



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, August 13, 2018

1:00 PM

Council Chambers

1. Call to Order

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

President Pro Tem Gaebler was excused at approximately 2:25 PM.

2. Changes to Agenda

Carly Hoff, Legislative Analyst, stated that item 7.A. pertaining to urban renewal areas concepts and principals will be postponed to the September 10, 2018 City Council Work Session meeting. Consensus of Council agreed to this change on the agenda.

3. Regular Meeting Comments

President Skorman stated item 11.G. pertaining to the firefighter's collective bargaining agreement has been withdrawn from the August 14, 2018 City Council meeting due to the group deciding to pursue petitioning. Sarah B. Johnson, City Clerk, stated staff has requested item 4B.B. and 4B.C. to be postponed. Consensus of Council agreed to these changes on the agenda.

4. Review of Previous Meeting Minutes

- 4.A. [18-0350](#) City Council Work Session Minutes July 23, 2018

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [7-23-18 City Council Work Session Meeting Minutes Final.pdf](#)

Councilmember Murray requested that his question to Mayor Suthers regarding if he had ever worked with a union that had any kind of collective bargaining process to be included in the July 23, 2018 Work Session

meeting minutes. Sarah B. Johnson, City Clerk, stated she will include that information in the meeting minutes.

The minutes of the July 23, 2018 Work Session meeting were approved by Consensus of Council.

5. Executive Session

5A. Open

- 5A.A. [18-0357](#) Sean Welch v. Michael Happ and City of Colorado Springs, Case No. 18CV31547, District Court, El Paso County, Colorado

Presenter:
Wynetta Massey, City Attorney

Attachments: [2018-07-23 CAIC Recommendation to Council](#)

Marc Smith, Division Chief, Corporate and Legislative Counsel, stated that with the recommendation of the Civil Action Investigation Committee, the City is requesting authorization to defend Officer Happ.

President Skorman polled Council regarding authorizing the City to represent the Officer. Consensus of Council agreed.

5B. Closed

6. Staff and Appointee Reports

- 6.A. [17-1335](#) Agenda Planner Review

Presenter:
Carly Hoff, Legislative Analyst

Attachments: [Agenda Planner.docx](#)

Councilmember Murray asked when the other stream riparian pollution issues and penalties will be presented to City Council. Marc Smith, Division Chief, Corporate and Legislative Counsel, said the Ordinance has been drafted and will be scheduled soon for a meeting.

- 6.B. [18-0213](#) Financial Report - City of Colorado Springs

Presenter:
Charae McDaniel - Chief Financial Officer

Attachments: [August 13 Monthly Financial Report.pptx](#)

Charae McDaniel, Chief Financial Officer, presented the August 2018 financial update which represented activity through June 2018. She stated the general fund revenue variance is approximately 1.4% above projected budget and general fund expenditures are approximately \$200K below projected budget for the year. She explained the sales tax collection trends and gave an update of the 2018 grant funds, which was recently awarded \$2M in Federal Pass-Through and \$2.3M in other grant awards. Ms. McDaniel also provided an update of the Memorial Health System and the economic indicators.

Councilmember Geislinger asked why the City is under budget for property taxes when the property assessed values and construction revenue have been rising. Ms. McDaniel stated the property tax assessed value was raised in 2017, but the residential assessment ratio was lowered which caused the numbers to be below the estimated budget. She explained that even if the numbers are below the budget, it does not mean the total revenue will be less than what was received in 2017.

Councilmember Geislinger asked if the spike in revenue from the storm costs incurred in the Council District 3 area could be isolated. Ms. McDaniel stated it would be very difficult due to all the variables that are factored in to the calculation, but they can remain aware of certain categories such as building materials, auto sales, and regional building permits.

Councilmember Pico commented that any surplus in property tax revenue and regional building permit revenue should go into the reserve account and not to non-profit organizations.

President Pro Tem Gaebler requested that Council receive a copy of the Pikes Peak Regional Building Department's excess revenue donation policy. Councilmember Strand, a member of the Regional Building Commission, agreed to provide that information.

7. Presentations for General Information

7.A. [18-0372](#) Urban Renewal Areas Concepts and Principals

Presenter:

Carolynne White, Attorney, Brownstein Hyatt Farber Schreck (BHFS)
Bob Cope, Economic Development Officer, Economic Development

This item was postponed until the September 10, 2018 Work Session meeting.

7.B. [18-0344](#) Regional Parks and Open Space Public Safety Management Challenges

Presenter:

Kurt Schroeder, Park Maintenance and Operations Manager

Attachments: [8-13-18 - Regional Parks Safety Challenges Powerpoint](#)

Kurt Schroeder, Park Maintenance and Operations Manager, presented the public safety management challenges for regional parks and open space. He identified the sites, after-hours issues, additional issues, and the preventative actions they are implementing.

Councilmember Strand asked if these issues had increased from the last couple of years. Mr. Schroeder confirmed they had.

President Skorman asked if closing Garden of the Gods at night will create more issues at Cheyenne Canyon. Mr. Schroeder stated he is working with the U.S. Forest Service regarding preventing those issues.

Councilmember Strand asked if the type of gates at the United States Air Force Academy could be an option. Mr. Schroeder agreed to look into it.

Councilmember Strand asked about the concerns with weed control using Roundup. He said a vast majority of the City's herbicide applications are done by licensed contractors that abide by the federal, state, and label guidelines. President Skorman said that he will be continuing to research that issue further.

Councilmember Murray asked what the current cost of addressing these issues is. Mr. Schroeder said the cost for security for Palmer Park is \$1,500 per month, Garden of Gods will cost \$45,000 per year, and locking the restrooms each night will cost \$25,000 per year.

Councilmember Geislinger asked if there were other areas where these issues were occurring. Mr. Schroeder stated Red Rock Canyon and North Cheyenne Canyon were also experiencing similar issues. Councilmember Geislinger asked if there was sufficient law enforcement mechanisms and penalties available to address those issues. Mr. Schroeder stated penalties are in place, but that he is not versed in that area to know if they are sufficient.

8. Items for Introduction

- 8.A. [18-0358](#) A resolution of the City Council of the City of Colorado Springs, Colorado, approving, solely for the purposes of Section 147(f) of the Internal Revenue Code, the issuance by the Capital Trust Agency of its Senior Living Revenue Bonds (American Eagle Portfolio Project), Series 2018, for the purpose of financing the senior living facilities herein described, one of which is located in the City and providing an effective date.

Presenter:

Erich Kennedy, Esq., Dinsmore & Shohl LLP

Attachments: [CTA Letter to Colorado Springs.pdf](#)

[Inducement Resolution No. 11-18 - CTA 2018 American Eagle Brookdale Bond...pdf](#)

[AE Brookdale 2018 - Notice of Public Hearing Colorado Springs v3 \(002\).docx](#)

[AE Brookdale 2018 - TEFRA Resolution Colorado Springs v3.docx](#)

Erich Kennedy, Dinsmore and Shohl LLP, representing the purchaser, American Eagle Life Care, a non-profit corporation, explained the proposed acquisition for a \$275M transaction for seventeen senior living facilities located in several states including the 60-unit senior living community known as Brookdale Palmer Park at 2850 North Academy Boulevard and the City Council's role in approving the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearing for the issuance of the tax exempt Senior Living Revenue Bonds.

Ms. McDaniel said the City has no financial obligation for this transaction and this is just a change of ownership for an existing facility that has to be approved by City Council due to federal tax law on tax-exempt bonds.

- 8.B. [18-0364](#) A Resolution Closing the Wolf Ranch Portion of the Cottonwood Creek Drainage Basin

Presenter:

Travis Easton, P.E., Public Works Director

Brian Kelley, P.E., Stormwater Capital Programs Manager

Attachments: [ResCloseWolfRanchDB](#)

[StaffMemoCloseWolfRanchExhibitA](#)

[StaffMemoCloseWolfRanchExhibitB](#)

[StaffMemoCloseWolfRanchExhibitC](#)

[StaffMemoCloseWolfRanchExhibitD](#)

[StaffMemoCloseWolfRanchExhibitE](#)

Brian Kelley, P.E., Stormwater Capital Programs Manager, presented the Resolutions 1.) closing the Wolf Ranch Portion of the Cottonwood Creek Drainage, 2.) fee adjustment for the Cottonwood Drainage Basin, 3.) fixing the fees for the Powers Autopark development area, and 4.) eliminating the Cottonwood Creek surcharge. He stated these changes were requested by Nor'Wood Development and the City of Colorado Springs/El Paso County Drainage Board unanimously approved these changes on May 3, 2018.

Councilmember Pico commented that if the basin is closed, the developers are obligated to construct the stormwater drainage facilities even without those fees. Mr. Kelley confirmed that within the boundaries of the Wolf Ranch Drainage Basin, the developer must construct every stormwater drainage facility without reimbursement and any projects remaining outside of the Wolf Ranch boundaries are City projects. Councilmember Pico asked if the \$100,000 in residual surcharge fees will be sufficient for the remaining downstream Cottonwood Creek facilities. Mr. Kelley stated there is an intergovernmental agreement project in excess of \$1M that is proposed near Cottonwood Creek Park and the \$100,000 will assist in completing that project.

Councilmember Murray stated he is reluctant to support developers bypassing the additional cost and is concerned with developers meeting the Environmental Protection Agency (EPA) stormwater obligations. Mr. Kelley stated if this basin was not closed, the fees for the rest of the developable acres within Cottonwood Creek would be increased. He said the developer is actually assisting the rest of the basin by building the facilities without any reimbursement.

Richard Mulledy, Water Resources and Stormwater Engineering Manager, stated the fees collected do not go to any City projects, the City just manages the money to pay back the developers. Councilmember Murray stated he would like to see it in writing. Mr. Mulledy stated it is in the bylaws of the Drainage Board. Councilmember Murray asked if the money could go toward the Cowpoke and Tutt retention basin. Mr. Mulledy stated it could not be used for that facility because it was not included in the approved drainage basin planning study.

Councilmember Geislinger said he will need more information regarding what the current plan is supposed to be doing and how this is going to improve the current plan and asked what other downstream developments

would be potentially impacted by this. Jeff Greene, Chief of Staff, stated when the basin is closed, any other developments within that basin will be required to build drainage improvements to meet the City's standards.

Councilmember Murray asked how the reimbursable expenses are refunded. Mr. Greene stated the funding is based on each basin and explained the difference for open and closed basins. He stated staff will provide additional information on the process to Councilmembers Geislinger and Murray.

- 8.C.** [18-0365](#) A resolution to fix the Drainage Fees for Powers Auto Park in the Cottonwood Creek Drainage Basin at \$13,241 per acre

(Legislative)

Presenter:

Travis Easton, Public Works Director

Brian Kelley, Stormwater Capital Programs Manager

Attachments: [ResPowersAutoPark](#)

[StaffMemoPowersAutoParkExhibitA](#)

[StaffMemoPowersAutoParkExhibitB](#)

[StaffMemoPowersAutoParkExhibitC](#)

Please see comments in Agenda item 8.B.

- 8.D.** [18-0366](#) A resolution to increase drainage basin fees for the Cottonwood Creek drainage basin to \$16,100 per acre

(Legislative)

Presenter:

Travis Easton, Public Works Director

Brian Kelley, Stormwater Capital Programs Manager

Attachments: [ResDrainageFeeIncrease2018Cottonwood](#)

[StaffMemoCottonwoodFeeIncreaseExhibitA](#)

[StaffMemoCottonwoodFeeIncreaseExhibitB](#)

[StaffMemoCottonwoodFeeIncreaseExhibitC](#)

Please see comments in Agenda item 8.B.

- 8.E.** [18-0367](#) A Resolution Eliminating the Surcharge Fee in the Cottonwood Creek Drainage Basin

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

Brian Kelley, P.E., Stormwater Capital Programs Manager

Attachments: [ResCottonwoodSurcharge](#)
[StaffMemoSurchargeExhibitA](#)
[StaffMemoSurchargeExhibitB](#)
[StaffMemoSurchargeEliminationExhibitC](#)

Please see comments in Agenda item 8.B.

- 8.F.** [18-0369](#) A Resolution Authorizing the Acquisition of up to 64 Acres, as an Addition to the Blodgett Open Space, Through the Trails, Open Space And Parks Program

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services
Britt Haley, Parks Development Manager/TOPS Program Manager

Attachments: [8-13-18 - Blodgett Adjacent Trails Map](#)
[8-13-18 - Blodgett Expansion Powerpoint](#)
[8-13-18 - Blodgett Expansion Resolution](#)

Britt Haley, Parks Development Manager, TOPS Program Manager, presented the Resolution authorizing the acquisition of up to 64 acres in the amount of \$778,500, as an addition to the Blodgett Open Space, through the Trails, Open Space and Parks (TOPS) program. Justin Spring, Colorado Director of Land Protection, Trust for Public Land, gave a brief history of the partnership between the City and Trust for Public Land. Ms. Haley presented a map and photos of the three parcels, a summary of the project, and an update of the 2018 TOPS revenue.

Councilmember Strand asked if the Parks and Recreation Advisory Board and the TOPS Working Committee had approved these items. Ms. Haley confirmed they were unanimously approved by both groups.

Councilmember Murray asked how these locations will be protected. Ms. Haley said they will be maintained by the Peregrine Homeowner's Association and TOPS Rangers.

Councilmember Geislinger asked if there is a priority listing of other identified TOPS funded locations. Ms. Haley stated the real estate transactions for identified open space areas depend on timing and the land owners' willingness to sell.

- 8.G.** [18-0368](#) An Ordinance Amending Ordinance No. 17-116 (2018 Appropriation

Ordinance) For a Supplemental Appropriation in the Amount of \$778,500 to the Trails, Open Space And Parks Fund For Acquisition of up to 64 Acres of Property for the Purpose of Public Open Space and Trails as an Addition to the Blodgett Open Space Property

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services
Britt Haley, Parks Development Manager/TOPS Program Manager

Attachments: [8-13-18 - Blodgett Adjacent Trails Map](#)
[8-13-18 - Blodgett Expansion Supplemental Approp Ordinance](#)
[8-13-18 - Blodgett Expansion Powerpoint](#)

Please see comments for Agenda item 8.F.

- 8.H.** [18-0343](#) An Ordinance Amending Section 201 (General Penalty) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the Pedestrian Safety Program Funding Fee Surcharge

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [PedSafetySurchargeORD-2018-06-28 \(2\)](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance amending City Code Section 1.1.201 (F) General Penalty, to remove the dollar amount reference of the pedestrian safety program funding fee surcharge so that anytime that fee needs to be adjusted, it would not require a City Code change.

There were no comments on this item.

- 8.I.** [18-0353](#) A Resolution Approving a new section to be included in the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests.

Presenter:

Darlene Kennedy, Real Estate Services Manager
Steve Posey, HUD Program Administrator
Peter Wysocki, Planning and Development Director

Attachments: [RES_ManualNewSectCh5RES_FINAL](#)
[18-0353 PowerPoint](#)

Darlene Kennedy, Real Estate Services Manager, presented the

Resolution approving a new section to be included in the City of Colorado Springs Procedure Manual for the acquisition and disposition of real property interests. She stated this amendment would provide another option for transfer of City-owned property and define the process to determine "Community Benefit".

Councilmember Geislinger commented that many departments have been involved in this endeavor including Colorado Springs Utilities. He stated this section addresses City-owned surplus property for the purpose of the public good.

- 8.J. [18-0308](#) A Resolution to Carryforward the City's 2018 Private Activity Bond Allocation for Qualified Residential Rental Projects

Presenter:

Steve Posey, HUD Program Administrator, Community Development Division

Attachments: [Colorado Springs Carryforward-RES 08-06-18-clean](#)

[PAB Carryforward 8.13.18 Work Session](#)

Steve Posey, HUD Program Administrator, Community Development Division, presented the Resolution to carryforward the City's 2018 Private Activity Bond (PAB) allocation for qualified residential rental projects. He gave an overview of the 2018 allocations, the strategies of the Community Development Division, the qualified issuance of PABs from 2007-2016, and the options available for use and carryforward of the PABs.

Councilmember Geislinger stated the developers would carry the responsibility for paying the bonds back. Mr. Posey confirmed that the City is only the authority over the bonds, but there is no financial responsibility to the City.

Councilmember Geislinger asked if there was more opportunity for additional state bonding capacity. Mr. Posey stated the City could apply to Colorado Housing and Finance (CHFA) or the Division of Housing for additional bonding capacity.

- 8.K. [18-0362](#) A Resolution approving a service plan allowing for the creation of the Peak Metropolitan Districts Nos. 1, 2 and 3

(Legislative)

Presenter:

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

Attachments: [Resolution Peak Metro District](#)

[Peak MD Nos. 1 - 3 - Consolidated Service Plan \(8-10-18\)](#)

[\(00653585x9C7A0\)](#)

[Figure 1 - Cover Letter for Consolidated Service Plan Submittal](#)

[Figure 2 Redline Peak MD Service Plan](#)

[Peak Metro Dist PowerPoint](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a service plan allowing for the creation of the Peak Metropolitan Districts Nos. 1, 2 and 3. He provided a brief summary of the service plan, presented a service area map, the general development plan, and identified the questions from the City Council Budget Committee.

Jeff Greene, Chief of Staff, stated there was a very intensive discussion with the Budget Committee and this will strengthen the development process of the Colorado Springs Airport.

Councilmember Bennett asked if there was recommendation from the Airport Commission. Greg Phillips, Director of Aviation, Colorado Springs Airport, confirmed they supported the project.

Councilmember Pico requested a breakdown of the advantage of a metropolitan district over a business improvement district. Mr. Phillips stated a metropolitan district has a broader authority over water, sewer, storm drainage, parks and recreation, traffic control, fire, transportation, mosquito control, and television.

Councilmember Murray commented that he does not see how creating all these individual enclaves with their own taxing authority benefits the City.

8.L. [18-0359](#)

A Resolution approving a Service Plan for the Banning Lewis Ranch Metropolitan District Nos. 8-11

(Legislative Item)

Presenter:

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

Attachments: [RES BLRMD Nos. 8-11](#)[Service Plan for BLRMD Nos 8-11](#)[FIGURE 1 - Cover Ltr to Colo Springs BLRMD Nos. 8-11 Service Plan Submittal](#)[FIGURE 2 - REDLINE Service Plan BLRMD Nos 8-11](#)[FIGURE 3 - Evolution of BLR Districts Nos 8-11](#)[FIGURE 4 - Consent Letter to BLR Proposed Districts](#)[PowerPoint BLRMD Nos. 8-11](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, presented the Resolution approving a service plan for the Banning Lewis Ranch Metropolitan District Nos. 8-11 and Banning Lewis Ranch Regional Metropolitan District No. 2. He provided a brief summary of the service plans, presented maps of the district locations, gave a brief overview of the history of the districts, and identified the questions from the City Council Budget Committee.

Councilmember Murray asked if the development of these Metropolitan Districts incentivize the buildout of the districts. Mr. Schueler stated it is a big part of the public financing cash stream and in some cases it is required by the City and Colorado Springs Utilities. Mr. Schuler said these special districts have been available to the developer of this property since 2008.

Councilmember Geislinger asked about the use of commercial property to residential property and asked if District 7 is zoned as commercial. Mr. Schueler said that even if a district is primarily residential, it may still have commercial uses. He said that developers can obtain a lot of revenue from commercial zoned properties.

Councilmember Murray stated part of the financial process would be the mixture of residential and commercial and it is going to be harder to track them as these properties are eroded. Mr. Schueler stated this item would not have an effect on the developer's ability to develop commercially and that it would be addressed in land use review. Councilmember Pico stated the commercial development is not eroding because both residential and commercial are occurring in tandem.

8.M. [18-0360](#)

A Resolution approving an Amended and Restated Service Plan for the Banning Lewis Ranch Regional Metropolitan District No. 2

(Legislative Item)

Presenter:

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

Attachments: [Resolution BLR Regional No.2](#)
[Amended & Restated Service Plan BLR Regional MD No. 2](#)
[Figure 1 - Submittal letter for BLR Regional2](#)
[Figure 2 - Evolution of BLR Districts-](#)
[PowerPoint BLR Regional No.2](#)

Please see comments in Agenda item 8.L.

9. Items Under Study

Councilmember Pico stated the deer population issue is still being discussed as well as an Ordinance related to the feeding of wildlife. He also stated there is a review being done in regards to the encroachment issues at the Colorado Springs Airport.

Councilmember Geislinger requested a summary of the penalties for park violations.

10. Councilmember Reports and Open Discussion

Councilmember Bennett expressed appreciation for all the input for PlanCOS and said the next meeting will be held August 30, 2018. He also requested a copy of the second draft of PlanCOS. Carl Schueler stated it will be provided after the steering committee has reviewed it.

Councilmember Avila stated she attended the 4th Annual Summerfest.

Councilmember Geislinger stated he is holding a Town Hall meeting tonight regarding the Briargate Special Maintenance Improvement District.

11. Adjourn

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

Sarah B. Johnson, City Clerk