



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, January 23, 2017

1:00 PM

Council Chambers

1. Call to Order

Present 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

2. Changes to Agenda

Council President Bennett stated there has been a request to remove agenda item 7.A. and for agenda item 8.H. to immediately follow the Closed Executive Session.

Consensus of Council agreed to these changes to the agenda.

3. Regular Meeting Comments

Eileen Gonzalez, City Council Administrator, stated there has been a request to hear agenda item 11.B immediately following Mayor's Business.

4. Review of Previous Meeting Minutes

4.A. City Council Work Session Meeting Minutes, January 9, 2017

Presenter:
Sarah Johnson, City Clerk

Attachments: [1-9-2017 Work Session Draft](#)

The Meeting Minutes were approved as presented.

5. Executive Session

5A. Open

There was not an Open Executive Session.

5B. Closed

- 5B.A.** 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 regarding Position Statement 16-01 issued by the State Independent Ethics Commission; and 2) Legal advice and negotiation consultation with the City Attorney regarding pending litigation relating to a federal claim.

Presenter:

Wynetta Massey, City Attorney

David Andrews, Legislative Counsel, stated that the purpose of the executive session is to receive legal advice regarding Position Statement 16-01 issued by the State Independent Ethics Commission; and to receive legal advice and negotiation consultation with the City Attorney regarding a pending litigation relating to a federal claim.

Council President Bennett polled Council regarding the desire to proceed with the discussions in a closed session. Consensus of Council agreed to proceed with the discussions in a Closed Executive Session.

6. Staff and Appointee Reports

- 6.A.** Financial Report - Memorial Health System Enterprise

Presenter:

Kara Skinner, Chief Financial Officer

Attachments: [December 2016 Monthly MHS Report for Council](#)

There were no questions or comments on the Memorial Health System enterprise financial report.

- 6.B.** Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Attachments: [012317Agenda Planner Review MEMO](#)

Eileen Gonzalez, City Council Administrator, reviewed the changes to the agenda planner.

Councilmember Knight met with Bret Waters regarding the Code Review process, they plan to present an update in the February 27, 2017 work session.

Councilmember Knight requested a report on how the supplemental appropriation from the LART funds to the CVB was calculated, as well as a report on the LART Citizens Advisory Committee relating to that appropriation when it comes forward.

7. Presentations for General Information

7.A. City Council Community Engagement Program Participant Presentations

Presenter:
Eric Phillips, Chair, City Planning Commission

This item was postponed to a future date.

7.B. Leading Edge Student Presentations

Presenter:
Hillary Reed, Acting Executive Director, Leadership Pikes Peak
Keith Willschau, Program Manager, Leadership Pikes Peak

Attachments: [Leading Edge 2016 Program Review Report](#)

Dr. Hillary Reed, Acting Executive Director, and Keith Willschau, Program Manager, Leadership Pikes Peak, provided a summary of the activities of the organization and how the program enhances students' lives.

7.C. Local Residential Real Estate Market Update and 2017 Forecast

Presenter:
Bob Cope, Economic Development Manager
Harry Salzman, Realtor Emeritus, ERA Shields and Salzman Real Estate Services

Attachments: [012317 Exhibits A-R](#)

There were no Councilmember questions or comments on this agenda item.

8. Items for Introduction

8.A. A resolution adopting the Envision Shook's Run Master Facilities Plan (Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager
Peter Wysocki, Planning and Community Development Director
Aaron Egbert, Senior Engineer, Public Works Department

Attachments: [RES_EnvisionShooksRunRES-2017-01-10-clean](#)

[Figure 1 161102 Shooks Run FMP Public Circulation - Project Statement](#)

[Figure 3 - Shooks Run Letters of Support 1-27-17](#)

[Figure 4 Shooks Run, Draft FMP citizen comments.12-4-16 Text Edited Version](#)

[CPC Staff Report_EnvisionShooksRun-1-19-17 - DJK](#)

[Recommended Revisions](#)

[DRB_Minutes_DRAFT_1.04.17](#)

[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

[Envision Shooks Run Corridor Facilities Master Plan](#)

Carl Schueler, Comprehensive Planning Manager, provided a summary of the proposal to include the Shooks Run corridor facilities in the Facilities Master Plan. This proposal has been reviewed and approved by multiple entities including the Downtown Development Authority.

Councilmember Murray commented on the length of time it has taken to get this project moving. Mr. Schueler stated once the plan is approved, actual work on the projects can begin.

Aaron Egbert with Public Works, City Engineering, the project manager for Envision Shooks Run, introduced members of the team who have worked on the development of this project and provided an overview of the projects included in this proposal. He also provided a brief overview of the funding options and plans for these projects.

Richard Shaw with Design Workshops provided additional detail about the projects and options included in the proposal.

Council President Bennett asked if storm water projects for this area would be completed according to this plan. Mr. Egbert stated any work done in this area would follow the proposed plan if approved.

Councilmember Knight expressed concern regarding eminent domain being used to acquire property for the project. Mr. Egbert stated the City will need to acquire property to complete the project, however; there are no plans to use eminent domain at this time.

8.B.

A Resolution Authorizing a Land Exchange Between the City of Colorado Springs and Interquest Westside LLC, a Delaware Limited

Liability Company

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services
Sarah Bryarly, Park Development Interim Manager - Parks,
Recreation and Cultural Services

Attachments: [1-23-17 Larry Ochs Land Exchange Resolution - Final 1-18](#)

[LarryOchs Exhibit A](#)

[Larry Ochs - Exhibit B](#)

[1-23-17 Larry Ochs Land Exchange - Powerpoint](#)

Sarah Bryarly, Park Development Interim Manager, provided a summary of the proposed options for the Larry Ochs sports complex.

Craig Ochs with the Scott Hall foundation provided additional details about the plans for the complex in the potential new location.

Ms. Bryarly reviewed the process of this proposal and explained how the land exchange will work if the new location is approved.

Otis Moore with Westside Development Partners spoke about the organizations' involvement in the relocation of this sports complex.

- 8.C.** An Ordinance Amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Public Space and Development Fund in the Amount of \$60,000 to Fund the Planning Process for the Larry Ochs Sports Complex

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services
Sarah Bryarly, Parks Development Interim Manager - Parks,
Recreation and Cultural Services

Attachments: [2-14-17 - Larry Ochs Supplemental Appropriation Ordinance - Final](#)

[1-23-17 Larry Ochs Supplemental Appropriation - Ordinance](#)

[1-23-17 Larry Ochs Land Exchange - Powerpoint](#)

Please see comments in agenda item 8.B.

- 8.D.** An Ordinance Authorizing a Supplemental Appropriation for the John Venezia Community Park in the Amount of \$800,000

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services
Sarah Bryarly, Parks Development Interim Manager - Parks,

Recreation and Cultural Services

Attachments: [1-23-17 Venezia Suppl Appropriation ORD-Final](#)

[1-23-17 - Venezia Community Park Supplemental Appropriation Presentation - Powerpoint](#)

Sarah Bryarly, Park Development Interim Manager, provided an explanation of the need for a supplemental appropriation to complete this park.

Councilmember Knight requested additional information about funding for this project and noted the funds are not included in the 2017 budget. Ms. Bryarly stated the funds for this project came in at the end of 2016, to be used only for capital improvement projects such as this one.

8.E.

A Resolution Authorizing the Acquisition of Property Owned by the American Numismatic Association to be Used for the Rock Island Trail - Legacy Loop

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services
Sarah Bryarly, Landscape Architect II

Attachments: [2-14-17 Resolution Purchase Price For Acquisition Numismatic - Final](#)
[Numismatic Legal](#)

[2-14-17 Numismatic Property Acquisition Powerpoint](#)

Sarah Bryarly, Park Development Interim Manager, presented the proposal to acquire this property which is essential to the completion of the Legacy Loop Trail project.

Councilmember Collins stated she has heard citizen complaints about converting traffic lanes to bike lanes and causing increased traffic congestion. Council President Bennett stated this is an alternate bike route that does not involve streets.

8.F.

A Resolution Approving the Renewal of the \$1,000,000 Loan Agreement and Promissory Note between the Great Outdoors Colorado Trust Fund (GOCO) and the City of Colorado Springs

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services
Tilah Larson, Senior Grants Analyst

Attachments: [City Council Loan Resolution 2017](#)
[Exhibit I from RRC Loan Agreement 03-05-2005](#)

There were no questions or comments on this agenda item.

8.G.

A resolution approving the issuance of debt by Allison Valley Metropolitan District No. 1 in the form of Series 2017 Limited Tax General Obligation Loans.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [Attachment 1- Allison Valley Slides](#)
[Attachment 2 - Resolution Allison Valley Metro District No 1 debt authorization](#)
[Attachment 3 - City Cover Ltr AVMD1 Financing Submittal](#)
[Attachment 4.a - 2017A Authorizing Resolution 34280332 1](#)
[Attachment 4.b- 2017B Authorizing Resolution 34280341 1](#)
[Attachment 5.a- Allison Valley No. 1 2017A Loan Agreement \(003\)](#)
[Attachment 5.b- Allison Valley No. 1 2017B Loan Agreement](#)
[Attachment 6- Vectra Term Sheet](#)
[Attachment 7- King Mkt Study AVMDistrict Dec 14 16](#)
[Attachment 8- AVMD 1 Budget City Submittal](#)
[Attachment 9- 2016-12-06 Allison Valley MD Financing Analysis](#)
[Attachment 10 2016-12-14 Allison Valley MD No 1 2017 Fairness Letter](#)
[Attachment 11.a Service Plan Compliance Ltr 2017A](#)
[Attachment 11.b Service Plan Compliance Ltr 2017B](#)

Carl Schueler, Comprehensive Planning Manager, presented a summary of this request to issue debt to support the Allison Valley Metropolitan District No. 1 development.

Council President Pro Tem Gaebler asked about the source of funds. Mr. Schueler provided an explanation of how this proposal will be funded.

Councilmember Murray asked about the inspection and certification of the public infrastructure included in the project. Mr. Schueler explained the City's inspection process as related to accepting infrastructure completed by developers. Peter Wysocki, Director of Planning and Development, provided additional information about the inspection and transfer of projects completed by developers.

Councilmember Knight asked if the collection of ownership tax and development charges along with the mill levy included in this proposal is similar to the financing of other improvement districts in the community. Mr. Schueler provided detailed information about taxes and funding of improvement districts adding ownership tax is typical for developments.

Councilmember King asked how much of the certified 30 mills will be used in this development and how many years the debt will be financed for. Mr. Schueler stated they intend to use the entire amount and the financing is planned for 30 years.

8.H.

A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the general municipal election conducted by mail ballot to be held on Tuesday, April 4, 2017, the question of retaining and spending up to \$6,000,000 of the estimated 2016 fiscal year revenue above the 2016 fiscal year revenue and spending limitations, and a like amount of any excess revenue in fiscal year 2017, as a voter approved revenue change, with any excess revenue in fiscal years 2016 and 2017 beyond this \$6,000,000 revenue change to be refunded to taxpayers; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this resolution.

Presenter:

Mayor John Suthers

Kara Skinner, CFO

Attachments: [ExcessRevenueRES-1-5-2017CLEAN](#)
[Excess Revenue Resolution - EXHIBIT A 1-5-2017](#)
[ExcessRevenueRES-1-5-2017Redline](#)
[Excess Revenue Resolution - EXHIBIT A 1-5-2017Redline](#)
[012317 Ballot Proposal ProjectMap 1 18 17](#)
[ExcessRevenueRES-1-23-2017Redline.docx](#)
[ExcessRevenueRES-1-23-2017Clean.docx](#)

Kara Skinner, CFO, provided an update on the funds included in this proposal, stating the estimated total amount in excess of the TABOR limit could be close to \$9 million, the proposal is to retain up to \$6 million with the remainder being refunded to citizens.

Councilmember Knight asked if the funds will go into the stormwater CIP fund. Ms. Skinner confirmed this and stated Council approval would be required for any other use of the funds.

Councilmember Murray requested a breakdown of the estimated cost for each of the 26 projects included in the proposal. Richard Mulledy, Storm Water Manager, stated the sum total for the projects included in the proposal is about \$12 million, \$6 million a year for two years.

Councilmember Strand asked if any of these projects were already planned and included in the 2017 budget. Mr. Mulledy stated some of these projects are included in the storm water IGA, others are not.

Councilmember Murray expressed concern about the prioritization of City needs and stated, in his opinion, excess funds should be directed toward public safety needs.

Mayor Suthers stated he is concerned about storm water because the City has significant legal issues surrounding storm water. The City is being sued because we had a dramatically underfunded storm water program for several years. The City has taken a step in the right direction by signing an IGA with the City of Pueblo allowing the Southern Delivery System to be turned on. The City still has an overriding legal issue with storm water because we are being sued by the EPA. We have serious legal issues related to dealing with storm water and in his opinion; addressing storm water and the legal issues surrounding this should be the City's top priority.

Councilmember Murray asked how the more serious issues the City has should be resolved and still give the money back to the tax payers. Mayor Suthers stated he has consulted with people around the state regarding returning tax payer funds. He would tell citizens, consumer confidence has resulted in this fund excess and request citizens help the City address the most critical need by allowing the City to invest a portion of the excess funds to address storm water issues and also receive a small refund.

Council President Pro Tem Gaebler requested a list of the other priorities that would be addressed through the general fund if this proposal is approved by voters. Mayor Suthers stated this would put measures in place to address storm water issues and then start working on other needs of the City including the police officer shortage. Mayor Suthers also provided language he would like to have added to follow the ballot language addressing maintenance of effort regarding storm water needs.

Councilmember King thanked the Mayor for working with him to address maintenance of effort in this proposal.

Councilmember Murray stated he does not believe this proposal resolves the issues included in the bigger picture. Mayor Suthers addressed the City's obligations relating to the law suit and the responsibility of citizens in this effort.

9. Items Under Study

- 9.A.** A Resolution rescinding Resolution No. 19-13 and establishing Development Application Fees and Charges for the Land Use Review Division of the Planning and Development Department

Presenter:

Nina Vetter, Strategic Plan Administrator, Finance

Kara Skinner, Chief Financial Officer

Peter Wysocki, Planning and Development Director, Planning and Development Department

Attachments: [Cover Memo attachment LUR fees cap fee increase at 100% 01-23-17](#)
[Cover Memo attachment LUR fees cap fee increase at 150% 01-23-17](#)
[Cover Memo attachment LUR fees Comparison 01-23-17](#)
[Development-App-Fees-Res-01-23-17](#)
[Exhibit A-LUR Fees for Resolution 01-23-17](#)
[Fee Analysis - Planning 01-23-17](#)

Nina Vetter, Strategic Plan Administrator, Finance, provided a summary of the changes made to this proposal since the previous meeting. Council also received a comparison of what the rate increases would be with various cap limits as requested by Councilmember Knight. Ms. Vetter also addressed options related to appeal fees.

Dave Munger, Executive Director of the Council of Neighborhoods and Organizations, spoke in support of fee option number three.

Councilmember Knight expressed appreciation for the information provided and stated his understanding is the HBA also supports this action.

Councilmember Strand asked how many planning cases are appealed

annually. Mr. Wysocki stated an average of about five or six cases are appealed annually. Councilmember Strand stated he is in favor of option three.

10. Councilmember Reports and Open Discussion

Council President Bennett stated the new CEO of Memorial Health System is committed to working with City Council.

Council President Pro Tem Gaebler spoke about the El Paso County Commissioners coming together to support the widening of I-25 north of Colorado Springs and has a similar letter for City Councilmembers to sign. Councilmember Pico stated PPACG also sent Council a letter of support.

10.A. Healthcare Amenities & Land Uses

Presenter:
Councilmember Don Knight
Scott Godde & Naomi Randell, City Council Interns

Councilmember Knight provided a brief summary of this item which will be presented at a later date.

11. Adjourn

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

Sarah Johnson, City Clerk