



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, February 26, 2018

1:00 PM

Council Chambers

1. Call to Order

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

Councilmember Avila was excused at approximately 5:40 PM.

President Pro Tem Gaebler was excused at approximately 5:45 PM.

2. Changes to Agenda

Eileen Krauth, City Council Administrator, stated that Councilmember Murray requested that item 10. Councilmember Reports and Open Discussion be moved to the beginning of the meeting. Consensus of Council agreed to this change on the agenda.

3. Regular Meeting Comments

There were no regular meeting comments.

4. Review of Previous Meeting Minutes

4.A. [18-0103](#) City Council Work Session Minutes February 12, 2018

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [2-12-18 City Council Work Session Meeting Minutes Final](#)

Councilmember Strand requested a correction to the minutes of the February 12, 2018 Work Session to identify which Councilmember requested items 7.A., 7.B. and 7.C. be moved to before Citizens Discussion.

Councilmember Knight requested that the details of the vote to go into Executive Closed Session be added to the minutes of the February 21, 2018 City Council Special Meeting.

The minutes of the February 12, 2018 Work Session meeting were approved as amended by Consensus of Council.

5. Executive Session

5A. Open

5B. Closed

- 5B.A.** [18-0082](#) 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), (d) 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 and negotiation consultation with the City Attorney regarding investigations related to litigation; and (2) legal advice and negotiation consultation with the City Attorney regarding an economic development matter.

Presenter:

Wynetta Massey, City Attorney

Wynetta Massey, 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 issues to be discussed involve: (1) legal advice and negotiation consultation with the City Attorney regarding investigations related to litigation; and (2) legal advice and negotiation consultation with the City Attorney regarding an economic development matter.

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.** [17-1324](#) Agenda Planner Review

Presenter:

Eileen Krauth, City Council Administrator

Attachments: [022618 Agenda Planner Review MEMO](#)

There were no comments on this item.

6.B. [18-0108](#) Old North End Neighborhood Traffic Improvements

Presenter:

Kathleen Krager, Traffic Engineering Manager, Public Works Department

Kathleen Krager, Traffic Engineering Manager, Public Works Department, stated that the Old North End traffic situation has been studied numerous times and said it is not unusual to evaluate a neighborhood for solutions to traffic impact issues. She stated there have been three neighborhood meetings that identified the primary traffic problems. Ms. Krager identified the proposed solutions included in the proposed Old North End neighborhood traffic improvement plan.

Councilmember Knight said that City Council denied the last request from Colorado College to reduce Cascade Avenue to two lanes with no reservation of rights for any future requests to reduce the lanes on Cascade Avenue between Cache La Poudre Street and Uintah Street needing to come before City Council. Councilmember Knight asked if the traffic changes will be tested for improvement. Ms. Krager said they will track it for approximately a year to make sure they are accommodating the traffic requirements.

Councilmember Knight inquired about the criteria for the process for requesting reduced lanes on Cascade Avenue. Ms. Krager stated that because it is categorized under land use, it would need to be brought forward by Colorado College.

Councilmember Murray asked what the substantial differences were in the Old North End neighborhood street safety proposal. Ms. Krager stated the protected bike lanes on Weber Street, the change in transit, and reducing the width of other streets in the Old North End neighborhood.

Councilmember Murray said that he would like an analysis of the bike lanes within four months of initiation. Ms. Krager said that traffic engineers prefer a year of data to determine if a system is functioning well or not.

Councilmember Strand asked why these changes were not presented to the Planning Commission. Ms. Krager stated that all of the previous studies were initiated by Colorado College as a land use issue, but this was initiated by the City Traffic Department as a safety issue which is why it was not required to be reviewed by the Planning Commission.

6.C. [18-0110](#) Update Regarding Camping on Public Property

Presenter:

Frederick Stein, Senior Attorney, Office of the City Attorney

Attachments: [CampingonPublicProperty-CouncilUpdate.pptx](#)

Frederick Stein, Senior Attorney, Office of the City Attorney, identified the distinction between the City's camping Ordinance regarding camping on public property versus private property. He stated that camping is prohibited on City owned property and that private property owners have the right to exclude people from their property. Mr. Stein explained that if the Colorado Springs Police Department (CSPD) receives a call from a private property owner in regards to someone camping on their property without permission, they will issue a criminal trespassing citation. He stated that pursuant to the public camping procedure, if a person is camping on public property, CSPD officers will post a twenty-four hour notice to vacate.

Councilmember Knight stated that a law enforcement representative from El Paso County stated that private property owners would have to provide a forty-eight hour notice to vacate. Mr. Stein said that Peter Carey, Chief of Police, confirmed with the El Paso County Sheriff's Office that it was not a correct statement. Councilmember Knight asked what the consequences would be if the person refused to leave. Mr. Stein said that they could be arrested.

Mr. Stein addressed the Eighth Amendment concern regarding removing people from camping on public property when there is no shelter space available by stating that homelessness is considered a status by the Department of Justice and if an individual is criminalized for not having somewhere else to go, it could be considered a violation of the Eighth Amendment. He stated that the CSPD has a policy to respond accordingly in regards to shelter bed availability.

Councilmember Pico asked if the issues regarding the use of propane cylinders on public property are being addressed. Mr. Stein said the laws against open burning are being addressed by the Colorado Springs Fire Department (CSFD) and that CSPD officers have discretion to determine what appropriate action is needed at that time.

Councilmember Strand asked how long a person is allowed to remain on private property without permission. Peter Carey, Chief of Police, said that if an individual is trespassing on private property, a CSDP officer will stay until that person has vacated the property.

Councilmember Knight commented that there have been ninety camp fires since January 2018 and that it appears that there is a good protocol in place for extinguishing those fires.

7. Presentations for General Information

- 7.A. [18-0064](#) Colorado Springs Convention & Visitors Bureau (CVB) - Q4 2017 Performance Measures

Presenter:

Doug Price, President & CEO, Colorado Springs Convention & Visitors Bureau

Attachments: [CVB KPI Report Q4 2017 Graphical](#)

Doug Price, President and CEO, Colorado Springs Convention and Visitors Bureau (CVB), presented the 2017 fourth quarter Performance Measures report which reflected results through November 2017. Mr. Price stated the Lodgers and Automobile Rental Tax (LART) year-end actual collections revenue was over \$6.6 million which was \$1.1 million above 2016. Mr. Price stated that their trade shows goal was forty-three and they decided to only complete forty of them based on the determination of the best rate of return. Mr. Price stated that the advertising cost was over budget and that orders of CVB visitor guides ordered were down due to lower website visits.

Councilmember Strand asked why the expense for paid social media was down. Mr. Price said they felt other advertising methods would be more beneficial in 2017.

8. Items for Introduction

- 8.A. [18-0083](#) A Resolution Approving and Authorizing Execution of the Second Amended and Restated Intergovernmental Agreement for the El Paso-Teller County Emergency Telephone Service Authority

Presenter:

Peter Carey, Chief of Police

Attachments: [Second Amended IGA El Paso-Teller Emergency Telephone Service Authority](#)
[18-0083 Resolution El Paso Teller Emergency Service Telephone Authority 2](#)

Peter Carey, Chief of Police, presented the Resolution to authorize the City's continued participation with the El Paso-Teller County Emergency Telephone Service Authority. He stated that the City has been a member of the E911 Authority since 1989 and identified the other jurisdictions participating in the amended Intergovernmental Agreement (IGA).

Councilmember Knight asked if the revenue collected was from cell phones or land lines. Chief Carey stated it was for all lines. Councilmember Knight asked if there were any major changes to the IGA. Chief Carey stated there was nothing significant. Councilmember Knight asked why the representatives for the City for the appointment to the Authority Board do not have to be citizens of Colorado Springs. Frederick Stein, Senior Attorney, Office of the City Attorney, said that the appointed representatives for the City have to be employees of the City of Colorado Springs.

Councilmember Murray commented that there is a contradiction regarding the language for the emergency telephone charge fees. Mr. Stein said that he will provide information regarding that matter.

Councilmember Bennett said that there should be future clarification in the language of the IGA regarding the requirements for the appointment of members representing the City to the Authority Board.

- 8.B.** [18-0115](#) An Ordinance amending Sections 101 (Definitions), 103 (Possession or Display), 105 (Exceptions to the Prohibitions) of Part 1 (Dangerous and Deadly Weapons) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to dangerous weapons

Presenter:

Peter Carey, Chief of Police

Attachments: [DangerousWeaponsORD-2018-02-21](#)

Peter Carey, Chief of Police, stated the proposed Ordinance amends City Code pertaining to dangerous weapons in order to conform to recent changes in state law. He stated the changes include removing switchblades, gravity knives, and blackjacks.

Councilmember Knight asked if blackjacks were included in the state law requirements. Mr. Stein said that the Colorado Springs Police Department (CSPD) officers have not encountered blackjacks for years so they removed them from the City Code.

- 8.C. [18-0085](#) A Resolution Authorizing the Acceptance of a Donation of Certain Property Which Shall Serve as the Future Site of the Colorado Springs Police Department Firing Range

Presenter:
Peter Carey, Chief of Police

Attachments: [Firing Range Land Donation - PowerPoint](#)
[18-0085 Resolution 2](#)
[Signed Resolution 16-18](#)

Peter Carey, Chief of Police, presented the Resolution authorizing the acceptance of a donation of property for the future site of the Colorado Springs Police Department (CSPD) firing range which is currently at Pikes Peak Community College. He said that the new location is 17.21 acres and identified a map of the property located near the Pikes Peak International Raceway.

Darlene Kennedy, Real Estate Services, stated that the title commitment has been received and reviewed. She said that the surveys have been received and reviewed by the title company and the City Surveyor. Ms. Kennedy stated that the phase one environmental review has been ordered, but do not want to proceed until they have received City Council approval and a signed contract.

- 8.D. [18-0060](#) A Resolution Approving an Intergovernmental Agreement for Inter-connection of Bus Services between the City of Fountain, Colorado and the City of Colorado Springs, Colorado for Service to the El Paso County Citizens' Service Center

Presenter:
Craig Blewitt, Transit Services Manager

Attachments: [FountainIGA-2018-02-09](#)
[FountainIGA_RES-2018-01-19](#)

Craig Blewitt, Transit Services Manager, presented the proposed Intergovernmental Agreement (IGA) with the City of Fountain to allow the inter-connection of Fountain Municipal Transit bus services to the El Paso

County Citizens' Service Center. He stated that this IGA would extend through 2023.

Councilmember Geislinger asked how much revenue is generated from the current drop off at Pikes Peak Community College. Todd Evans, City of Fountain, Deputy City Manager, said that because there are two transfers involved, they do not track transfer numbers. He said the current route currently takes approximately seven hours to complete the roundtrip.

President Pro Tem Gaebler asked about the usage fee and how the City will be compensated. Mr. Blewitt stated that there is no usage fee at this point because the City of Fountain allows the use of their own buses for this route.

- 8.E. [18-0081](#) A Resolution Authorizing the Issuance of Debt by Canyon Creek Metropolitan District Nos. 2 and 3 in the Form of Capital Pledge Agreement

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

Attachments: [1.a- Canyon Creek Pledge Agreement PowerPoint3-13-18](#)
[2- Resolution Canyon Creek Pledge Agreement](#)
[3- CSURA 2018 Canyon Creek Pledge Agreement](#)
[4- CSURA Canyon Creek Term Sheet \(1.18.18\)](#)
[5-Canyon Creek Public Improvement Costs Summary](#)
[6- T CSURA-Canyon Creek Project NR LF Fin Plan, Split Mills, +CF Subs, Dist mls+PT TIF+PIF, wRA, Jan17](#)
[7- MMD - 3 Month History](#)
[Signed Resolution 17-18](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, gave a brief summary of the Canyon Creek Metropolitan District Nos. 2 and 3 request for the issuance of debt from the Urban Renewal Authority (URA) in the form of a capital pledge agreement and identified the recent district boundaries and the inclusion area map. He provided the background of the district and the Urban Renewal Authority (URA) bond.

Councilmember Bennett commented there is no encumbrance upon the City for this issuance of debt, but because of the title of debt for the URA, City Council has to approve it. He said that it is urgent due to the

possibility of higher interest rates.

Councilmember Pico stated that it is a very complex financing plan and asked who will be managing it. Mr. Schueler stated it will be the district's bond counsel, the district general counsel, and the Urban Renewal Authority's counsel.

Councilmember Knight asked if the authorized debt ceiling will be within the City's debt ceiling limit. Blair Dickhoner, representing the district, said the debt authorization limit is \$75 million aggregate among the districts which is within the limit.

Councilmember Geislinger asked why this decision is being expedited. Mr. Schueler stated it is due to the volatility of the interest rate environment, the complexity of the Urban Renewal Board having to review so many documents in order to finalize the closing and the requirement of approval by City Council. Jariah Walker, Executive Director of the Urban Renewal Authority, stated that this project will focus on urban blight and they would like to address it at their next meeting being held on February 28, 2018 because the next meeting would not take place until the end of March.

Councilmember Murray commented that the complexity of the funding needs to be watched carefully. Mr. Walker said that there are many safeguards in place and that the URA board is an extremely competent team of people who would like to make the South Nevada area successful.

Councilmember Knight asked if it would require six votes for approval. Mr. Schueler confirmed it would.

- 8.F. [18-0097](#) A Resolution Consenting to Inclusion of Property into Canyon Creek Metropolitan District Nos. 1-3

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

Attachments: [RES Canyon Creek Consent to-Include Properties](#)[Exhibit A Resolution- Letter re Consent to Inclusion of Properties,](#)[2018-02-09](#)[Map with Current Boundaries, Initial Boundaries, and Inclusion Area,](#)[201...](#)[south-nevada-boundry-ura-map-080217](#)[Signed Resolution 18-18](#)

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department, gave a brief summary of the Canyon Creek Metropolitan Districts consent to include properties. He stated that the discovery of an error by the previous district bond counsel of a property that had previously been included required the need to correct the inclusion of the properties. He provided the background of the district and the inclusion area. He presented a map of the properties outside the inclusion area and the inclusion area boundary map.

Councilmember Geislinger asked about the limited development requirements of the bond of the Urban Renewal Authority. Jariah Walker, Executive Director of the Urban Renewal Authority, said that this area has four silos of development. Carrie Bartow, Principal with Clifton, Larson, Allen, stated that all revenue received from tax increment financing (TIF) for each silo are collected and reported separately. Councilmember Geislinger asked how consistency and continuity of the developments will be ensured. Ray O'Sullivan, representing one of the three developers, stated that the obligation of \$12.24 million in public improvements it what ties it all together. He described the revenue plan and said the property acreage under the URA is approximately one hundred acres. Mr. O'Sullivan stated the urgency of the matter resulted from the fact that the district did not realize that City Council had to approve the financing plan of the bonds from the URA.

Councilmember Strand asked about the error of property inclusion. Mr. O'Sullivan said that it was an oversight of the previous bond counsel to allow the Metropolitan District Board to include those two properties.

Councilmember Knight requested a map of the URA boundaries. Mr. Walker agreed to provide that information and described the plans for public improvements for the area.

Councilmember Strand commented that he feels like he is being rushed

with such a complex plan and asked what the cost would be if the plan was delayed. Councilmember Bennett stated that this plan had been fully vetted by the URA Board.

Councilmember Knight asked why this item was not presented at the City Council Work Session on February 12, 2018. Jeff Greene, Chief of Staff, stated that they knew the item would need to be scheduled, but did not have the specific information to be able to present at that time.

Councilmember Knight said that even if they did not have all the details, the majority of information should have been provided earlier.

Councilmember Pico stated that he is also uncomfortable with voting on such a complex financing plan on such short notice. Mr. Greene said that not all the information that was presented today was available at the time of the Work Session agenda being prepared. He said that because it is a debt issuance by the URA and not by the City is why it was presented as a back-to-back item.

Councilmember Murray commented that City Council had already agreed to the complicated process regarding South Nevada when the URA first presented the plan and that they should not stop the process now.

Councilmember Geislinger asked if Mr. O'Sullivan owned all the properties for this area. Mr. O'Sullivan confirmed that they were owned by Sam Guadagnoli with Ivywild Development and said that there is no risk to the City. Councilmember Geislinger asked how important it was that it be approved by City Council tomorrow. Mr. O'Sullivan said that waiting two weeks could be very costly for the bonds.

Councilmember Knight requested a graph of how the interest rates have been trending and asked for clarification of how the Public Improvement Fees (PIF) would work for this metropolitan district. Mr. Schueler stated that interest rates had gone up by approximately fifty basis points and explained how PIFs worked.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Murray stated that he would like to add an item to the

agenda of the February 27, 2018 City Council meeting for public discussion and a City Council vote directing the City Attorney to discontinue settlement negotiations within the context of the Banning Lewis Ranch (BLR) bankruptcy filing, notify the court of this decision, and to continue to defend the City's rights with the current annexation agreement if Nor'wood Development Group requests an appeal.

President Skorman asked for the purpose of adding this agenda item. Councilmember Murray said it would allow the settlement negotiations to end and allow City Council to remove the negotiations from the attorney-client privilege arena and be able to discuss the information with third parties outside of Closed Executive Sessions.

Wynetta Massey, City Attorney, stated the bankruptcy is currently on an administrative stay and that City staff had worked on and presented to City Council the negotiations for the amended and restated BLR annexation agreement. Councilmember Murray said due to the attorney-client privilege status, the negotiations have not been available to the public. Ms. Massey said the purpose of the Closed Executive Sessions were to present City Council the proposed draft of the annexation agreement, which is available to the public and to receive direction from City Council regarding negotiations.

Councilmember Pico stated that Councilmember Murray is requesting to obstruct the process and that the settlement negotiations are still pending an appeal. He stated that he opposes adding the item to the agenda.

Councilmember Geislinger said the facts that are in negotiation should be transparent to the public, but the negotiation itself should not be public and he is opposed to adding the agenda item.

Councilmember Knight said that he will vote yes to allow the item on the agenda, but will vote no tomorrow regarding the termination of settlement negotiations because he does not feel that is the appropriate action to take.

President Pro Tem Gaebler said she is uncertain of Councilmember Murray's motives behind adding this item. She stated that his behavior, such as walking out of the Closed Executive Session, does not promote resolution. President Pro Tem Gaebler commented that this process does

not need to be over-publicized by the media and that the negotiations need to be made in a way that protects all the parties involved.

President Skorman commented that there are two negotiation issues at hand, the proposed annexation agreement which should remain private and the settlement on the existing annexation agreement. He stated he does not support the item being added to the agenda.

Councilmember Bennett said that this process has been discussed before City Council for the past two years with Councilmember Pico and Councilmember Strand serving on the review committee. He said City Council has had input regarding the negotiations and that he does not support the added agenda item regarding it.

President Skorman polled Council regarding the desire to proceed with Councilmember Murray's request to add an item to the City Council Meeting for February 27, 2018. Councilmember Bennett, President Pro Tem Gaebler, Councilmember Pico, President Skorman, and Councilmember Strand did not agree to proceed with the added agenda item. There will be no added agenda item.

Councilmember Bennett stated that he and Councilmember Knight are on the 2C Advisory Committee and the committee reported that forty-seven percent of the projects have been completed under budget. He also gave a brief update of the upcoming Plan COS meetings.

Councilmember Knight said that the 2C Committee reported that Colorado Springs Utilities road cuts into new pavement and the time to completion were below the average. He stated he attended the one hundred day kickoff for the Wounded Warrior Games. Councilmember Knight asked if the requirement for businesses to post Public Improvement Fee (PIF) notifications had been completed. Marc Smith, Division Chief, Corporate Legislative Counsel, said that the City has no authority to impose that requirement. Councilmember Knight requested a briefing from the City Attorney's Office. Jeff Greene, Chief of Staff, agreed to provide that information.

Councilmember Strand stated that he attended the 34th Annual Science Fair at UCCS. He said there were 130 students who participated, which was down approximately twenty-five percent from previous years and encouraged people to participate in this event. Councilmember Strand

said he and President Pro Tem Gaebler attended the LART Citizen Advisory Committee retreat. He stated that he also attended Colorado Springs Utilities' water tour and was impressed by the capital improvement projects planned for the region that were identified during the tour.

11. Adjourn

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

Sarah B. Johnson, City Clerk