



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, December 10, 2018

9:00 AM

Council Chambers

1. Call to Order

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

Excused 1 - Councilmember Bill Murray

Councilmember Strand was excused at approximately 10:12 AM and returned at approximately 1:00 PM.

Councilmember Pico arrived at approximately 1:00 PM.

2. Changes to Agenda

President Skorman stated item 9.A. pertaining to PlanCOS will be moved to the beginning of the meeting and item 5.B.A. Closed Executive Session will follow item 9.A.

Consensus of Council agreed to these changes on the agenda.

3. Regular Meeting Comments

Councilmember Knight and Councilmember Pico requested items 4B.H to 4B.L pertaining to the Ivy Wild Master Plan be removed from the December 11, 2018 City Council meeting Consent Calendar. Councilmember Knight stated the owner of the completion area is not the owner on either sides of it, particularly the alleyway between the McDonalds and Wells Fargo Bank. He requested the letters of support from the adjacent owners which were referred to in the Agenda packet. Councilmember Knight also requested a copy of the Planning Commission meeting minutes referred to in the item Cover Memo.

Sarah B. Johnson, City Clerk, stated staff has requested item 10.C. related to the Mill Street Neighborhood Plan be postponed to the January 8, 2019 City Council meeting.

Consensus of Council agreed to these changes on the agenda.

4. Review of Previous Meeting Minutes

4.A. [18-0637](#) City Council Work Session Meeting Minutes November 26, 2018

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [11-26-18 City Council Work Session Meeting Minutes Final.pdf](#)

Councilmember Knight stated he has not received the information he previously requested regarding a road map for the commencement of substantial work for the City for Champions (C4C) projects, a more colorful map of the Tejon and Costilla Urban Renewal Plan for clarification of which properties were included and excluded, and for the average salary of the projected jobs. Bret Waters, Deputy Chief of Staff, stated he will follow up on those items.

The minutes of the November 26, 2018 Work Session meeting were approved by Consensus of Council.

5. Executive Session

5A. Open

5B. Closed

5B.A. [18-0640](#) 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 issues to be discussed involve: (1) legal advice, litigation strategy, and negotiation consultation with the City Attorney regarding pending litigation pertaining to the City's MS4 permit; and (2) determining positions relative to an economic development matter that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.

Presenter:

Wynetta Massey, City Attorney

Attachments: [12032018ClosedSession](#)

Marc Smith, Division Chief, Corporate Legislative Counsel, stated 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 issues to be discussed involve: (1) legal advice, litigation strategy, and negotiation consultation with the City Attorney regarding pending litigation pertaining to the City's MS4 permit; and (2) determining positions relative to an economic development matter that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.

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

6. Staff and Appointee Reports

6.A. [18-0528](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 12-10-18.pdf](#)

Councilmember Bennett commented that the items related to PlanCOS will be presented again at the January 7, 2019 City Council Work Session meeting and the January 8, 2019 Regular City Council meeting.

6.B. [18-0625](#) A Presentation on the Pedestrian Bridge-Vermijo Avenue to America the Beautiful Park and Vermijo Avenue Streetscape Projects

Presenter:

Ryan Phipps, Senior Engineer within the City Engineering Division

Kathleen Krager, Division Manager of the Traffic Engineering Division

Attachments: [SW Infrastructure Projects Update 12102018](#)

Kathleen Krager, Division Manager of the Traffic Engineering Division, presented a model of the pedestrian bridge which will connect the Olympic Museum to America the Beautiful Park. She stated the Vermijo Avenue streetscape projects are approximately sixty percent complete.

Ryan Phipps, Senior Engineer within the City Engineering Division, presented the update to the Southwest Downtown infrastructure projects which include the Vermijo Avenue to America the Beautiful Park pedestrian bridge and the Vermijo Avenue and Sierra Madre Street reconstruction and streetscape. He presented artist renderings of the projects, the projected streetscape improvements, project schedule, estimated costs, and sources of project funds.

Bob Cope, Economic Development Officer, stated the total cost of the pedestrian bridge and streetscape projects were approximately \$40M and the current sources of funds were \$23M. He gave an overview of the structure of the sales and use tax sharing in regards to the construction materials for the museum and park plan which is incorporated in the cooperation agreement with the Urban Renewal Authority (URA).

Councilmember Knight stated City Council was told on July 24, 2017 that the pedestrian bridge would cost \$10.6M with \$7.1M funded from the Regional Tourism Act (RTA) and \$3.5M funded from the Pikes Peak Regional Transportation Authority (PPRTA) and now the bridge is projected to cost \$15.6M and some of the URA money will have to go towards it. He said the streetscape was projected to cost \$5.1M and now it is \$24.5M. Ms. Krager stated the \$10.6M for the pedestrian bridge was for construction only and did not include the cost for design or the inflation factor in the construction industry which has occurred over the past two years. She explained the streetscape design on Vermijo Avenue proved to be much more complicated than anticipated due to the underground work, difficulty with growing landscaping in an urban area, and the upgrades. She said the City's portion of the cost of the bridge has remained the same. Ms. Krager stated the Vermijo Avenue and Sierra Madre Street improvement projects can be modified if full funding is not achieved or there are other sources of funding such as development responsibilities for improvements that can be utilized.

Councilmember Knight, Chair of the Council Budget Committee, requested the solution for the shortfall be presented to the Budget Committee. Ms. Krager stated they will provide a presentation.

Councilmember Bennett, a board member of the PPRTA, asked for a breakdown of the sources of funds for the \$3.5M for the pedestrian bridge and the remaining amount for the roadway. Ms. Krager agreed to provide that information.

Councilmember Pico asked if the PPRTA has approved the amount of funding for the pedestrian bridge and the streetscapes. Ms. Krager confirmed they had approved it for the bridge and said she is not expecting any problem with them approving the streetscapes. Councilmember Pico requested additional information regarding the additional sources of funding such as the Urban Renewal Authority (URA), the developer, and private donations. Jeff Finn, Vice President, Nor'wood Development, explained the public/private partnership and how the private sector will issue revenue bonds to provide funding to fill the gap.

Councilmember Knight stated it was his understanding that the \$11M for

the bridge and \$12.5M for Vermijo Avenue and Sierra Madre Street improvements would be transferred to the URA so they could do all the bonding. He said the list of expenses out of the \$238M does not show the \$23M shortfall. Mr. Finn stated the \$216.5M includes all four phases of the project and they added a ten percent contingency to account for cost escalation and items they may not have thought of. He said he will provide an updated spreadsheet of the costs.

President Pro Tem Gaebler requested bike lanes be added to Vermijo Avenue. Ms. Krager stated they are working to make Vermijo Avenue safe for multi-use transportation.

Mr. Finn presented a list of the estimated costs for Phases 1-4 and the sources and uses of funds for Phase 1A and by project. He stated the remaining funding will come from property tax increment, sales tax increment, additional mill levy, and developer advance. He presented the development program, the estimated value assumptions, and total estimated revenue and revenue sources by entity.

Councilmember Knight asked if the public infrastructure will assist the Olympic Museum. Mr. Finn stated the museum was the catalyst for the project, but the public infrastructure is not being constructed for it. Councilmember Knight asked what will happen to the difference between the total cost of \$238M and the anticipated revenue of \$353M. Mr. Finn stated the revenue will come over time and is similar to a mortgage payment where you pay more than the actual value of the house.

Councilmember Geislinger asked when the costs will be incurred. Mr. Finn stated Phase 1B will follow Phase 1A very quickly which is estimated to occur within approximately five years.

Councilmember Geislinger and Councilmember Strand requested a breakdown of the costs and projects for Phases 2-4. Mr. Finn stated they will provide that information.

6.C. [18-0620](#) Update on the Commercial Frontage and Façade Improvement Grant (CFFIG) Program

Presenter:

Catherine Duarte, AICP, Senior Analyst, Community Development Division

Attachments: [CFFIG Update - Council Work Session Presentation Dec10](#)

Catherine Duarte, AICP, Senior Analyst, Community Development Division, gave an update on the Commercial Frontage and Façade Improvement Grant (CFFIG) Program. She identified the CFFIG program

goals, partners, project status, the two awardees receiving \$50,000 each, and their long-term vision.

Councilmember Avila and President Skorman expressed appreciation for all the efforts put into this revitalization project.

- 6.D.** [18-0621](#) An Informational Report on the Community Development Division's 2019 Annual Action Plan (AP) and Proposed Use of the City's 2019 grant funds from the Department of Housing and Urban Development (HUD).

Presenter:

Steve Posey, HUD Program Administrator, Community Development Division (CDD).

Attachments: [2019 AP Summary for CC](#)

[2019 AP HUD Funds](#)

Steve Posey, HUD Program Administrator, Community Development Division (CDD), presented the CDD 2019 Action Plan overview. He stated the 2019 allocation from the Department of Housing and Urban Development (HUD) was estimated at \$4.5M. Mr. Posey identified the priority needs from 2015-2019, homelessness statistics, short and long term goals, and rental affordability in the community. He gave an overview of the housing plan, proposed projects, the 2019 plan alignment, and related goals.

Councilmember Strand asked why the 2019 HUD allocations were projected to be less than 2018. Mr. Posey stated they estimate conservatively at five percent less than what was received the previous year and they have not received the official notification regarding federal funding for 2019 yet. Councilmember Strand asked if other organizations are contacted if there are emergency housing situations. Mr. Posey stated they work very closely with the shelter agencies and housing providers in town as well as the Continuum of Care. Councilmember Strand asked if they work with Colorado Springs Utilities (CSU). Mr. Posey said they are working with CSU in regards to potential energy efficiency measures for multi-family buildings and a private activity bond (PAB) working group.

Councilmember Strand said he would like to see a report that illustrates housing within the City in regards to rental affordability rather than just apartments. Mr. Posey stated they are working on providing separate data in regards to houses and it will be presented to City Council.

Councilmember Geislinger asked if an affordable housing plan will be established in 2019. Mr. Posey stated they are anticipating a draft of the plan by mid-year 2019.

Councilmember Geislinger asked if any additional funding issues need to be addressed in order to accomplish addressing homelessness and supportive housing units. Mr. Posey stated it is too early in the process to project.

7. Presentations for General Information

7.A. [18-0588](#) CDOT Update on I-25 S. Gap Construction

Presenter:

Karen Rowe, CDOT Region 2 Transportation Director
John Hall, CDOT I-25 S. Gap Project Pre-Construction Director -
Resident Engineer

Attachments: [I-25 South Gap_ColoradoSpringsCouncil_12.04.18.pptx](#)

John Hall, CDOT I-25 S. Gap Project Pre-Construction Director, Resident Engineer, presented the Colorado Department of Transportation (CDOT) update on the I-25 South Gap Project from Monument, CO to Castle Rock, CO. He gave a brief background of the project, the benefits of the project, the overview of the current and projected construction, and community outreach.

Councilmember Strand asked for the total cost of construction. Mr. Hall stated the total budget for the project is \$382M.

Councilmember Geislinger requested more information regarding the Bustang service to the Denver Tech Center. Mr. Hall stated he will provide that information.

8. Items for Introduction

8.A. [18-0629](#) An Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$675,475 for Transfer to the Colorado Springs Health Foundation

Presenter:

Charae McDaniel, Chief Financial Officer
Chris Wheeler, Budget Manager

Attachments: [Supplemental Approp Ord for MHS Revenue Share-2018](#)

Charae McDaniel, Chief Financial Officer, explained the process for the transfer of \$675,475 from the Memorial Health System Enterprise Fund to the Colorado Springs Health Foundation.

There were no comments on this item.

- 8.B. [18-0607](#) A resolution approving an Intergovernmental Agreement with the Colorado Department of Transportation for the funding of the Mountain Metro Transit (Route 6) Pedestrian and Transit Improvements Project.

Presenter:

Mike Chaves, P.E., Engineering Manager

Attachments: [MMT \(Route 6\).Resolution No. xxx-18 rev](#)

[MMT \(Route 6\).Exhibit A_IGA](#)

[MMT \(Route 6\).Exhibit B_Vicinity Map](#)

Mike Chaves, P.E., Engineering Manager, presented the Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) for the funding of the Mountain Metro Transit (MMT) (Route 6) Pedestrian and Transit Improvements Project. He stated MMT is proposing to relocate a portion of bus service along Route 6 from 4th Street to Fillmore Street.

There were no comments on this item.

- 8.C. [18-0552](#) An ordinance adopting revised Procurement Rules and Regulations for the City of Colorado Springs

Presenter:

Nicole Spindler, Procurement Services Manager

Bret Waters, Deputy Chief of Staff

Attachments: [ProcurementRulesORD-2019](#)

[Exhibit A Procurement Rules & Regulations](#)

[121118 Auditor Support of Changes to the Procurement Regulations](#)

[121018 Procurement Rules slides](#)

Nicole Spindler, Procurement Services Manager, presented the proposed changes to the Procurement Rules and Regulations. She gave an overview of the history of the rules and regulations, development process, housekeeping changes, and the proposed changes to procurement thresholds, general provisions, administrative matters, methods of source selection, responsibility of offerors, protests, appeals, bonds, insurance, and contracts.

President Pro Tem Gaebler asked if more time or staff members will be needed in regards to accomplishing the transparency goals. Ms. Spindler stated they are adequately covered to accomplish the goals.

Councilmember Geislinger requested the City Auditor review the proposed changes. Ms. Spindler stated she will request that.

- 8.D. [18-0622](#) An ordinance amending Section 104 (Council Meetings; Procedure) of Part 1 (Elective Officers) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to approval of settlement of claims and litigation by City Council.

Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney
Erik Lamphere, Litigation Division Chief, Office of the City Attorney

Attachments: [CAO-SettlementsCouncilORD-2018-11-30](#)

Tracy Lessig, Employment Division Chief, Office of the City Attorney, stated in response to a City Council request to increase transparency in settlement of matters, claim, or litigation in excess of \$100,000, the City Attorney's Office proposes revisions to three Ordinances which will require the City Attorney to notify City Council of settlements over \$100,000 as soon as practicable, but no later than three days, and will clarify the City Attorney's authority to settle matters and claims. She gave an overview of the proposed provisions of the Ordinances which will require City Council, after holding a closed executive session, to publicly vote approval during a regular meeting to negotiate a settlement without identifying the amount of the settlement authority and may or may not identify the subject matter at the discretion of the City Attorney. She said in a case where the City Attorney's Office has already negotiated a settlement, City Council shall publicly vote to approve the settlement of the matter and in the case of litigation the subject matter may be identified by case number, caption, or subject matter.

Councilmember Geislinger commented that the language in the proposed Ordinances reflects state statutes.

- 8.E. [18-0623](#) An ordinance amending Section 407 (Make Reports) of Part 4 (Powers and Duties of the City Attorney) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to reports made by the City Attorney to the Mayor and City Council.

Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney

Erik Lamphere, Litigation Division Chief, Office of the City Attorney

Attachments: [CAO-MakeReportsORD-2018-12-04](#)

Please see comments in Agenda item 8.D.

- 8.F. [18-0624](#) An Ordinance Amending Section 503 (Compromise or Settlement of Claims) of Part 5 (Claims Management) of Article 5 (Finance Management Procedures) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the City Attorney’s Authority to Settle Claims

Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney
Erik Lamphere, Litigation Division Chief, Office of the City Attorney

Attachments: [CAO-CAOAuthoritySettlementsORD-2018-11-26](#)

Please see comments in Agenda item 8.D.

9. Items Under Study

- 9.A. [CPC CA](#)
[18-00082](#) An Ordinance adopting PlanCOS as the City of Colorado Springs Comprehensive Plan

(Legislative Item)

Presenters:

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

Attachments: [ORD_PlanCOS](#)[Exhibit A PlanCOS Comprehensive Plan Draft](#)[PlanCOS_CPCStaffReport](#)[Figure 1 - Ch. 1 Vision Map](#)[Figure 4 - Downtown Typology - 9.24.18](#)[Figure 5 - SC Endorsement Meeting Minutes and Comments Received](#)[Figure 8a- Public Comments Received - as of 12.10.18](#)[Figure 10 - Bike-Colorado-Springs-supports-PlanCOS-1](#)[Figure 11-Responses to November 26 Councilmember Comments](#)[Figure 12- PlanCOS CompPlan Policies Fiscal Responsibility_20181126](#)[Figure 13- PlanCOS_Changes Post-SC Endorsement](#)[Figure 14- Post-12-10-18 CC Worksession Changes](#)[CCWS 3 PlanCOS Presentation 1 7 19](#)[CC 1 PlanCOS Presentation 1.8.19](#)[CPC_Minutes_PlanCOS1](#)[CPC_Minutes_PlanCOS2](#)

Peter Wysocki, Planning and Development Director, introduced the Ordinance adopting PlanCOS as the City's comprehensive plan and gave an overview of what a comprehensive plan includes, when it was initiated, identified the consultant team, members of the PlanCOS steering committee, the Planning Commission recommendation, and City Council involvement.

Carl Schueler, Comprehensive Planning Manager, Planning and Development Department, identified partner entity endorsements, the changes implemented since the steering committee endorsement, and the community and stakeholder involvement. He gave an overview of the six vision theme chapters which include Vibrant Neighborhoods, Unique Places, Thriving Economy, Strong Connections, Renowned Culture, and Majestic Landscapes. Mr. Schueler reviewed the big ideas, vision map, common elements of chapters 2-7, framework maps, typologies, implementation, funding, and reporting. He explained the implementation strategies, areas of capacity and change, lane miles added, parks plan, and fiscal sustainability. Mr. Schueler went over the responses to the November 26, 2018 City Council Work Session comments.

Councilmember Geislinger requested additional details regarding the action plan for implementation. Mr. Schueler stated staff will provide

additional information.

President Skorman stated he was hoping the proposed City Code changes would be addressed more quickly. Mr. Schueler stated the comprehensive code changes require a tremendous amount of resources, but they will continue to work towards them.

Councilmember Knight asked if the Parks, Recreation, and Cultural Services Department was fully engaged in the writing of PlanCOS. Mr. Schueler confirmed they had coordinated with Britt Haley, Parks Development Manager, and Susan Davies, Trails and Open Space Coalition. Councilmember Knight stated this should have been fully vetted through the Parks Advisory Board and should be consistent with the Parks Master Plan. Mr. Schueler stated he will invite personnel from Parks, Recreation, and Cultural Services to attend the presentation at the January 8, 2018 City Council meeting.

Councilmember Knight stated the Jimmy Camp Creek Reservoir needs updated to Gary Bostrom Reservoir and the water treatment plant listed in the plan is no longer accurate. He requested a definition of the bonuses referred to in Chapter 2, page 10, and the language regarding an "update" to zoning code changes which support accessory dwelling units (ADU) and micro homes be changed to "examine" the zoning code. He said the replenishing of ground water to other water districts needs to be removed. He requested these issues be addressed prior to the January 8, 2018 City Council meeting and requested the item be presented as a back-to-back item at the January 7, 2018 Work Session meeting.

Councilmember Geislinger asked if any groups have identified that they are opposed to PlanCOS. Mr. Schueler stated not at this time.

9.B. [CPC CA
18-00152](#)

An Ordinance Amending Multiple Sections under Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the City's Comprehensive Plan

(Legislative Item)

Presenters:

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

Attachments: [ORD PlanCOS CodeAmendments](#)
[CPC Minutes PlanCOS2](#)
[CPC Minutes PlanCOS CodeAmendment](#)

Please see comments in Agenda item 9.A.

10. Councilmember Reports and Open Discussion

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

11. Adjourn

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

Sarah B. Johnson, City Clerk