



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 13, 2020

10:00 AM

Council Chambers

1. Call to Order

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

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

Dena Lozano, Deputy City Clerk stated item 8.A. will be a back-to-back item.

Councilmember Knight stated the Cover Memo for item 11.C. states the item will need to be discussed after items 12.A. and 12.B. and if 12.A. and 12.B. pass, he will be recommending item 11.C. go back to the Budget Committee for review because there are proposed rates to be charged for people to use the community center and an administrative charge for people who do not live within the district.

Councilmember Knight asked why item 12.C states the Town of Colorado Springs instead of the City of Colorado Springs. Marc Smith, Corporate Division Chief and Legislative Counsel, Office of the City Attorney, stated this title is accurate because this recorded plat is part of the original Town of Colorado Springs which was prior to Colorado Springs adoption of the City Charter.

Councilmember Avila stated she, President Skorman, and Jeff Greene, Chief of Staff, had spoken with staff from Challenger Homes and Nazarene Bible College and had attended a public meeting for the community and

she has been advised by the City Attorney's Office to recuse herself from voting on items 12.A. and 12.B. Mr. Smith recommended this discussion be taken off record. President Skorman, Councilmember Williams, Councilmember Pico, and Councilmember Knight stated they believe as long the meeting had not swayed her vote, she bases her decision on the information presented at the hearing, and the issues discussed in the private meeting is made public, she should not have to recuse herself. Councilmember Williams requested this discussion be added to the Closed Executive Session and it be moved to the end of today's meeting.

Consensus of City Council agreed to these changes.

4. Review of Previous Meeting Minutes

4.A. [20-014](#) City Council Work Session Meeting Minutes December 9, 2019

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [12-9-19 City Council Work Session Meeting Minutes Final.pdf](#)

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

5. Executive Session

5A. Open

5B. Closed

Marc Smith, Corporate Division Chief, Office of the 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 a Closed Executive Session. The issue to be discussed involves receiving legal advice from the City Attorney on specific legal questions related to a land use item.

President Skorman polled City Council regarding the desire to proceed with a Closed Executive Session. At least two-thirds of City Council agreed to proceed in Closed Executive Session.

6. Staff and Appointee Reports

6.A. [20-013](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 1-13-20.pdf](#)

There were no comments on this item.

7. Presentations for General Information

7.A. [20-011](#) Colorado Springs Health Foundation update to City Council

Presenter:

Debbie Chandler, Board Chair

Cari Davis, Executive Director

Thayer Tutt, Treasurer

Attachments: [CS Health Foundation - City Council Update 13Jan2020.pptx](#)

Cari Davis, Executive Director, Colorado Springs Health Foundation, gave a brief history of the foundation, the funding focus areas, payout parameters, portfolio performance, and grant awards.

Councilmember Geislinger requested how the funding focus areas are selected. Ms. Davis stated the board received recommendations from the community regarding the health metrics and the most critical health issues, and the process is revisited on an annual basis.

Councilmember Murray asked what is included in their definition of healthy environments. Ms. Davis stated is it to create environments which encourage physical activity through access to safe outdoor environments which include trails and access to healthy, affordable food. Councilmember Murray and Councilmember Geislinger requested a more itemized breakout of how item funding is prioritized based on the critical needs of the community. Ms. Davis stated the mission of the foundation is not only to address immediate healthcare needs, but to also encourage healthy living for the future.

Councilmember Avila stated she believes prevention and creating an environment for physical activity is critical for the future of healthy living.

Councilmember Knight requested a Work Session regarding the data concerning critical health needs in the community and policy issues for funding focus areas. Ms. Davis agreed to provide that information. Councilmember Williams stated he agrees that City Council should be informed and be allowed to provide input, but the decisions for funding should be left up to the foundation. Councilmember Pico commented that City Council is the body who originally set the broad policies which include

the board's funding distributions and focus areas.

Councilmember Williams asked what the process is for recruiting board members for the foundation. Ms. Davis stated the Mayor nominates candidates for City Council to interview and then vote for appointment to the board.

8. Items for Introduction

- 8.A.** [20-023](#) A Resolution Amending City Council Resolution 85-19 for the Purpose Of Economic Development

Presenter:

Greg Phillips, Director of Aviation, Colorado Springs Airport

Attachments: [1-3-20 - Clean - RESOLUTION Amendment No _____ - 20.docx](#)

[City Council Cover Memo for Hotel Development 1.3.20.docx](#)

[Hotel Letter of Support Final - 8.24.2019.pdf](#)

[Hotel Site Development - City Council 1.3.20.pptx](#)

Greg Phillips, Director of Aviation, Colorado Springs Airport, presented the Resolution for the Colorado Springs Airport's disposal of approximately 6.5 acres of surplus property for economic development. He identified the hotel site location, site plan for hotel development.

Bob Cope, Economics Development Manager, gave an overview of the economic benefits and fiscal impacts to the City,

Councilmember Williams asked if the aspect of out-of-town travelers flying out of the Colorado Springs Airport due to the close proximity of the hotel is included in the fiscal impact calculation. Mr. Cope stated the spillover effect is not included in the calculation.

Councilmember Knight stated he is in support of this project and asked what steps will be taken regarding addressing that the negotiations were opened before the appraisal was completed. Darlene Kennedy, Real Estate Manager, stated she will be discussing it with the City Attorney's Office.

Councilmember Knight asked what the difference is between the sale price and the appraised value. Mr. Phillips stated \$283,140. Garrett Baum, Urban Frontier, Master Developer for Peak Innovation Park, stated the appraised value is different from the market value and he believes this deal

exceeds the market value because of the amenities this hotel will provide to the community.

Councilmember Knight asked what the impact would be to postponing this item for two weeks to allow the public more time for input. Mr. Baum stated the Marriott is pushing to get the purchase, sale, and franchise agreements executed so time is of the essence on this project. Jeff Greene, Chief of Staff, stated it is imperative that the City is able to reach negotiated terms soon and there are tax opportunities associated with this project that would encourage investment. Troy Stover, Assistant Director, Colorado Springs Airport, stated the quicker this project is put into the opportunity zone, the more years it will benefit from it and securing the Marriott Courtyard brand would be in jeopardy if this project does not move forward.

Mr. Greene stated this real estate transaction is important not only for the hotel as an amenity, but as a catalyst for future economic development in this area.

John Meier, Chair of the Airport Advisory Commission, stated the Commission expressed support of this land transaction and does not believe the appraisal value would affect their decision.

- 8.B.** [20-018](#) A Resolution Recognizing the Mayor's Authority to Execute All Intergovernmental Agreements Related to Colorado Department of Transportation Grant Applications and Execution Documents

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Res Mayoral Auth to Sign CDOT IGA](#)
[Legal Memo re Mayoral auth for grant app 12-17-2019](#)

Charae McDaniel, Chief Financial Officer, presented the Resolution recognizing the Mayor's authority to execute all intergovernmental agreements (IGS) related to Colorado Department of Transportation (CDOT) grant agreements without additional approval by City Council.

Councilmember Williams asked what if the IGA contains commitments on behalf of the City that contradicts what City Council chooses to appropriate. Wynetta Massey, City Attorney, stated City Council always has the authority to determine whether to appropriate funds or not and the contracts always have appropriations clauses in them. Ms. McDaniel states the City does

not enter into agreements without the appropriations being approved. Councilmember Williams stated if the City enters into an agreement with CDOT and then does not follow through with their commitment, it would jeopardize future funding from CDOT for the City.

Ms. Massey stated they are of the opinion that the Mayor already has the independent authority to sign these IGAs whether City Council approves this Resolution or not because the Charter clearly gives him authority in regards to contracts and this is clearly a grant agreement. She said the reason they brought forward this Resolution was for transparency and notice.

Councilmember Williams requested a provision be added that stated the Mayor shall notify City Council of CDOT agreements which are multi-year commitments and other matters which significantly impact the future operation of the City.

Jeff Greene, Chief of Staff, stated most grant applications are contracts between the City and the granting party, but CDOT's mechanism for grants is through an IGA. He stated the Mayor and the City Council have always been very collaborative and will continue that spirit of collaboration. Ms. McDaniel states the City enters hundreds of contracts each year which do not go through City Council for authorization, but they are listed through the budget process and communicated in other ways.

Councilmember Knight stated this is an opinion of the City Attorney that sides with the Mayor over City Council. He said he would like to see a provision in the Resolution that City Council conveys authority for the Mayor to sign a CDOT grant IGAs and that there be a supplemental Ordinance to the appropriation Ordinance that states the Mayor shall not be authorized to enter into CDOT agreements which are multi-year obligations without the prior approval of City Council. Mr. Greene stating this Resolution provides clarification on how the City will proceed moving forward and the Budget Committee provides a very collaborative process.

Councilmember Pico stated he supports the language proposed by his colleagues.

Councilmember Geislinger stated he agrees with the interpretation of the Mayor's authority over contracts in the City Charter.

Councilmember Murray requested a letter from CDOT stating they are in support of this proposed Resolution.

- 8.C. [20-020](#) A Resolution Authorizing the Acquisition of a 0.089 Acre Permanent Easement and 0.038 Acre Temporary Construction Easement from Danablu, LLC for the South Cascade Avenue Bridge Replacement Project

Presenter:

Mike Chaves, City Engineering Division Manager
Ryan Phipps, Senior Engineer

Attachments: [Resolution Danablu Acquisition](#)
[Danablu - Exhibit A](#)
[Danablu - Exhibit B](#)
[Danablu Acquisition - Cascade Bridge](#)

Mike Chaves, City Engineering Division Manager, presented the Resolution authorizing the acquisition of a 0.089-acre permanent easement and 0.038-acre temporary construction easement from Danablu, LLC for the South Cascade Avenue over Cheyenne Run Bridge replacement. He provided a project summary and an overview of the Danablu LLC acquisition.

There were no comments on this item.

- 8.D. [20-015](#) An Ordinance Amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$3,362,600 for Acquisition of Approximately 335 Acres of Property for the Purpose of Public Open Space and Trails

Presenter:

Britt I. Haley, Parks, Recreation & Cultural Services Department

Attachments: [Appropriation Ordinance.January2020JCCPP](#)
[Jimmy Camp Creek Parcels w Parks](#)

Britt I. Haley, Parks, Recreation & Cultural Services Department, presented the Ordinance for a supplemental appropriation to the Trails, Open Space and Parks fund in the amount of \$3,362,600 for acquisition of approximately 335 acres of property currently owned by Colorado Springs Utilities for the purpose of public open space and trails. She stated this

would link the Corral Bluffs Open Space and the Jimmy Camp Creek Regional Park. She stated the TOPS and Parks Advisory Board unanimously approved this acquisition.

President Pro Tem Strand asked if there have been appraisal values received for the remaining three properties for this project. Ms. Haley gave an overview of the rights of first refusal for the remaining parcels.

Councilmember Murray asked how the open space can be accessed by the public. Ms. Haley stated it would have to be coordinated through the Corral Bluffs Alliance.

Councilmember Geislinger asked when the master plan will be developed. Ms. Haley stated once the connection properties are acquired and the understanding of the habitat, geologic, paleontological resources are obtained, it would go through a budget and master plan process.

8.E. [19-732](#)

An Ordinance amending Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Liquor Code.

Presenter:

Sarah B. Johnson, City Clerk

Lee McRae, License Enforcement Officer, City Clerk Office

Attachments: [Clerk-LiquorCodeORD-2019-11-02.docx](#)

Lee McRae, License Enforcement Officer, City Clerk Office, presented the Ordinance amending Article 5 of Chapter 2 of City Code pertaining to Liquor Code. He stated these revisions will align the City's Liquor Code to align with recent State Liquor Code re-codification and amendments. Mr. McRae stated these changes include amending multiple definitions, amendments to reflect elimination of 3.2% Beer, repealing the City's Tastings Server Permit requirement, and moving process and procedure rulemaking to an administrative function.

Councilmember Knight asked what circumstances would fall under the provision "unless otherwise permitted by law". Mr. McRae stated the City is not permitted to license manufacturing-only licenses and that verbiage makes it clear that there are cases and statutes where they are not required to be licensed by the City.

Councilmember Knight asked why in Section C.1. the language that states

“who is either a retail liquor store licensee or a liquor licensed drugstore licensee, or an employee of the licensee“ was removed. Mr. McRae stated it is to accommodate the possibility of a wholesaler or manufacturer, who are not employees of the retail liquor store, from holding tastings on the liquor license property.

Councilmember Williams asked if by giving the City Clerk’s Office the authority to promulgate rules and regulations, there are any remaining Liquor Code rules which City Council would be involved in. Mr. McRae stated the authority would only be for the process and procedures for how the City accepts the applications and renewals and there would still be a robust public process for comments.

- 8.F. [19-749](#) A resolution adopting an amendment to the “City of Colorado Springs Rules and Procedures of City Council” relating to land acquisitions

Presenter:

Marc Smith, Corporate Division Chief and Legislative Counsel, Office of the City Attorney

Attachments: [Council-RulesRevisionRES-2020-01-03.docx](#)

[Exhibit A --](#)

[2019-11-27-Rules and procedures of city council-DRAFTv2.docx](#)

[Exhibit B -- Part 6.pdf](#)

Marc Smith, Corporate Division Chief and Legislative Counsel, Office of the City Attorney, presented the Resolution adopting an amendment to the “City of Colorado Springs Rules and Procedures of City Council” relating to land acquisitions. He stated this revision would remove the Part 6, the provisions of land conveyances, and reserve the Part for use at a later time. Mr. Smith stated Councilmember Knight and Councilmember Geislinger have served on a committee tasked with revising the “City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests” (“Real Estate Manual”). He stated the committee identified that Part 6 was either duplicative or procedures have been modified to where it was no longer applicable.

Councilmember Knight and Councilmember Geislinger stated the committee made sure the applicable language in Part 6 has been included in the revised “City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests” (“Real Estate Manual”).

9. Items Under Study

9.A. [19-592](#) Special Districts Overview- Session No. 6

Presenters:

Carl Schueler, Comprehensive Planning Manager

Peter Wysocki, Planning and Community Development Director

Attachments: [PowerPoint-Session 6](#)

[Summary of Colorado Springs Residentially Improved Parcels](#)

[Currently Located in Special Districts](#)

[Metro District Contacts- December 2019](#)

[BID Contact information- December 2019](#)

[Copy of Metro District Parks Inventory](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave an update from the special districts overview session no. 5, district powers and functions in addition to taxation and debt issuance, and district boards and elections.

Councilmember Knight asked if since City staff does not have the tax expertise in regards to the tax advantages for special districts if someone from the community could assist in educating City Council. Mr. Schueler stated an outside real estate or special district community may be able to assist.

Councilmember Murray stated City Council needs to have the big picture when making decisions concerning these districts.

Councilmember Pico stated the bottom line is the homeowner is paying for everything and the only question is whether there is a tax advantage to the homeowner. He stated he would like to see some different examples from a tax lawyer.

Councilmember Murray requested an overview of the City's responsibility for basic maintenance and enhanced maintenance. Mr. Schueler stated typically the district pays for facilities for utilities, streets, and sidewalks that are dedicated to the City to maintain and the district continues maintenance on detention ponds, parks, parking structures, etc. He stated enhance maintenance occurs when the district takes responsibility for the care of landscaping and streetscaping in the City's right-of-way.

Councilmember Geislinger requested a presentation concerning the

responsibilities, supervising authorities, and legal obligation of City Council regarding services that are promised by the districts, services that are not performed, and the quality of services. Mr. Schueler stated these districts are separate quasi-municipal entities and they have the responsibility to provide what they promise to the homeowners.

Councilmember Knight asked if there was a policy in place to ensure a district does not charge both a mill levy in lieu of a Homeowner's Association (HOA) fee and also a HOA fee. Mr. Schueler there is nothing in place that precludes a district from charging its full, allowable operating mill levy as well as operating fees for services. Councilmember Knight asked if the City Council could limit this through the service plan. Mr. Schueler confirmed they could, but it could be challenging for the district if limits are placed.

President Pro Tem Strand asked if the districts are required to build and maintain public parks. Mr. Schueler stated it depends on if there is an annexation agreement in place which requires the district to provide park land, the district wants an amenity type of park, or does not want to wait for the City to build a park. He stated although community centers can restrict access, parks are available to the public.

Councilmember Williams commented that in certain special districts and HOAs there may be fees for homeowners in addition to regular City taxes which go toward both their neighborhood parks and streetscapes as well as other City parks and streetscapes.

Councilmember Knight stated he has an issue with the unbounded administration fee for non-residents to use the community center and recommends that if items 12.A. and 12.B pass tomorrow, he would like it to go back to the Budget Committee for additional review.

Councilmember Geislinger stated the City needs to be cautious entering into an agreement with a developer where the developer accomplishes their obligations for park land dedication by building neighborhood parks and community centers with additional administration fees for non-residents because the residents of those districts will also be using other City and Regional parks and those impacts need to be considered. Mr. Greene stated the residents of those districts pay for those neighborhood amenities in addition to County property taxes and City

sales taxes.

Councilmember Murray stated the special districts are unbalanced within the City with the developments are occurring in the northeast and not the southeast. Mr. Greene state the Administration does encourage development in the southeast, but they also support free-market activity.

10. Councilmember Reports and Open Discussion

Councilmember Knight stated he, Councilmember Pico and President Pro Tem Strand attend the Colorado Springs Police Department Promotion ceremony.

President Skorman stated he and several other Councilmembers attended the Illumination Project. Councilmember Avila stated she felt torn in the middle at the Illumination Project because the police and the community were pretty far apart and she feels it needs to be more balanced between officers and citizens.

Councilmember Williams stated he attended Boots 'n Business luncheon and requested permission to attend the Colorado Springs Children's Chorale Celebration of D-Day in Normandy, France on June 6, 2020. Consensus of City Council agreed to Councilmember Williams' request. Councilmember Murray asked if there were any restrictions for Councilmember travel. Emily Evans, City Council Administrator, stated each Councilmember has a \$6,000 limit, but there is no outline of procedures for what those funds could be used for. Councilmember Knight stated it needs to serve a City Council function.

Councilmember Knight asked if there is any assistance the City can give to its sister city Bankstown, Australia due to the fires. Jeff Greene, Chief of Staff, stated they will look into that.

Councilmember Avila stated the Pioneer's Museum will be doing a story regarding Conejos Street on February 22, 2020 from 10:00AM-3:00PM.

11. Adjourn

Upon completion of the Closed Executive Session, there being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk