



# 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, February 11, 2019

1:00 PM

Council Chambers

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### 1. Call to Order

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

### 2. Changes to Agenda

President Skorman stated item 5.B.A. Closed Executive Session will be moved to the end 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. [19-101](#) City Council Special Work Session Meeting Minutes January 17, 2019

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [1-17-2019 City Council Special Work Session Meeting Minutes Final.pdf](#)

The minutes of the January 17, 2019 Special Work Session meeting were approved by Consensus of Council.

- 4.B. [19-097](#) City Council Work Session Meeting Minutes January 22, 2019

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [1-22-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the January 22, 2019 Work Session meeting were approved by Consensus of Council.

## **5. Executive Session**

### **5A. Open**

- 5A.A. [19-094](#) VDARE Foundation v. City of Colorado Springs, et al., Case No. 18-cv-03305-CMA-KMT

The Civil Action Investigation Committee met on January 23, 2019 and has recommended City representation for the Mayor as required by the Colorado Governmental Immunity Act. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.

Presenter:  
Wynetta Massey, City Attorney

**Attachments:** [01212019OpenSession](#)  
[CouncilCityRepresentationMemo](#)

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

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

### **5B. Closed**

- 5B.A. [19-102](#) In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a), (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 and negotiation consultation with the City Attorney regarding an eminent domain matter.

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

**Attachments:** [02112019ExecSession](#)

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 involves legal advice and negotiation consultation with the City Attorney regarding an eminent domain 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. [19-096](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 2-11-19.pdf](#)

There were no comments on this item.

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

### **7.A. [19-057](#) Public Arts Commission of the Pikes Peak Region**

Presenter:

Bernard Byers, Public Art Commission of the Pikes Peak Region Chair  
Tom Strand, City Council Liaison to PAC

**Attachments:** [Public Art Commission of the Pikes Peak Region.pptx](#)  
[Americans for the Arts Fact Sheet.pdf](#)

Bernard Byers, Chair, and Sandy Friedman, Co-Chair, Public Art Commission (PAC) of the Pikes Peak Region, provided a brief history of the Public Art Commission, explained how the City gains art, the Art on the Streets program, and gave an overview of local and national public art.

Matt Mayberry, Manager, Museum and Cultural Services, gave a brief overview of the public art master plan.

Councilmember Murray requested the Colorado Springs welcome sign on Interstate 25 be updated.

Councilmember Geislinger asked if any public funding has been provided for permanent art pieces. Mr. Mayberry stated there has not been any public funding out of the City's general fund, but they do receive maintenance support from Conservation Trust funding and a ten percent

maintenance fee is charged when the piece is donated.

President Pro Tem Gaebler said since some of the Lodgers and Automobile Rental Tax (LART) funding does go to cultural services, the PAC should become more involved with the funding decisions for future projects.

Councilmember Avila asked if there were high school students participating on the PAC. Mr. Friedman confirmed there were.

## **8. Items for Introduction**

- 8.A.**    [19-048](#)    Resolution of Support for the City of Colorado Springs' Application to Great Outdoors Colorado for the North Cheyenne Cañon Park Stewardship Program

Presenter:

Tilah Larson, Senior Grants Analyst - Parks, Recreation and Cultural Services

Karen Palus, Director - Parks, Recreation and Cultural Services

**Attachments:**    [2-11-19 - Stewardship City Council Resolution of Support](#)

Tilah Larson, Senior Grants Analyst, Parks, Recreation and Cultural Services, presented the request for a grant application of \$160,000 and \$20,000 to Great Outdoors Colorado (GOCO) on behalf of the North Cheyenne Cañon Park and Stratton Open Space Stewardship Program. She stated in partnership with the Rocky Mountain Field Institute (RMFI) and Friends of Cheyenne Cañon (FOCC) this grant will provide for restoration efforts, enhance crew leader training, and establish a seasonal youth corps program.

There were no comments on this item.

- 8.B.**    [19-112](#)    Ordinance No. 19-13 Creating a New Part 13 (Temporary Sales Tax Credit in Designated Geographic Areas With Public Improvement Fees) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City Of Colorado Springs, 2001, as Amended, Providing for the Temporary Reduction of City Sales Tax Within Certain Designated Geographic Areas for the Purpose of Funding Public Improvements and Supporting Economic Development Through Public Improvement Fees.

Presenter:

Bob Cope, Economic Development Officer

**Attachments:** [Scheels PowerPoint Presentation](#)  
[Tax Credit-PIF Ordinance - FINAL-Rev -2-6-2019.pdf](#)  
[Scheels Credit PIF Agreement](#)

Bob Cope, Economic Development Officer, presented the Ordinance providing for the temporary one percent reduction of City sales tax for Scheels All Sports, Inc. and a one percent Credit Public Improvement Fee (PIF) agreement as an inducement to Scheels All Sports, Inc. to invest \$84M in a new store facility and associated public improvements for twenty-five years. He gave a brief background of Scheels All Sports, Inc, identified the proposed location, and gave an overview of the Credit PIF Agreement. Mr. Cope went over the economic impacts, the Credit PIF amounts, and the net revenue to the City and Pikes Peak Rural Transportation Authority (PPRTA).

President Pro Tem Gaebler asked why the City would be involved in the Credit PIF agreement since in prior PIF agreements, developers create a PIF on their own. Mr. Cope stated with a traditional add-on PIF, consumers end up spending more because they are paying for both sales tax and PIF, but in this situation, customers will be paying the same amount of PIF and sales tax as they would if there were no PIF. He said this structure has been used successfully throughout the state. President Pro Tem Gaebler asked what public improvements will be made by Scheels All Sports, Inc. with the PIF since Nor'Wood development is already funding public improvements through a PIF on this property. Mr. Cope explained it would go to offset their investment here which includes a criteria of job creation, public improvements, and growing the tax base.

Councilmember Pico stated he is uncomfortable with the business Scheels All Sports, Inc. will take from direct competitors in the area.

Councilmember Knight stated in the future, the criteria for tax breaks needs to be consistent and would like to see the objective criteria regarding this project.

Councilmember Murray stated this will set a precedence and there are other businesses in the area who have not been given the same incentive.

Councilmember Geislinger asked if there would be this kind of economic development if the City does not offer an incentive. Mr. Cope said history shows other jurisdictions, for example Johnstown, have offered incentives in similar projects of this caliber. Jeff Greene, Chief of Staff, stated if the City does not do something to attract businesses, they will go elsewhere and those other jurisdictions will benefit from the tax base created.

Councilmember Murray stated the City should not offer tax incentives unless it is directly related to public infrastructure and if they are going to offer a one percent incentive for this business, they should offer it to everybody.

Councilmember Pico stated he is not comfortable with the mechanism of a credit PIF for one particular business.

Councilmember Murray requested additional documentation for Scheels All Sports, Inc.'s forty to fifty percent out-of-region number. Mr. Cope agreed to provide that information.

- 8.C. [19-091](#) Resolution Approving a First Amendment to the Service Plan for the Peak Metropolitan District Nos. 1-3 Allowing Covenant Enforcement and Design Review as Operations and Maintenance Functions

Presenter: Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

**Attachments:** [Resolution-2019Amendment](#)  
[Exhibit1\\_FirstAmendedServicePlan](#)  
[Attachment 1 Resolution 95-18 OriginalServicePlan](#)  
[PowerPoint\\_PeakMD\\_2019\\_SP\\_Amendment](#)  
[Signed Resolution 22-19](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a first amendment to the service plan for the Peak Metropolitan District Nos. 1-3 allowing covenant enforcement and design review as operations and maintenance functions. He provided a summary of the proposed Resolution, a map of the general development plan, and gave a brief background of the districts.

There were no comments on this item.

- 8.D. [19-115](#) A Resolution Amending Resolution 132-18 Authorizing The Disposal Of Surplus City Property To Garrett Baum (Purchaser), As The One Logical, Potential Purchaser

Presenter:  
Greg Phillips  
Director of Aviation  
Colorado Springs Airport

**Attachments:** [Baum-Amended-Resolution 132-18](#)  
[ExhibitB-Colorado Springs Airport Filing No 1C Plat](#)  
[ExhibitA-Baum-Resolution-No 132-18 18-0565](#)  
[132-18\\_GarrettBaum-ResolutionMemo](#)  
[Signed Resolution 23-19](#)

Greg Phillips, Director of Aviation, Colorado Springs Airport, presented the Resolutions amending Resolutions 132-18, 133-18, 134-18, 135-18, and 136-18. He stated the City does not require the same amount of property as far north as originally anticipated and the five director parcels will be consolidated into one parcel.

There were no comments on this item.

- 8.E.** [19-116](#) A Resolution Amending Resolution 133-18 Authorizing The Disposal Of Surplus City Property To William R. Branyan (Purchaser), As The One Logical, Potential Purchaser

Presenter:  
Greg Phillips  
Director of Aviation  
Colorado Springs Airport

**Attachments:** [Branyan-Amended-Resolution 133-18](#)  
[ExhibitB-Colorado Springs Airport Filing No 1C Plat](#)  
[ExhibitA-Branyan-Resolution-No 133-18 18-0566](#)  
[133-18\\_WilliamRBranyan-ResolutionTitle](#)  
[Signed Resolution 24-19](#)

Please see comments in Agenda item 8.D.

- 8.F.** [19-117](#) A Resolution Amending Resolution 134-18 Authorizing The Disposal Of Surplus City Property To Bonner G. Gilmore (Purchaser), As The One Logical, Potential Purchaser

Presenter:  
Greg Phillips  
Director of Aviation  
Colorado Springs Airport

**Attachments:** [Gilmore-Amended-Resolution 134-18](#)  
[ExhibitB-Colorado Springs Airport Filing No 1C Plat](#)  
[ExhibitA-Gilmore-Resolution-No 134-18 18-0567](#)  
[134-18\\_BonnerGGilmore-ResolutionMemo](#)  
[Signed Resolution 25-19](#)

Please see comments in Agenda item 8.D.

- 8.G. [19-118](#) A Resolution Amending Resolution 135-18 Authorizing The Disposal Of Surplus City Property To Michelle M. McDonald (Purchaser), As The One Logical, Potential Purchaser

Presenter:  
Greg Phillips  
Director of Aviation  
Colorado Springs Airport

**Attachments:** [McDonald-Amended-Resolution\\_135-18](#)  
[ExhibitB-Colorado Springs Airport Filing No 1C Plat](#)  
[135-18 MichelleMMcDonald-ResolutionMemo](#)  
[ExhibitA-McDonald-Resolution\\_135-18](#)  
[Signed Resolution 26-19](#)

Please see comments in Agenda item 8.D.

- 8.H. [19-119](#) A Resolution Amending Resolution 136-18 Authorizing The Disposal Of Surplus City Property To J. Sean O'Hearn (Purchaser), As The One Logical, Potential Purchaser

Presenter:  
Greg Phillips  
Director of Aviation  
Colorado Springs Airport

**Attachments:** [OHearn-Amended-Resolution\\_136-18](#)  
[ExhibitB-Colorado Springs Airport Filing No 1C Plat](#)  
[136-18 JSeanOHearn-ResolutionMemo](#)  
[ExhibitA-OHearn-Resolution\\_136-18](#)  
[Signed Resolution 27-19](#)

Please see comments in Agenda item 8.D.

- 8.I. [19-120](#) A Resolution authorizing the inclusion of certain real property within Peak Metropolitan District No. 2.

Presenter:  
Greg Phillips  
Director of Aviation  
Colorado Springs Airport



- Attachments:** [Council Memo - Petition for inclusion 2.5.19](#)  
[2-5-19- 2d Final Petition to include 18 ac Director parcels](#)  
[EXHIBITA-Resolution](#)  
[EXHIBIT B](#)  
[EXHIBITA-Petition](#)  
[Signed Resolution 28-19](#)

Greg Phillips, Director of Aviation, Colorado Springs Airport, presented the Resolution authorizing the inclusion of certain real property within Peak Metropolitan District No. 1 and 2.

There were no comments on this item.

- 8.J. [19-121](#)** A Resolution authorizing the City to enter into an Intergovernmental Agreement (IGA) with Peak Metropolitan District No. 1.

Presenter:  
 Greg Phillips  
 Director of Aviation  
 Colorado Springs Airport

- Attachments:** [Council Memo - Petition for Reimbursement Agreement 2.5.19](#)  
[IntergovernmentalAgreement-Executed](#)  
[ResolutionApproving-IGA-](#)  
[Signed Resolution 29-19](#)

Greg Phillips, Director of Aviation, Colorado Springs Airport, presented the Resolution authorizing the City to enter into an Intergovernmental Agreement (IGA) with Peak Metropolitan District No. 1 to support the development of the infrastructure and Peak Innovation Park and allow the City to be reimbursed the \$1.5M investment at seven percent interest.

Councilmember Geislinger asked if the IGA will be with the City or just the Colorado Springs Airport enterprise. Marc Smith, Division Chief, Corporate Legislative Counsel, stated all Colorado Springs Airport contracts are through the City of Colorado Springs.

- 8.K. [19-103](#)** Introduction of the proposed United States Air Force Academy (USAFA) Annexation Addition No.1 and No. 2, generally located west of Interstate 25 along North Gate Boulevard

(Legislative Items)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP

18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Community Development Department

Peter Wysocki, Planning and Community Development Director

**Attachments:** [USAFA Annexation Addition No. 1 Agreement](#)

[FIGURE 1 Project Statement True North Commons](#)

[FIGURE 10 USAFA Annexation Exhibit](#)

[FIGURE 12 FIA True North Commons](#)

[FIGURE 17 True North Commons Annexation Exhibit](#)

[Vicinity-Ortho w-surrounding](#)

Peter Wysocki, Planning and Community Development Director, introduced the proposed United States Air Force Academy (USAFA) annexation Addition No.1 and No. 2.

Catherine Carleo, Principal Planner, Planning and Community Development Department presented maps of the site location, site surroundings, and the proposed serial annexations of USAFA Addition No. 1 and No. 2. She gave an overview of the fiscal impact analysis, the serial annexation agreements, and the annexation process.

Councilmember Knight asked why this item will be going before Council before the Department of the Air Force has signed the Enhanced Use Lease (EUL). Ms. Carleo stated the EUL is in process, but the applicant would like to move forward with the annexation process. She explained there is a process for de-annexation if needed.

President Pro Tem Gaebler requested a copy of the EUL and asked if the USAFA would request to remain annexed if the development does not occur. Ben Bollinger, Senior Attorney, City Attorney's Office, stated the EUL is between the Department of the Air Force and the developer and they would not want to remain annexed if the development does not occur.

Councilmember Murray stated a critical element of the EUL would be Colorado Springs Utilities (CSU) acquiring the easement for a sewage pipeline that would have to run the entire length of the USAFA property. Brian Whitehead, CSU Manager, System Extensions, stated if the easement is not granted to CSU, the USAFA visitor's center would revert to a pump station and force main plan. Carlos Cruz-Gonzalez, USAFA

Directorate of Logistics, Engineering, and Force Protection, stated the USAFA has already granted some access to the easement and they will continue to work with CSU.

Councilmember Knight asked when the developer was awarded the RFP. Mr. Cruz-Gonzalez stated March 2018. Councilmember Knight asked when the EUL will be signed. Mr. Cruz-Gonzalez stated this EUL is one of the most complex EUL the Air Force has seen and they are reviewing the details to make sure they do not conflict with any current regulations.

Councilmember Murray asked if USAFA has completed a traffic study for the Northgate Interchange. Mr. Cruz-Gonzalez stated it will be included in the environmental assessment and they are working with the developer to get any potential issues resolved.

Councilmember Knight asked why this annexation is not being done sequentially. Dan Schneff, CEO and Chairman of the Board, Matrix Design Group, Inc. stated they are requesting the annexation for assurance to the Department of the Air Force so they will sign the EUL. Councilmember Knight asked if the annexation was a main concern for the Department of the Air Force to sign. Mr. Cruz-Gonzalez stated their main concern is with the project being executable. Councilmember Knight asked if the developer would be comfortable with Council voting on the first reading on February 26, 2019 and then delaying the second reading until the EUL is signed. Mr. Schneff stated the developer team is agreeable to those terms as long as it does not delay the Urban Renewal Authority process.

Councilmember Geislinger asked what concerns the Department of the Air Force had about the workability of this project. Mr. Cruz-Gonzalez said it was if the developer could line up the financing to make it work.

## **9. Items Under Study**

There were no Items Under Study.

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

Councilmember Murray requested an update on the Transit Center.

## **11. Adjourn**

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

Sarah B. Johnson, City Clerk