confirmed there was.

- 8.B. [18-0023](#) A Resolution of the City Council of the City of Colorado Springs, Colorado, Consenting to the Transfer of Control of the City's Cable System Franchisee to FBB Holdings, LLC

Presenter:

Bret Waters, Deputy Chief of Staff

Attachments: [FalconBroadbandTransferRES-2017-12-19](#)
[Signed Resolution 3-18](#)

Please see comments in Agenda item 8.A.

- 8.C. [CPC CA 16-00142](#) An ordinance amending Section 105 (Additional Standards for Specific Uses Allowed in Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to beehives.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Development

Attachments: [ZC ORD - Beehives 2017-11-08](#)

[CPC Staff Report - Beehives](#)

[Figure 1 Food - Policy Advisory Board 10 10 16](#)

[7.5.602 Applications](#)

[7.5.603 Findings - ZC req CA](#)

[CPC Minutes 11.16.17](#)

Meggan Herington, Director of Planning and Development, stated that City staff researched a number of cities and worked with Councilmembers Gaebler and Councilmember Pico on the drafting of the proposed ordinance which modifies City Code Section 7.3.105, by increasing the number of beehives permitted as an accessory use in residentially zoned properties. She stated that currently, only one beehive per property is permitted and with the proposed Ordinance the number of beehives permitted could be increased depending on the size of the property. Ms. Herington also stated the proposed amendment has been recommended by the Food Policy Advisory Board.

Councilmember Knight asked if the definition of a beehive needed to be specified. Sabrina Cotta, Legislative Analyst, said that beehives are standard in size and that bee keepers would not need to have beehive defined. Councilmember Knight asked how public nuisance complaints would be addressed. Ms. Cotta stated that standards with setbacks and water requirements would regulate the beehives for good bee keeping practices.

Councilmember Murray said flight path and swarms could cause problems and need to be considered for public safety. President Skorman commented that if a swarm needs to be removed, there are people that will rescue the bees and relocate them.

- 8.D. [CPC CA 17-00026-A](#) An ordinance amending City Code Section 502 (Development Plans) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Development Review Criteria.

(Legislative)

Related File: CPC CA 17-00026-B

Presenters:

Peter Wysocki, Planning and Community Development Director
Meggan Herington, Assistant Planning Director

Attachments: [PlanDev-DPReviewCriteriaORD-2018-01-02](#)
[UPDATED FIGURE 1_DPreviewcriteriaORD](#)
[CC DP Criteria Presentation](#)
[CPC Staff Report_DPCriteria](#)
[FIGURE 1_DPreviewcriteria](#)
[FIGURE 2_Procedures](#)
[FIGURE 3_MARCH version_Plan_Dev-DPReviewCriteria](#)
[FIGURE 4-Concept Plans and Development Plans](#)
[CPC December 21 DP Review Criteria](#)

Meggan Herington, Assistant Planning Director, presented the proposed plan to update the development plan review criteria and the review authorities. Ms. Herington identified the purpose for the changes as well as the process involved with the Code Scrub Committee and the City Planning Commission. Ms. Herington identified the concerns from City Council and the proposed changes to the development plan review criteria and review authorities.

Councilmember Geislinger stated that he was involved in the affordable housing review process and that City Council will now be notified of any large number of citizens being displaced.

- 8.E. [CPC CA 17-00026-B](#) An ordinance amending Section 503 (Concept Plan and Development Plan Application Review Procedures) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Reviewing Authorities.

(Legislative)

Related File: CPC CA 17-00026-A

Presenters:

Peter Wysocki, Planning and Community Development Director

Meggan Herington, Assistant Planning Director

Attachments: [FINAL ORDINANCE DPPcedures](#)
[UPDATED FIGURE 2 ProceduresORD](#)
[FIGURE 2 Procedures](#)

Please see comments in Agenda item 8.E.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Avila stated that in regards to Transforming Safety, the twenty-five member local planning team had been chosen and they will beginning the process for setting the boundaries of the area.

Councilmember Knight requested additional information regarding the Fire Marshal's allowance of campfires by the homeless as warming fires which have recently had instances of getting out of control. Jeff Greene, Chief of Staff, said that Fire Chief Collas will address that issue with City Council tomorrow at their luncheon meeting.

Councilmember Bennett said that he and Councilmember Knight have received many qualified applications for members of the Stormwater Committee and will be interviewing on January 18, 2018.

Councilmember Strand said that he is a member of the Child Fatality Review Team and that in 2016 there were thirty-one deaths of children age seventeen and younger and in 2017, there were forty-seven deaths with ten of them being homicides. He said that suicides did decrease from fifteen in 2016 to twelve in 2017.

11. Adjourn

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

Sarah B. Johnson, City Clerk