



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, December 12, 2017

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

2. Invocation and Pledge of Allegiance

The Invocation was made by Reverend Lynn Smith from First Christian Church

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Eileen Lynch Gonzalez, City Council Administrator, stated that staff requested item 4.A.I. pertaining to the zone change for 7585 North Academy be removed from the Consent Calendar due to a proposed change to the Ordinance. Ms. Gonzalez also stated that staff requested item 11.B. pertaining to the refinancing of the current Certificates of Participation (COP) for the lease of the United States Olympic Committee (USOC) building be withdrawn from the agenda. Consensus of Council agreed to these changes on the agenda.

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

Motion by Councilmember Bennett, seconded by Councilmember Strand, that that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

4A. Second Presentation:

- 4A.A.** [17-1304](#) Ordinance No. 17-108 repealing Section 715 (Nuisance Abatement Advisory Committee) of Part 7 (Civil Abatement of Public Nuisances) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended

Presenter:

Bret Waters, Deputy Chief of Staff

Sean Mandel, Commander, Colorado Springs Police Department

Attachments: [NAACRepealORD-2017-11-02 \(2\)](#)

[CivilAbatementPublicNuisances-Pt7Redline-2017-11-02 \(2\)](#)

[Ordinance 00-104](#)

[NAACAmendment_2006](#)

[Signed Ordinance 17-108](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [CPC ZC
17-00091](#) Ordinance No. 17-109 amending the zoning map of the City of Colorado Springs pertaining to .414 acres from R-5 (Multi-Family Residential) and OR (Office Residential) to C-5/cr (Intermediate Business with Conditions of Record) located at 1213 and 1215 East Fillmore Street.

(Quasi-Judicial)

Related File: CPC CP 17-00092

Presenter:

Michael McConnell, Planner II, Land Use Review Department

Peter Wysocki, Planning and Community Development Director

Attachments: [ZC_ORD_1213-15 East Fillmore Street](#)

[Exhibit A - 1213 & 1215 East Fillmore Street Legal Descriptions](#)

[Exhibit B - Zone Change](#)

[aerial vicinity](#)

[Vicinity Map](#)

[Signed Ordinance 17-109](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [17-1350](#) Ordinance No. 17-110 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the amount of \$1,214,210 for transfer to the Colorado Springs Health Foundation

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [Supplemental Approp Ord for MHS Revenue Share-2017](#)
[Signed Ordinance 17-110](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D. [17-1381](#)** Ordinance No. 17-111 repealing Ordinance No. 17-12 (approving the salary of the City Council Administrator) and prescribing the salary of the City Council Administrator

Presenter:
Council President Richard Skorman

Attachments: [2018GonzalezSalaryOrdinance](#)
[Signed Ordinance 17-111](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.E. [17-1380](#)** Ordinance No. 17-112 repealing Ordinance No. 17-11 (approving the salary of the City Auditor) and prescribing the salary of the City Auditor

Presenter:
Council President Richard Skorman

Attachments: [2018NesterSalaryOrdinance](#)
[Signed Ordinance 17-112](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.F. [17-1045](#)** Ordinance No. 17-113 repealing Ordinance No. 16-112 and adopting the City of Colorado Springs - 2018 Salary Structure for Civilian and Sworn Municipal Employees

Presenter:
Mike Sullivan, Human Resources Director
Charae McDaniel, Chief Financial Officer

Attachments: [Ordinance Approving Salary Ranges 2018](#)
[2018 Salary Schedule.pdf](#)
[Signed Ordinance 17-113](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.G. [17-1046](#)** Ordinance No. 17-115 making and certifying the 2017 Tax Levy for taxes payable in 2018 at 4.279 mills upon each dollar of assessed valuation of all taxable property and a tax credit of 4.279 mills upon each dollar of assessed valuation of all taxable business personal property within the

Corporate Limits of the City of Colorado Springs

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Ordinance-TaxLevy2018-BPPT Credit](#)
[Signed Ordinance 17-115](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.H. [17-1048](#)** Ordinance No. 17-116 approving the Annual Appropriation Ordinance Adopting the Annual Budget and Appropriating Monies for the Several Purposes Named in Said Budget for the Year Ending December 31, 2018

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Appropriation Ordinance 11.20.17.docx](#)
[Signed Ordinance 17-116](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [17-1408](#)** City Council Regular Meeting Minutes November 28, 2017

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [11-28-2017 City Council Regular Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 4B.B. [17-1409](#)** Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Attachments: [121217 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

- 4B.C. [17-1359](#)** A resolution authorizing the acquisition of property utilizing the use of possession and use agreements, for the West Colorado Avenue Reconstruction Project (Westside Avenue Action Plan)

Presenter:

Mike Chaves, Engineering Programs Manager

Attachments: [ColoradoAvePosUseAgrRES-2017-11-3](#)
[Exhibit A - West Co Ave - City of COS Parcels 11-16-2017-PU](#)
[Signed Resolution 153-17](#)

This Resolution was adopted on the Consent Calendar.

4B.D. [17-1388](#) An ordinance for the inclusion of certain property into the Creekwalk Marketplace Business Improvement District

(Legislative)

Presenter:
Conrad Olmedo, Comprehensive Planner II, Planning & Community Development
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [ORD_CreekwalkMarketplaceBID](#)
[Exhibit A_CMBID - Petition](#)
[Exhibit B_CMBID Notice of Inclusion](#)
[CMBID - Submittal Letter](#)

This Ordinance was approved on first reading on the Consent Calendar.

4B.E. [17-1389](#) A Resolution Appointing Members to the Canyon Creek Metropolitan District No. 2 Board of Directors

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

Attachments: [CanyonCreekRES-2017-11-20](#)
[Letter to City of Colorado Springs regarding appointment of Board of Directors, 2017-11-06](#)
[Resumes](#)
[History of Inclusions and Exclusions, 2017-11-14](#)
[Signed Resolution 154-17](#)

This Resolution was adopted on the Consent Calendar.

4B.F. [17-1400](#) A Resolution Authorizing the Acquisition of an Easement across Property Owned by Bull Hill, LLC and an Easement across Property Owned by BLH No. 2, LLC to be Used for Southern Delivery System Project Improvements

Presenter:

Lyman Ho, SDS Land Acquisition Manager
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [Bull Hill Resolution - Bull Hill and BLH 2017-12-12 ver2.docx](#)
[Bull Hill Exhibit A 5500000324 LALEGALDESCRIPTION.pdf](#)
[Bull Hill Exhibit B 5500000225 LALEGALDESCRIPTION 070517.pdf](#)
[Bull Hill Presentation December 2017_Final.pptx](#)
[Signed Resolution 155-17](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G. [17-1375](#)** A resolution increasing drainage basin fees for the Sand Creek drainage basin (Legislative)

Presenter:

Travis Easton, P.E., Public Works Director
Brian Kelley, P.E., Stormwater Capital Programs Manager

Attachments: [ResSand Creek Incremental Increase \\$58](#)
[Exhibit A Sand Creek DB \\$58 Incremental Increase](#)
[Signed Resolution 156-17](#)

This Resolution was adopted on the Consent Calendar.

- 4B.H. [17-1376](#)** A resolution establishing 2018 Drainage Basin Fees, Bridge Fees, Detention Pond Facility and Land Fees

Presenter:

Travis Easton, P.E., Public Works Director
Brian Kelley, P.E., Stormwater Capital Programs Manager

Attachments: [ResDrainageFeeIncrease2018](#)
[Exhibit A 2018 Drainage Fee schedule - Copy](#)
[Exhibit B 2017 Drainage Fee schedule](#)
[Exhibit C 2018 Drainage Fees Memo to Drainage Board 11.2.2017](#)
[Exhibit D 101817 HBA Drainage Fee Letter](#)
[11-02-17 Drainage Board Minutes](#)
[CC Drainage Fee Adjustment 2018](#)
[Signed Resolution 157-17](#)

This Resolution was adopted on the Consent Calendar.

- 4B.I. [17-1103](#)** A Resolution Setting and Certifying the 2017 Tax Levy for Taxes Payable in 2018 at 5.000 Mills for the Colorado Springs Downtown Development Authority in Colorado Springs, Colorado

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [01 Res to Set Mill Levy for DDA 12.12.17](#)

[Signed Resolution 158-17](#)

This Resolution was adopted on the Consent Calendar.

4B.J. [17-1104](#)

A Resolution Appropriating Funds in the Amounts of, and for the Purposes Set Forth Below, for the Colorado Springs Downtown Development Authority in Colorado Springs Colorado, for the 2018 Budget Year

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [02 Res to Appropriate for DDA 12.12.17](#)

[Signed Resolution 159-17](#)

This Resolution was adopted on the Consent Calendar.

5. Recognitions

There were no Recognitions.

6. Citizen Discussion

Citizens Donna Strom, Carl Strow, Robert Bernheim, Kathy Meinig, Cindy Hamel, Cathy Chambers, Steve Price, Cindy Walters, Bruce Hamilton, Linda Hodges, Kent Obee, Linda Wagner, Eric Eaton, Dominic Cavanaugh, Douglas Greenburg, and Sharon Toulouse spoke concerning the recent article in the Independent on the Strawberry Fields land exchange.

Councilmember Murray stated that if the City directed the appraiser to under estimate the appraisal in the purchase of Strawberry Fields, the responsibility would fall on the City, not the appraiser.

Councilmember Murray requested a presentation from the City Attorney regarding the misrepresentation of material in the Independent's article on Strawberry Fields. Wynetta Massey, City Attorney, stated the Colorado Board of Real Estate Appraisers received an anonymous complaint, but after the entire appraisal was reviewed, there has not been a formal finding of any violation or wrong doing. Ms. Massey stated the Colorado Board of Real Estate Appraisers is addressing a technical issue related to documentation in the working file. She said there is zero evidence that the

City gave any instructions to the appraiser. Ms. Massey stated that it was a restricted appraisal which means that it was strictly meant for the City's use. She said that at City Council's request, the City hired a MAI appraiser to look at both the City's and the Broadmoor's appraisals and it was determined they were conducted both appropriately and fairly. Ms. Massey said that appraisals do not address other values such as open space, wildlife, and recreational values. She stated that the land exchange was completed in December 2016 and that land transaction cannot be undone even if the Resolution is rescinded.

Ms. Massey addressed the building envelope regarding the conservation easement and stated that with the property transfer, the Broadmoor is required to keep the park zoning on it which means anything requiring a building permit needs to be reviewed by the Parks and Recreation Advisory Board which may be appealed to City Council as a quasi-judicial matter. She stated that the conservation easement terms are negotiated between the property owner and the conservation easement holder.

Ms. Massey stated that in regards to the tax treatment, it is between the Broadmoor, their accountants, and the Internal Revenue Service.

President Skorman requested the opinion of another attorney that has not been involved in the case and that the appraisal is reviewed again.

Councilmember Geislinger stated that the prior City Council made a decision that should not be subjected to second-guessing.

Councilmember Knight stated that the issues raised today or in the last eighteen months have not persuaded him to believe that this needs to be revisited.

Citizen Charles Barber spoke regarding the Regional Building Department (RBD) and stormwater erosion on the embankment of Monument Creek.

Citizen Gerald Miller spoke regarding crime near Memorial Park.

Citizen Lily Weissgold, Vice President of the Colorado College Student Government Association, spoke regarding the relationship between Colorado College students and City Council.

Citizen Tim Hoiles wished City Council a Merry Christmas, Happy Hanukkah, and a blessed New Year.

Citizen Tom Noonan thanked City Council for increasing funding for Mountain Metro Transit.

Citizen Dominic Cavanaugh commented that City parks and the restroom facilities are for the public and should be available the homeless and spoke regarding limited educational resources.

Citizen Jaymen Johnson spoke regarding his support of Councilmember Avila and the imbalance of City Council representation due to limitations of who is able become members of Council due to the low salary and time involved.

Citizen Walter Lawson presented his questions for the Banning Lewis Ranch annexation agreement.

Jeff Greene, Chief of Staff, stated that Bob Cope, Economic Development Manager, would address Citizen Walter Lawson's questions regarding the Banning Lewis Ranch annexation agreement.

7. Mayor's Business

Jeff Greene, Chief of Staff, stated that the Mayor conveyed that the last two and a half years working with City Council had been very successful for both the City and the region.

8. Items Called Off Consent Calendar

- 4A.I. [CPC ZC 17-00103](#) Ordinance No. 17-117 amending the zoning map of the City of Colorado Springs pertaining to 2.13 acres from OC (Office Complex) to PBC/cr (Planned Business Center with Conditions of Record) located at 7585 North Academy Boulevard.

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [ZC_ORD_7585NAcademyBlvd](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change Exhibit](#)
[Vicinity Map_rev1182017](#)
[7585NAcademyBlvd_CCPresentation-Staff](#)

Daniel Sexton, Senior Planner, Planning and Community Development requested a postponement of the Ordinance amending the zoning map from Office Complex (OC) to Planned Business Center with conditions of record (PBC/cr) located at 7585 North Academy Boulevard. Mr. Sexton said the applicant had requested the postponement within the last twenty-four hours to make sure everyone was in agreement. Mr. Sexton said the applicant is asking for an explanation regarding the language regarding prohibitive land use for liquor sales. Marc Smith, Division Chief, Corporate Legislative Counsel stated that the applicant is requesting clarification regarding the terminology in the zoning code.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger that the Ordinance ordinance amending the zoning map of the City of Colorado Springs pertaining to 2.13 acres from OC (Office Complex) to PBC/cr (Planned Business Center with Conditions of Record), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B), subject to the following conditions of record: The following land uses are prohibited within this PBC zone: 1. Sexually oriented businesses; 2. Methadone clinics; 3. Pawn shops; 4. Medical marijuana facilities, including: Medical marijuana centers, Medical marijuana infused product manufacturer, and Cultivation operations; 5. Bars; 6. Liquor Sales; 7. Young Adult Clubs; and 8. Club facilities, including: Recreational Clubs and Social Clubs be postponed to the January 9, 2017 City Council meeting. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A.** [17-1362](#) Ordinance No. 17-114 amending Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Hearing Officers.

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Liquor-Change2HearingOfficerORD2017-11-8-17.docx](#)
[Signed Ordinance 17-114](#)

Sarah B. Johnson said that this is the second reading for the Ordinance amending City Code pertaining to the transition from a Council appointed citizen Liquor and Beer Licensing Board to the use of a liquor licensing Hearing Officer.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Ordinance amending Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Hearing Officers be finally passed . The motion passed by a vote of 8-0-0-1

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

Recused: 1 - Skorman

11. New Business

- 11.A. [17-1363](#) A Resolution accepting and adopting the updated Liquor and Beer Rules and Regulations for The City of Colorado Springs, pertaining to Hearing Officers.

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Liquor-RulesRES-2017-11-07.docx](#)
[Liquor-RulesRES-2017-11-07-EXHIBIT A.docx](#)
[LIQUOR-RULES-Change2HearingOfficer2017-11-07-redline.docx](#)
[Signed Resolution 160-17](#)

Sarah B. Johnson, City Clerk, stated that this Resolution accepting and adopting the updated Liquor and Beer Rules and Regulations is in conjunction with the Ordinance to amend City Code for the transition from a Council appointed citizen Liquor and Beer Licensing Board to the use of a liquor licensing Hearing Officer. Ms. Johnson stated that if approved, the Ordinance would be effective February 1, 2018.

Citizen Walter Lawson questioned why Liquor Board broadcasts are more accessible to citizens than Colorado Springs Utilities (CSU) Board meetings. Councilmember Strand, serving on the CSU Board, stated that he will address Mr. Lawson's request. Jeff Greene, Chief of Staff, offered the services of SpringsTV for the CSU Board meetings.

Motion by Councilmember Strand, seconded by Councilmember Murray, that that the Resolution accepting and adopting the updated Liquor and Beer Rules and

Regulations for the City of Colorado Springs at the City Council Meeting on December 12, 2017 be adopted. The motion passed by a vote of 8-0-0-1

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

Recused: 1 - Skorman

- 11.B. [17-1382](#)** An Ordinance Authorizing and Approving The Lease-Purchase Of Certain Property and the Execution of Documents Related Thereto by the City of Colorado Springs, Colorado, in Connection With the Issuance of Refunding Certificates of Participation, Series 2018, in an Aggregate Principal Amount of Not To Exceed \$30,000,000; Ratifying Action Previously Taken Concerning Such Matters; And Providing For Other Matters Related Thereto.

Presenter:

Charae McDaniel, Chief Financial Officer

Tom Florczak, Deputy City Attorney

Attachments: [Ordinance-Colorado Springs Refunding COPs](#)
[COP lease refinance - Powerpoint](#)

This Ordinance was withdrawn.

Motion by Councilmember Knight, seconded by Councilmember Bennett, that that the Ordinance authorizing and approving the lease-purchase of certain property and the execution of documents related thereto by the City of Colorado Springs, Colorado, in connection with the issuance of refunding certificates of participation, Series 2018, in an aggregate principal amount of not to exceed \$30,000,000; ratifying action previously taken concerning such matters; and providing for other matters related thereto be withdrawn. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 11.C. [17-1411](#)** An Emergency Ordinance Authorizing and Approving the Lease-Purchase of Certain Property and the Execution of Documents Related Thereto by the City of Colorado Springs, Colorado in Connection With the Issuance of Refunding Certificates of Participation, Series 2017, in an Aggregate Principal Amount of Not To Exceed \$30,000,000; Ratifying Action Previously Taken Concerning Such Matters; Providing for Other Matters Related Thereto; And Declaring an Emergency and Providing the Effective Date of this Ordinance

Presenter:

Charae McDaniel, Chief Financial Officer

Tom Florczak, Deputy City Attorney

Attachments: [Emergency Ordinance Approving COPs - Colorado Springs Refunding COPs.doc](#)
[Signed Ordinance 17-118](#)

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Emergency Ordinance authorizing and approving the lease-purchase of certain property and the execution of documents related thereto by the City of Colorado Springs, Colorado in connection with the issuance of refunding certificates of participation, series 2017, in an aggregate principal amount of not to exceed \$30,000,000; ratifying action previously taken concerning such matters; providing for other matters related thereto; and declaring an emergency and providing the effective date of this Ordinance be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 11.D.** [17-1291](#) A resolution approving a nomination process and governance policy for the Local Crime Prevention Planning Team in accordance with Colorado House Bill 17-1326

Presenter:

Dace West, Vice President of Community Impact, The Denver Foundation

Patrick Horvath, Deputy Vice President of Programs, The Denver Foundation

Attachments: [121217 Transforming Safety - Resolution](#)
[112717 Exhibit A Transforming Safety - governance policies](#)
[112717 Exhibit B Transforming Safety - nomination process](#)
[HB17_1326_signed](#)
[Signed Resolution 161-17](#)

Dace West, Vice President of Community Impact, The Denver Foundation, requested approval for the nomination process and governance policy for the Local Crime Prevention Planning Team.

Councilmember Avila expressed her appreciation for the all the work that had gone into the initiative.

Citizen Jim Hinkle, resident of Southeast Colorado Springs, stated that there are many obstacles in Southeast Colorado Springs, but there are many people who want to invest in the future of that area.

Jeannie Orozco, Council of Neighbors and Organizations (CONO), expressed appreciation for all the hard work that had gone into Colorado House Bill 17-1326.

Citizen Yula Tapman, Pikes Peak Community Foundation, said that on

behalf of their trustees, they are pleased to be a part of process.

Dave Munger, Executive Director, Council of Neighbors and Organizations (CONO), expressed his appreciation for all the support that this process has received.

Motion by Councilmember Avila, seconded by Councilmember Strand, that the Resolution approving an amendment to the Service Plan for the Flying Horse Metropolitan District Nos. 1-3 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

11.E. [17-1102](#) A Resolution Approving the 2018 Budget for the Pikes Peak Regional Building Department

Presenter:

Charae McDaniel, Chief Financial Officer

Roger Lovell, Building Official, Pikes Peak Regional Building Department

Todd Welch, Regional Building Counsel, Pikes Peak Regional Building Department

Ryan Johanson, CPA, Finance Director, Pikes Peak Regional Building Department

Attachments: [Exhibit A: 2018 Budget -RBD](#)
[2018 PPRBD Budget Resolution-10.31.17](#)
[Signed Resolution 162-17](#)

Roger Lovell, Building Official, Pikes Peak Regional Building Department, presented the 2018 budget for the Pikes Peak Regional Building Department (RBD). Mr. Lovell stated that the RBD 2018 budget amount was \$14,523,000 which is a decrease of 8.55 percent from the 2017 budget. He identified what accomplishments the department had completed in 2017 and the goals for 2018.

Councilmember Knight asked if any surplus money received by the RBD could have restrictions put on it. Councilmember Strand, serving on the RBD Commission, said that any funding in excess of the budget needs to be written in a policy and that the excess needs to go back to the home owners and builders. Councilmember Strand said that they will return to Council in January 2018 with a policy for the excess revenue.

Councilmember Knight said that even if the surplus revenue is not anticipated, there needs to be a written policy for it and made a motion to amend the Resolution that no excess money made be dispersed to any

charity, etc. without the majority approval of City Council. Jeff Greene, Chief of Staff, said that amending the requirements of the RBD budget would require it to go back to the Board of El Paso County Commissioners for ratification of that change. Todd Welch, Regional Building Counsel, Pikes Peak Regional Building Department, confirmed that changes to the budget would have to go before the Board of El Paso County Commissioners.

Councilmember Knight said that he is recommending that the representative of Council serving on the RBD Commission should not be allowed to vote as to where the surplus money goes without the majority vote of Council. Councilmember Geislinger said the budget could be approved without amending it and that the Resolution could be amended to identify what happens to the excess money. Councilmember Knight said a supplemental request should be required to address any excess money outside the budget.

Councilmember Strand said that he gives his word that as one of the three Commissioners on the RBD Commission, he would not vote to approve any additional money over the budget to any charitable or community organizations. Mr. Welch said that Councilmember Strand also does not have authority to spend any excess funds without approval of the board.

Mr. Lovell identified the current fees and expenses for 2017 and that he does not anticipate excess revenue for 2018.

Councilmember Pico said spending the funds on anything other than the RBD is inappropriate and he does not support it.

Councilmember Strand said that if this Resolution is amended, there will be ramifications because it will delay the budget and it would be required to go back to the Board of El Paso County Commissioners for approval.

Councilmember Knight asked what the results would be if the budget is not approved at this time. Councilmember Strand stated that the RBD would have to stop operations. Mr. Welch confirmed.

Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, to amend the Resolution adopting the 2018 Budget for Pikes Peak Regional Building Department to include language that no excess money may be dispersed to any charity, etc. without the majority approval of City Council. The

motion failed by a vote of 4-5-0-0**Aye:** 4 - Gaebler, Geislinger, Knight, and Pico**No:** 5 - Avila, Bennett, Murray, Skorman, and Strand**Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution adopting the 2018 Budget for Pikes Peak Regional Building Department be adopted. The motion passed by a vote of 7-2-0-0****Aye:** 7 - Avila, Bennett, Gaebler, Geislinger, Murray, Skorman, and Strand**No:** 2 - Knight, and Pico

- 11.F. [17-1295](#) Resolution approving an amendment to the Service Plan for the Flying Horse Metropolitan District Nos. 1-3.

Presenter:

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

Attachments: [Resolution Flying Horse Metro Dist Amendment](#)
[Submittal Letter w/petition-amendment-resolution-schedule](#)
[OWNERSHIP-DISTRICT-Layout1](#)
[FHMD O&M 2017 Budget](#)
[2004 Service Plan w-o all attachments](#)
[November2_InformationMeetingHandouts](#)
[12-12-17 Service Plan for Flying Horse Met District 1-3 property 1945](#)
[Ripple Ridge Rd # 62093-01-031](#)
[Certificate of Mailing of Notice on SP Amendment 11.21.17-cleaned](#)
[Signed Resolution 163-17](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, stated that approximately 1,200 residents were notified by mail of the amendment to the Service Plan for the Flying Horse Metropolitan District Nos. 1-3 with very limited responses returned. Mr. Schueler also identified the briefings that had been held regarding details of the operational budget.

Councilmember Avila commented that she has concerns that the Southeast keeps getting left behind as far as improvements being done such as road repaving.

Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Resolution approving an amendment to the Service Plan for the Flying Horse Metropolitan District Nos. 1-3 be adopted. The motion passed by a vote of 7-2-0-0**Aye:** 7 - Avila, Bennett, Gaebler, Geislinger, Murray, Skorman, and Strand

No: 2 - Knight, and Pico

12. Public Hearing

- 12.A. [CPC ZC 17-00096](#) An appeal of the City Planning Commission's recommendation of approval of a zone change and concept plan for Patriot Park, a multi-family, single-family and private open space development.

(Quasi-Judicial)

Related File: CPC PUP 08-00157-A1MJ17

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Department
Peter Wysocki, Director of Planning and Community Development

Attachments: [ZC_ORD_Patriot_Park](#)
[EXHIBIT A - Legal Description](#)
[EXHIBIT B - Zone change depiction](#)
[EXHIBIT 1 - Appeal Application](#)
[EXHIBIT 2 - Appellant request for postponment](#)
[Vicinity Map](#)
[CPC Staff Report_Patriot Park](#)
[FIGURE 1 - Previous PUD allowances](#)
[FIGURE 2 - Concept Plan](#)
[FIGURE 3 - Project Statement](#)
[FIGURE 4 - public comment](#)
[7.5.603.B Findings - ZC req_CA](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[CPC Minutes October 19 - Patriot Park](#)
[Patriot Park - CPC powerpoint - LT](#)

Lonna Thelen, Principal Planner, Planning and Community Department, presented a vicinity map of the property for Patriot Park, as well as the details of the application for a zone change from Planned Unit Development (PUD) (Office Complex (OC), Planned Business Center (PBC) and Planned Industrial Park (PIP-1) uses to PUD (Single-family, multi-family and private park). Ms. Thelen presented the concept plan for the site and the areas of concern from the neighboring office park. She identified the proposed comprehensive plan and the airport overlay.

Laura Osborne, attorney from Silver & DeBoskey, P.C. representing the

appellant, CV Patriot Springs, LLC, the owner of five office buildings in the vicinity of Patriot Park. Ms. Osborne stated the application for the proposed zone change does not meet the criteria set forth in the City Code and does not utilize the most appropriate use of land in this area. She stated that this property was intended to be used as an easy access to Schriever AFB and Peterson AFB. She stated that Patriot Park would be diminished as a government contractor office complex if residential zoning was added. Ms. Osborne also stated that this rezoning is not consistent with the goals and policies of the Comprehensive Plan as an employment center.

President Pro Tem Gaebler asked if the five lots had already been built. Ms. Osborne confirmed that they were already developed and is at seventy-nine percent occupancy, but believes that adding residential will be unattractive to the current and future tenants.

Erik Kolar with Patriot Equities, representing the appellant, gave a brief history of the office building and stated the adjacent property was purchased under the zoning conditions of it being office complex. Mr. Kolar said that adding residential would be detrimental to the long-term future of the area.

Councilmember Geislinger asked when the property was purchased. Mr. Kolar stated it was purchased in 2012. Councilmember Geislinger asked how many tenants were there when the property was purchased compared to now. Mr. Kolar said there were twenty original tenants and they now have twenty-three tenants. Councilmember Geislinger asked if there were any restrictive leases currently in place. Mr. Kolar said there were none that he was aware of.

Councilmember Knight stated that he is concerned that the availability of space classified as Sensitive Compartmented Information Facility (SCIF) is limited within the City. Councilmember Knight asked if there was a possibility of losing SCIF certification if the zoning is changed to residential. Mr. Kolar stated that he is not aware of any at this time.

Andrea Barlow with NES Landscape Architects, representing the applicant, presented the property map and gave a brief history of Patriot Park. She stated that none of the area had been developed since the mid 2000's and presented the proposed concept plan and development. Ms.

Barlow stated that the proposed mixed-use development does meet the Comprehensive Plan as a potential site for infill. Ms. Barlow identified the demand for Class A offices and the details of the proposed apartment complex, the single-family homes, housing choices in the area, accessibility, parks, and open spaces. She addressed the neighbor objections and said that this development will be beneficial to the community.

Peter Scoville, representing the appellant, spoke regarding the overall flow of the market and that the original master plan was developed to draw businesses to the area.

Councilmember Geislinger asked why this property had not been purchased previously. Mr. Kolar stated that their partnership in the investment governs their focus on the current properties that they already own.

Ms. Barlow, representing the applicant, rebutted by stating that this area has remained vacant because there is no market there for office space. She also identified other potential land becoming available for business use and said that SCIF was designated for internal security, not external security.

Councilmember Knight clarified that the additional office space becoming available on Peterson AFB was only for governmental offices and that SCIF does take into consideration of external security.

Councilmember Murray said that leaving the property vacant until the market changes is not best for the City and commented that having the apartment complex nearby might be advantageous for people wanting the ability to walk to work.

Councilmember Pico said that the downturn in the market is why the area has remained vacant.

Kevin Butcher, landowner, representing the applicant, stated that this plan complies with the Comprehensive Plan's infill development and believes that commercial and residential can reside very well together.

Mr. Kolar said that they are not "not in my backyard" people and

respectively disagreed with the availability of land available for development in that area. He stated that the property was purchased for a reduced amount because it was zoned industrial and that it should be kept that way for a better future in job creation.

Greg Vaniff, Commercial Real Estate Broker, spoke for the appellant stating that the market is strong for the need of office complex.

Ms. Thelen identified other properties in the City being utilized as employment centers.

Councilmember Knight requested additional information regarding the definition of employment center. Ms. Thelen identified that the full definition of employment center was presented in the packet given to Council.

Councilmember Knight asked if residential zoning had been approved adjacent to the other properties similar to Patriot Park that Ms. Thelen had identified as employment centers prior to the development. Ms. Thelen said that no development has occurred yet and neighbors will be notified of any residential development.

Councilmember Pico said that the development plan is what the City needs, but he will be reluctantly voting no because it is in a business park.

Councilmember Knight said that he will be voting no because the zone change does not meet the requirements and will be detrimental when more businesses come to the City.

President Skorman commented that he supports the zone change and does not feel that the City will be lacking for future office park space and likes the development plan for the area.

Councilmember Avila commented that the zoning laws appear to change frequently, but likes the idea that it addresses infill.

Motion by Councilmember Geislinger, seconded by Councilmember Murray, to deny the appeal and uphold City Planning Commission's decision to recommend approval to the City Council of the zone change application CPC ZC 17-00096 based on the findings that the application meets City Code Section 7.5.603(B) and 7.3.603 (Review Criteria to establish and zone and for the PUD zoning). The motion passed by a vote of 6-3-0-0

Aye: 6 - Bennett, Gaebler, Geislinger, Murray, Skorman, and Strand

No: 3 - Avila, Knight, and Pico

- 12.B. [CPC PUP 08-00157-A1 MJ17](#) An appeal of the City Planning Commission’s recommendation of approval of a zone change and concept plan for Patriot Park, a multi-family, single-family and private open space development.

(Quasi-Judicial)

Related File: CPC ZC 17-00096

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Department
Peter Wysocki, Director of Planning and Community Development

Attachments: [FIGURE 2 - Concept Plan](#)
[7.3.605 PUD Concept Plan](#)
[7.5.501.E Concept Plans](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Bennett, seconded by Councilmember Murray, to deny the appeal and uphold City Planning Commission’s decision to recommend approval to the City Council the concept plan CPC PUP 08-00157-A1MN17 for the Patriot Park application based on the findings that the application meets City Code Section 7.5.501(E) (Review Criteria for the PUD Concept Plan). The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Bennett, Gaebler, Geislinger, Murray, Skorman, and Strand

No: 2 - Knight, and Pico

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

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

Sarah B. Johnson, City Clerk