



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, October 21, 2019

10:00 AM

Council Chambers

1. Call to Order

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

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated item 5.B.A. Closed Executive Session will be moved to the end of the meeting and staff has requested items 8.G. and 8.H. be postponed to the November 7, 2019 City Council Work Session meeting. Consensus of City Council agreed to these changes on the agenda.

3. Regular Meeting Comments

President Pro Tem Strand requested the input from the Parks Advisory Board regarding the Park, Recreation, and Cultural Service items on the October 22, 2019 City Council meeting agenda. Sarah B. Johnson, City Clerk, stated she will communicate that request to the Park, Recreation, and Cultural Service Director.

Councilmember Knight requested item 4B.L. be removed from the October 22, 2019 City Council meeting Consent Calendar and for item 11.N. to be bifurcated regarding the issue of short term rental (STR) occupancy, density, and owner-occupied requirements. President Pro Tem Strand stated he will be making a motion to postpone the STR density and owner-occupancy requirements due to Councilmember Williams' absence.

Consensus of City Council agreed to these changes to the agenda.

4. Review of Previous Meeting Minutes

4.A. [19-648](#) City Council Work Session Meeting Minutes October 7, 2019

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [10-7-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the October 7, Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

5B.A. [19-600](#) 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) a conference with the City Attorney to receive legal advice related to the interpretation of federal regulations; and (2) legal advice and negotiation consultation regarding an economic development matter.

Presenter:

Wynetta Massey, City Attorney

Attachments: [10212019ClosedSession](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve: (1) a conference with the City Attorney to receive legal advice related to the interpretation of federal regulations; and (2) legal advice and negotiation consultation regarding an economic development matter.

President Skorman polled City Council regarding the desire to proceed with a Closed Executive Session. At least two-thirds of City Council agreed to proceed in Closed Executive Session.

6. Staff and Appointee Reports

6.A. [19-647](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 10-21-19.pdf](#)

Sarah B. Johnson, City Clerk, stated the next City Council Work Session meeting will be held on Thursday, November 7, 2019 due to the holiday.

There were no comments on this item.

7. Presentations for General Information**7.A. [19-588](#) Special Districts Overview- Session No. 2**

Presenters:

Peter Wysocki, Planning and Community Development Director

Carl Schueler, Comprehensive Planning Manager

Attachments: [Attachment 1- Planning Dept. Title 32 Metropolitan Districts Overview Summary](#)
[Attachment 2- Special District Formation and Statutory Responsibilities](#)
[Attachment 3- Title 32 Legislative Declaration](#)
[Attachment 4- Metro Districts Statutory Findings](#)
[Attachment 5- Single District Model Service Plan 9-11-12](#)
[Attachment 6- Special District Committee List.docx](#)
[Attachment 7- Special District Applications 2009-present](#)
[Attachment 8- Special District Application Checklists](#)
[Attachment 9- Descriptions and Parameters for Use and Content of Special District Submittal Items](#)
[Attachment 10- Updated 2019 Special District List](#)
[Attachment 11- Metro Spec Dist 2019](#)
[Attachment 12- Non Metro Spec Dist 2019](#)
[Special Districts Overview Session](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave overview of metropolitan districts and the overall special district submittal process.

Councilmember Murray requested a list of metropolitan districts which are resident/owner controlled. Mr. Schueler agreed to provide that information.

Councilmember Pico stated developers are not shifting costs to the future home owners because the cost for infrastructure is always born by the end user, metropolitan districts just changes the mechanism for developers to

finance it.

Councilmember Knight requested additional information regarding the statutory findings for City Council. Mr. Schueler stated he will present more information on that subject.

8. Items for Introduction

- 8.A. [19-492](#) A Resolution Approving the 2020 Budget for Pikes Peak Regional Building Department

Presenter:

Charae McDaniel, Chief Financial Officer

Roger Lovell, Building Official, Pikes Peak Regional Building Department

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

Attachments: [2020 Budget_final](#)
[2020 PPRBD Budget Resolution-11.12.19](#)
[2020 RBD Budget - CS Work Session](#)

Roger Lovell, Building Official, Pikes Peak Regional Building Department (PPRBD), presented the Resolution approving the 2020 budget for the PPRBD. He gave a brief overview of the data and accomplishments for 2019, strategic goals, and summary of projected revenue and expenditures for 2020.

Councilmember Geislinger asked if PPRBD has been involved with the City's attainable housing plan for the City. Mr. Lovell confirmed they have been involved in assisting with the co-development process and streamlining the affordable housing projects.

Councilmember Pico asked if there were any charitable contributions in this proposed budget. Mr. Lovell stated there was not.

President Pro Tem Strand asked for the anticipated opening of the PPRBD satellite office. Mr. Lovell stated they will be sending the request for proposal (RFP) within the next month and they anticipate it opening in late 2021.

President Pro Tem Strand asked why the budget increased eighteen percent from the 2019 budget. Mr. Lovell explained it is due to increased costs of health insurance benefits, staffing, and a cost of living adjustment.

8.B. [19-636](#) A Resolution creating the Trolley District Entertainment District

Presenter:

Jill Gaebler, City Council Member, District 5

Lee McRae, License Enforcement Officer, City Clerk Office

Joseph Niebur, Trolley District Sponsor

Attachments: [Trolley District - Exhibit A](#)
[Trolley District - Exhibit B](#)
[Trolley District 2019-10-21-Agenda Packet](#)
[Trolley District - Neighborhood Overview.pdf](#)
[Trolley District Resolution \(2019-10-21 FINAL\).docx](#)

Councilmember Geislinger recused himself due to being a close friend with the applicant.

Councilmember Gaebler, City Council Sponsor for Entertainment District, gave a brief history of entertainment districts within the state and how they will benefit the City.

Lee McRae, License Enforcement Officer, City Clerk's Office, presented the Resolution creating the Trolley District Entertainment District. He provided an overview of the Entertainment District, Promotional Association (PA), and Common Consumption Area (CCA) concepts and how they would fit together. Mr. McRae went over the details of the proposed Trolley District Entertainment District.

Councilmember Knight requested the outdoor CCA have an hours of operation end time of 10:00PM. Mr. McRae stated the Resolution could be amended, but the wind down would have to occur earlier than that if there were to be no liquor violations after 10:00 PM.

Councilmember Pico asked if the noise permit was in conjunction with the special event permit. Mr. McRae stated the control plan and the noise plan go together, but can be more restrictive than what the Resolution states.

Joseph Niebur, representing the applicant, stated they would prefer a later time, but the noise ordinance could restrict it to even earlier.

Councilmember Gaebler and President Skorman stated they do not see 11:00 PM as disproportionate in a downtown environment.

Vince Niski, Chief of Police, Colorado Springs noise permits generally end at 10:00 PM and they allow time after the permit is up to breakdown the event and close. He stated for consistency sake, he would keep the Ordinance at 10:00 PM and allow them to breakdown and close until 11:00 PM.

Chris Jenkins, owner of a nearby apartment complex, stated downtown should be a vibrant mix of uses, but the City's noise Ordinance may need to be revised for downtown in this circumstance so it does not impact the residents. Councilmember Pico stated sometimes the issue is in enforcing the noise permits.

Sarah B. Johnson, City Clerk, stated City Council may amend this Resolution at a future date if there needs to be changes to the hours of operations. She explained the PA and CCA are granted on a yearly basis and are subject to revocation and suspension just like any of the City's license types.

- 8.C.** [19-630](#) Resolution of Support for the City of Colorado Springs Sponsorship of the School Yard Initiative Grant to Great Outdoors Colorado on Behalf of Atlas Preparatory School

Presenter:

Karen Palus, Director, Parks, Recreation and Cultural Services

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

Attachments: [10-21-19 - Atlas Prep Sponsorship Support RES](#)

[10-21-19 - Atlas GOCO IGA](#)

[10-21-19 - 2019 GOCO School Yard Grant - Powerpoint](#)

Tilah Larson, Senior Analyst, Parks, Recreation and Cultural Services, stated eligible local schools can apply for a grant from Great Outdoors Colorado (GOCO) funding for their school grounds or outside educational opportunities. The two schools requesting sponsorship from the City for these grants the amount of \$110,000 per school are Skyway Elementary School and Atlas Preparatory School.

There were no comments on this item.

- 8.D.** [19-631](#) Resolution of Support for the City of Colorado Springs Sponsorship of the School Yard Initiative Grant to Great Outdoors Colorado on Behalf of Skyway Elementary School

Presenter:

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

Attachments: [10-21-19 - Skyway Sponsorship Support RES](#)
[10-21-19 - IGA -Skyway](#)
[10-21-19 - 2019 GOCO School Yard Grant - Powerpoint](#)

Please see comments in Agenda item 8.C.

8.E. [19-602](#) A Resolution of Support for the City of Colorado Springs' Kettle Creek Property Open Space Grant Application to Great Outdoors Colorado

Presenter:

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

Attachments: [10-21-19 - City Council Resolution - Kettle Creek - GOCO Grant](#)
[10-21-19 - GOGO Grant Kettle Creek - Powerpoint](#)

Tilah Larson, Senior Grants Analyst, Parks, Recreation and Cultural Services, presented the request for a grant application to Great Outdoors Colorado (GOCO) on behalf of the Kettle Creek Property for \$1M and Jimmy Camp Creek Property for \$800,000. She stated the Parks Advisory Board unanimously supported these items.

Councilmember Knight asked if these grant awards would count against the Taxpayer Bill of Rights (TABOR) limit cap. Ms. Larson confirmed it would. Councilmember Knight requested additional information regarding the potential implications. Ms. Larson stated the City may not receive the entire requested amount and also has the option of declining the grant award if necessary. Councilmember Pico stated it could be potentially beneficial to refund citizens the overage. Charae McDaniel, Chief Financial Officer, stated even if the notice of the grant award is received in 2019, the funds may not be received until 2020 or 2021 and it would be uncertain if it would push the City over the TABOR revenue limit cap.

Councilmember Pico asked if the City receives excess grant funds over the TABOR limit cap in 2020 if it will be a positive or negative impact to the City. Ms. McDaniel stated if the grants fund growth exceeds the TABOR revenue growth, the general fund would have to either retain or refund the difference which would mean less funds available for the general fund services provided.

President Pro Tem Strand asked what she recommends. Ms. McDaniel

stated she does not typically restrict state grant applications due to all the variables involved.

Councilmember Knight asked when the grant will be able to be declined. Ms. McDaniel stated when the determination of the award is received, the City could opt to not submit a request for reimbursement which would decline the award.

Councilmember Knight requested when the funds are received, this item go to the Budget Committee for review prior to it being considered by City Council. Consensus of City Council agreed to Councilmember Knight's request.

- 8.F.** [19-601](#) A Resolution of Support for the City of Colorado Springs' Jimmy Camp Creek Property Open Space Grant Application to Great Outdoors Colorado

Presenter:

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

Attachments: [10-21-19 - City Council Resolution - Jimmy Camp Creek - GOCO Grant](#)
[10-21-19 - GOGO Grant - Jimmy Camp Creek - Powerpoint](#)

Please see comments in Agenda item 8.E.

- 8.G.** [19-603](#) A Resolution Authorizing the Acquisition of Approximately 154 Acres Known as the Kettle Creek Greenway Through the Trails, Open Space and Parks (TOPS) Program

Presenter:

Britt Haley, TOPS Program Manager, Parks, Recreation & Cultural Services Department

Attachments: [KettleCreekNorth TOPS Graphic PRINT \(3\)](#)
[ResolutionKettleCreekGreenwayAcquisition](#)
[Exhibit1 KCGWLegal Description 10.3.19](#)
[10-21-19CCWS_KettleCreekGreenway](#)
[CityCOS-KettleCreek LOS 2019-08-08](#)

This item was postponed to the November 7, 2019 City Council Work Session meeting.

- 8.H.** [19-604](#) An Ordinance Amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space

and Parks Fund in the Amount of \$3,045,500 for Acquisition of Approximately 154 Acres of Property for the Purpose of Public Open Space and Trails at the Kettle Creek Greenway

Presenter:

Britt Haley, TOPS Program Manager, Parks, Recreation & Cultural Services Department

Attachments: [Appropriation Ordinance Oct 2019 KCGW](#)

This item was postponed to the November 7, 2019 City Council Work Session meeting.

- 8.I. [19-637](#) An ordinance amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the 2C-Road Repair, Maintenance and Improvement Fund in the amount of \$3,000,000 for additional capital expenditures identified for 2019

Presenter:

Charae McDaniel, Chief Financial Officer
Travis Easton, P.E., Public Works Director
Corey Farkas, Manager of Operations and Maintenance Division of Public Works

Attachments: [Supplemental Approp Ord - 2C Fund #2 Oct 2019](#)

Travis Easton, P.E., Public Works Director, presented the Ordinance for a supplemental appropriation to the 2C-Road Repair Maintenance and Improvement Fund in the amount of \$3M for concrete operations. There were no comments on this item.

- 8.J. [19-425](#) Ordinance No. 19-82 amending Chapter 7 of the Code of the City of Colorado Springs pertaining to the occupancy of short term rental units

Presenter:

Morgan Hester, Principal Planner
Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD ShortTermRentalOccupancy](#)

Morgan Hester, Principal Planner, Planning and Community Development, presented an ordinance amending Chapter 7 of City Code pertaining to the occupancy, density, and owner occupied of short term vacation home rental (STR) units. She gave an overview of STR regulations in other municipalities.

President Pro Tem Strand asked if an occupancy over fifteen people would

be classified as a hotel. Ms. Hester confirmed it would be.

Councilmember Knight and Councilmember Gaebler stated the occupancy limit should be considered by City Council at the October 22, 2019 City Council meeting. President Pro Tem Strand stated he will request postponement on the density and owner occupancy items.

Councilmember Pico asked if the military personnel waiver would still be included in the proposed Ordinance regarding owner-occupancy. Ms. Hester stated they will include that exception. Councilmember Murray and Councilmember Gaebler stated there should not be an exception. Councilmember Pico stated the military members who are leaving for a year or less, should be able to rent out their house. Councilmember Knight stated there needs to be proof of return to the City in order to receive an exception. Councilmember Geislinger stated extenuating circumstances such as family care situations or medical conditions should be also included as exceptions. President Pro Tem Strand stated he is comfortable with adding an exception for military members.

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated with the amendments being made to the Ordinance, there would need to be a justification as to why it does not go before the Planning Commission again for recommendation. Councilmember Knight stated it has already been approved by the Planning Commission and it is up to City Council to modify it as they see fit. Councilmember Geislinger stated he does not have any problems with the occupancy cap not going back to be reviewed by the Planning Commission because there was not a major modification to it, but the Planning Commission has specifically asked to reconsider the other items once City Council has reviewed them.

Peter Wysocki, Director of Planning and Community Development, stated staff will bifurcate the occupancy, density, and owner occupied options into separate Ordinances.

Councilmember Geislinger stated non-owner occupied STR owners are small business owners who are not paying commercial property taxes or commercially priced utilities. Councilmember Pico stated they should not be getting into the regulation of home-based businesses. Councilmember Geislinger stated only owner occupied STRs would be considered home-based businesses.

President Skorman asked how many STRs in the City are non-owner occupied and how many are owned by people who do not live in the City. He also asked for additional information on how Arizona is regulating party houses. Ms. Hester stated staff will provide that information.

Councilmember Pico asked how a distinction would be made between an STR and a long-term rental. Councilmember Knight stated with long term rentals, the residents become part of the community they are living in.

Councilmember Murray stated R-1 zones were created for residential homes, not businesses and recommended a moratorium be placed on non-owner occupied STRs. President Skorman stated he does not want this to become overregulated.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

President Pro Tem Strand stated October 20-26, 2019 is International Lead Poisoning Prevention Week, he and several other City Councilmembers attended the tour of Children's Hospital, and the Catch the Spirit Olympic event.

Councilmember Pico stated he attended the 2019 Navy Birthday Ball.

Councilmember Knight stated he attending a Flying W Ranch dinner in June 2019.

11. Adjourn

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

Sarah B. Johnson, City Clerk