



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

*City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.*

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Monday, April 22, 2019

1:00 PM

Council Chambers

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### **1. Call to Order**

**Present** 9 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

Councilmember Knight was excused at approximately 2:30 PM.

### **2. Changes to Agenda**

President Skorman stated item 5.B.A. Closed Executive Session will be moved to the end of the meeting.

### **3. Regular Meeting Comments**

President Skorman stated the applicant has requested items 12.A., 12.B., and 12.C. pertaining to the appeal of the Broadmoor Event Center to be postponed to the May 14, 2019 City Council meeting. Consensus of City Council agreed to this change.

### **4. Review of Previous Meeting Minutes**

4.A. [19-226](#) City Council Work Session Meeting Minutes April 8, 2019

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [4-8-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the April 8, 2019 Work Session meeting were approved by Consensus of City Council.

### **5. Executive Session**

#### **5A. Open**

There was no Open Executive Session.

**5B. Closed****5B.A. [19-230](#)**

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), (c) and (g), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves legal advice, discussion of matters required to be kept confidential by state law, and consideration of documents protected by the mandatory nondisclosure provisions of part 2 of article 72 of title 24, C.R.S., commonly known as the “Open Records Act.”

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney, Office of the City Attorney

**Attachments:** [04222019ExecSession](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, 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 issue to be discussed involves legal advice, discussion of matters required to be kept confidential by state law, and consideration of documents protected by the mandatory nondisclosure provisions of part 2 of article 72 of title 24, C.R.S., commonly known as the “Open Records Act”.

Councilmember Geislinger stated Wynetta Massey, City Attorney, City Attorney’s Office, stated the issues to be discussed involves briefing City Council on a geohazard study conducted on the Westside.

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. [19-225](#)**

Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 4-22-19.pdf](#)

Councilmember Murray requested an update regarding coordinated actions for the timeline for when the Olympic Museum, Sierra Madre Street and Vermijo Avenue, and Robson Stadium projects will be completed. Jeff Greene, Chief of Staff, stated staff will schedule a formal presentation during a City Council Work Session regarding an overview of what is transpiring downtown, but there are several land use applications still pending.

## **7. Presentations for General Information**

**7.A.** [19-056](#) Envision Shooks Run Update  
(Informational)

Presenter:

Aaron Egbert, Senior Engineer, Public Works Department  
Amy Broughton, Principal, Stantec

**Attachments:** [ESRCouncilUpdate3\\_11\\_19](#)

Aaron Egbert, Senior Engineer, Public Works Department, gave a project overview of Envision Shooks Run which received an award for Sustainable Green Infrastructure Planner Project at the 2019 National Planning Conference in San Francisco, CA.

Amy Broughton, Principal, Stantec, identified the progress for 2018, funding strategy, and capture plan. She stated the total cost for the project is estimated at \$538M and listed the 2019 Environmental Protection Agency (EPA) priorities for the Brownfields Grant. Ms. Broughton identified the Colorado Springs coalition, the confluence of the area, and other updates to the project.

Councilmember Murray requested two representatives from City Council to be assigned to this project. President Skorman stated he and Councilmember Gaebler will be assigned to it due to it being located in their districts. Consensus of City Council agreed.

Councilmember Knight asked how this project is ensuring the plans of businesses along the creek are being sustained. Mr. Egbert stated the City did a land exchange with Catalyst Campus which will allow the City to make some improvements along the creek as well as they are proactively working to ensure a single developer will not hold all of the burden.

Councilmember Knight stated there are safety concerns regarding if the

trail will run through the Patty Jewett golf course. Mr. Egbert stated it will run along the southern side of the golf course and then swing around and run along Union Boulevard.

Councilmember Williams asked if there will be limited access for pedestrians during construction. Mr. Egbert stated they will make it as safe as possible for citizens and the contractor.

President Pro Tem Strand asked about concerns regarding the bridge near South Royer Street and the railroad. Mr. Egbert stated the City is planning to close South Royer Street in approximately a year and a half, but they are working with the railroad regarding the pedestrian safety issues.

President Pro Tem Strand asked how long the Legacy Loop trail will take to complete. Mr. Egbert stated Envision Shooks Run is a thirty to fifty year plan and they will provide additional information regarding the trail.

Councilmember Geislinger recommended an At-Large Councilmember also be a representative for City Council on the project. President Skorman stated they will discuss that suggestion.

Councilmember Knight asked how they will keep the trail closed during construction. Mr. Egbert stated it is a real challenge, but they are working on detours for pedestrians.

**7.B.**    [19-229](#)            Fire Board of Appeals Code Change

Presenter:

Brett Lacey, Fire Marshal, Colorado Springs Fire Department

Attachments:    [Ord no. 18-104](#)

Fire Marshal Brett Lacey requested, in regards to Ordinance 18-104 related Boards and Commissions, amendments to the residency requirements to allow members to be either City residents or own/work at businesses located within the City limits and to allow a one year extension of a member's term. He stated due to the current Boards and Commission requirements, the Fire Department is having a difficult time recruiting and maintaining members for the Fire Board of Appeals.

Councilmember Knight asked if any additional changes to the Ordinance would be needed to assist. Mr. Lacey stated he feels these two amendments would rectify the issues with filling a quorum.

Councilmember Pico asked if these changes would apply to all Boards and Commissions or just this one. President Skorman stated just this one. Councilmember Pico stated he supports the idea, but it should be universal

across all Boards and Commissions because several of them have experienced the same issues. He also suggested to remove the term limit and add the language “serve until relieved”.

Councilmember Geislinger suggested that if this a regional issue, there could be a regional board in place. Mr. Lacey stated that concept would not work because many jurisdictions do not have a Fire Board of Appeals.

Councilmember Knight stated he is in favor of these proposed changes for the Fire Board of Appeals because this is a decision-making board, but is not in favor of it for the other Boards and Commissions that are advisory boards to City Council.

Councilmember Pico asked if adding additional seats to the Fire Board of Appeals will add to the difficulty of getting a quorum. Mr. Lacey stated a larger board provides more flexibility for meeting the quorum in case members need to be absent.

Councilmember Williams asked if the number to meet quorum is mandated by City Code. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated generally a quorum requires the majority of the minimum members present, but he will research if a quorum limit has been reduced in the past.

Mr. Smith asked if it is the direction of City Council to allow exemption of the Fire Board of Appeals from the Boards and Commissions requirements. President Skorman confirmed it is, but they will revisit that in another year and they will move forward with the proposed amendments.

**7.C. [19-228](#) Colorado Urban Renewal Law and Blight Determinations**

Presenter:

Wynetta Massey, City Attorney, Office of the City Attorney

**Attachments:** [CURA-2019BlightProcess-2019-04-11-v2](#)

Wynetta Massey, City Attorney, Office of the City Attorney, stated Councilmember Knight recently requested a presentation on the Colorado Urban Renewal Law and specific analysis regarding blight determinations. She described the definition of blight according to Colorado Revised Statutes section 35-25-103 (2), factors for designating blight, and City Council’s role and authority in determining blighted property under the Colorado Urban Renewal Law.

Councilmember Williams requested additional clarification regarding conditions of blight in regards to voluntary designation of blight by the land owner and forcible designation of blight by City Council. Ms. Massey

provided additional examples of standards and factors required for forcible designations of blight.

Councilmember Murray stated he is concerned with expenditures of public money for Urban Renewal and asked if a property is determined to be blighted status before an inclusion planning process is conducted. Ms. Massey confirmed property owners could apply for Urban Renewal designation of blighted property in its present condition prior to the Urban Renewal Planning process.

Councilmember Knight asked if the condition regarding a menace to the public health, safety, morals, or welfare is a stand-alone factor. Ms. Massey stated they are still discussing if it is a stand-alone condition or a part of the other factors listed. Councilmember Williams requested the City Attorney Office research any case law which has previously interpreted this section.

Councilmember Murray requested how much public funding can be used related to Urban Renewal projects with blight designations. Jariah Walker, Executive Director, Urban Renewal Authority, stated each project with a blight designation will have a Schedule B associated with it which outlines the public improvements and costs for each. Jeff Greene, Chief of Staff, stated Urban Renewal projects need to have a public benefit or it will not be approved. Councilmember Murray requested the standards for determining public benefit.

## **8. Items for Introduction**

- 8.A. [19-176](#) Authorization of Creekwalk Marketplace Business Improvement District to issue debt in the form of Series 2019A and Series 2019B Limited Tax Supported and Special Revenue Bonds.

(Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

**Attachments:** [Resolution](#)[Attachment 1-Bonds Cover Letter](#)[Attachment 2- Forms of 2019 Bonds](#)[Attachment 3- Trust Indenture - Creekwalk Marketplace](#)[Attachment 4- Subordinate Bonds Indenture Creekwalk Marketplace  
2019](#)[Attachment 5- District Bond Resolution](#)[Attachment 6- George K. Baum Opinion Letter & Financial Plan](#)[Attachment 7- Opinion Letter from SF - CMBID](#)[Attachment 8- Creekwalk BID Bond Graph Illustrations](#)[PowerPoint\\_2019CreekwalkBIDDebt](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Development Department, presented the Authorization of Creekwalk Marketplace Business Improvement District (BID) to issue debt in the form of Series 2019A and Series 2019B Limited Tax Supported and Special Revenue Bonds. He gave a brief background of the BID, presented the district location map, and gave a summary of debt issuance, revenue, improvements to be funded, and Budget Committee questions. Mr. Schueler stated staff recently received an exclusion request for a parcel so the item should not be placed on the Consent Calendar for the May 14, 2019 City Council Agenda.

Councilmember Murray asked how many businesses will be charged a Public Improvement Fee (PIF). Mr. Schueler stated there is a PIF covenant for part of this property, but it is an add-on PIF which only applies to retail businesses.

Councilmember Geislinger asked how the two lots requesting an exclusion will affect the public improvements. Mr. Schueler stated they will provide additional information at the May 14, 2019 City Council meeting.

**8.B. [19-184](#)**

Resolution adopting an Intergovernmental Agreement between the City of Colorado Springs, Colorado and the Creekwalk Marketplace Business Improvement District related to maintenance of public streets.

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [RES Creekwalk IGA](#)  
[Attachment 1 - Creekwalk IGA](#)  
[StElmo IGA Exhibit](#)  
[Creekwalk IGA Council Work Session Presentation 042219](#)

Ryan Tefertiller, Planning Manager, Planning and Community Development, presented a Resolution adopting an Intergovernmental Agreement (IGA) with the Creekwalk Marketplace Business Improvement District (BID) related to maintenance of public streets. He gave a brief history of the public rights-of-way vacations and an overview of the IGA for maintenance of the public rights-of-way adjacent to the Creekwalk Marketplace BID.

There were no comments on this item.

## **9. Items Under Study**

There were no Items Under Study.

## **10. Councilmember Reports and Open Discussion**

Councilmember Gaebler stated in her role as Chair of the Passenger Rail Commission for the State of Colorado, she was invited to go to Washington, DC, May 12th and 13th, with the Colorado Department of Transportation (CDOT) Director to lobby for passenger rail and other transportation issues in the City. She stated it is fully funded, but wanted to let City Council know in case there were any projects they would like for her to discuss.

Councilmember Avila requested an additional \$1,200 to the \$900 deposit for airfare and the additional time she will stay there for her trip to Cambridge, MA for professional development. Consensus of City Council agreed.

## **11. Adjourn**

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

Sarah B. Johnson, City Clerk