



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 11, 2021

10:00 AM

Council Chambers

How to Watch the Meeting

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- CenturyLink Channel 18

1. Call to Order and Roll Call

Present 9 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Pro Tem Richard Skorman, President Tom Strand, and Councilmember Wayne Williams

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

Councilmember Avila requested item 4B.H. be removed from the October 12, 2021 City Council meeting Consent Calendar. Consensus of City Council agreed to this change.

4. Review of Previous Meeting Minutes

4.A. [21-602](#) City Council Work Session Meeting Minutes September 27, 2021

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [9-27-21 City Council Work Session Meeting Minutes Final](#)

Councilmember Donelson requested his statement regarding item 7.A. Springs Recovery Connection be amended to include that he asked if the property was zoned for this proposed use and was told it was, but it actually is not.

The minutes of the September 27, 2021 Work Session were approved by

Consensus of City Council as amended.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

There was no Closed Executive Session.

6. Staff and Appointee Reports

6.A. [21-601](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 10-11-21](#)

There were no comments on this item.

7. Presentations for General Information

7.A. [21-499](#) Update from Visit COS

Presenter:

Doug Price, President & CEO, Visit COS

Attachments: [Q2 21 VCOS KPI Presentation FINAL 07302021](#)

Doug Price, President and CEO, Visit COS, presented the 2021 second quarter Performance Measures report which reflected results through May 2021. He gave an overview of Lodging and Auto Rental Tax (LART), Revenue per Available Room (RevPAR), group sales, marketing, trade shows attended, meeting planner site visits, and familiarization (FAM) tours. Mr. Price identified the leads by source, group leads, cost per lead for group business, bookings, and group servicing activities. He went over marketing, communications, partnership, visitor services, and KPI data.

Councilmember O'Malley requested additional information regarding group sales. Mr. Price stated there were many group sales scheduled for 2020 which were canceled and then moved 2021 which accounts for the increase in group sale assists.

Councilmember Henjum requested more information regarding RevPAR. Mr. Price stated it is a standard hotel matrix which takes the average daily room rate multiplied by the occupancy rate.

Councilmember Henjum asked what organizations are included in the memberships. Mr. Price stated eighty-five percent of the five hundred memberships are comprised of hotels and attractions.

Councilmember Murray requested an assessment of Southwest Airlines at the Colorado Springs Airport. Mr. Price stated he does not know the impact but believe some of the issues are due to labor shortage.

Councilmember Donelson asked if there will be less business travel in the future due to virtual meetings. Mr. Price stated hybrid meetings will continue but believes there is value in face-to-face meetings.

Councilmember Donelson asked if there is way to tract the effectiveness of the funds spent on advertising. Mr. Price stated seventy-five percent of their advertising is online which enables them to quickly see the impact of the views of an advertisement.

Councilmember Murray asked if more funding from LART is needed. Mr. Price confirmed an increase is necessary due to them being one of the lowest funded organizations in the country.

7.B. [21-568](#) Court Appointed Special Advocates (CASA) of the Pikes Peak Region

Presenter:

Tom Strand, Council President, Councilmember At-large

Angela Rose, Executive Director, CASA of the Pikes Peak Region

Attachments: [CASA City Council presentation](#)

Angela Rose, Executive Director, Court Appointed Special Advocates (CASA) of the Pikes Peak Region, provided a brief overview of CASA, child abuse, why CASA is needed, dependency, neglect, and Collin's story. She went over supervised exchange, parenting time, Milton Foster Children's Fund, and 2019-2020 financials.

Councilmember Henjum asked how CASA is recruiting more male advocates. Ms. Rose stated they host an event called Dudes-n-Brews to encourage more male volunteers.

Councilmember Donelson requested additional information regarding their organizational structure. Ms. Rose stated they have twenty-seven staff members, five of those are part-time, and 380 volunteers.

President Strand asked if there are any qualifications for volunteers. Ms. Rose stated only a love for children and then they provide the training.

8. Items for Introduction

- 8.A. [21-573](#) A Resolution Rescinding Resolution No. 201-06 and establishing new Easement Vacation and Easement Encroachment application fees.

(Legislative)

Presenter:

Darlene Kennedy, Real Estate Services Manager

Peter Wysocki, Director of Planning and Community Development

Attachments: [CC RES 2021 Fee Increase](#)
[RES Fee Increase Powerpoint](#)

Darlene Kennedy, Real Estate Services Manager, presented the Resolution establishing new easement vacation and easement encroachment application fees which have been in effect since 2006 for 2022. She stated the fees would be raised from \$160 to \$220 and the \$28 per hour for research fee would be rescinded.

Councilmember Helms asked if a survey was conducted regarding the increase. Ms. Kennedy stated the Colorado Springs Housing and Building Association (HBA) was contacted and there was no opposition to the increase.

Councilmember Donelson asked if the increase would go toward staff time and other overhead expenses. Ms. Kennedy stated this would bring funding up to seventy percent of staff time and overhead expenses.

- 8.B. [21-554](#) A Resolution Authorizing the Acquisition of Approximately 343 Acres of Property Identified as the Fisher Canyon Property in the Cheyenne Canon / Cheyenne Mountain Candidate Open Space Area Through the Trails, Open Space and Parks (TOPS) Program

Presenter:

Britt Haley, Trails, Open Space and Parks (TOPS) Program Manager

David Deitemeyer, Senior Landscape Architect

Attachments: [Resolution_FisherCanyonOpenSpace](#)
[CityCouncilWork Session_FisherCanyonAcquisition](#)

Justin Spring, Colorado State Director, Conservation Fund, gave an overview of their organization and their partnership with the City.

David Deitemeyer, Senior Landscape Architect, presented the Resolution authorizing the acquisition of approximately 343 acres of property identified as the Fisher Canyon Property in the Cheyenne Canon/Cheyenne Mountain Candidate Open Space Area through the Trails, Open Space and Parks (TOPS) Program and the Ordinance for a supplemental appropriation to the TOPS Fund in the Amount of \$1,475,000 to complete the Phase I acquisition of up to 260 acres of property. He gave brief history of the project, presented an aerial view photo of the Fisher Canyon property, trail and connection opportunities, and Chamberlain Trail Master Plan. Mr. Deitemeyer gave an overview of the transaction, available funding, and tentative timeline.

Councilmember O'Malley asked how long the public has been using the McNeil trail. Mr. Deitemeyer stated he estimates over eighty years because the McNeil trail was a remnant of the water line which served the building the original building on top of Cheyenne Mountain.

Councilmember O'Malley asked what the Colorado law for right-of-passage law is. Ben Bolinger, Senior Attorney, City Attorney's Office, stated he will research that information.

Councilmember Henjum asked who owns the property on the slope to the north of Fisher's Canyon. Mr. Deitemeyer stated a vast majority of the property is owned by The Broadmoor Hotel through one of their land holdings and the remnant piece to the east is part of the Broadmoor Resort community.

President Pro Tem Skorman expressed appreciation and support for this project.

Councilmember Williams stated he appreciates the presentation of the maps with the overlays included which assisted in identifying the vistas.

8.C. [21-555](#)

An Ordinance Amending Ordinance no. 20-92 (2021 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$1,475,000 to Complete the Phase I Acquisition of up to 260 Acres of Property for the Purpose of Public Open Space and Trails

Presenter:

Britt Haley, Trails, Open Space and Parks (TOPS) Program Manager
David Deitemeyer, Senior Landscape Architect

Attachments: [Appropriation Ordinance.FisherCanyonPhaseI](#)

Please see comments in Agenda item 8.B.

- 8.D.** [21-551](#) An Ordinance Amending Ordinance No. 17-94 by Changing the Name of the SW Downtown Business Improvement District to the Park Union Business Improvement District
(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department
Peter Wysocki, Planning and Community Development Director

Attachments: [Ordinance](#)

[1- Service Plan and Ordinance Amendment Cover Letter](#)

[2- BID Resolution Approving Name Change - SW Downtown BID](#)

[3- Ordinance 17-94](#)

[PowerPoint- SWDT-Park Union District Name Change](#)

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Development Department, presented the Ordinance changing the name of the SW Downtown Business Improvement District to the Park Union Business Improvement District and the Resolution acknowledging a name change of the SW Downtown Metropolitan District Nos. 1 and 2 to Park Union Metropolitan District Nos. 1 and 2. He provided a brief summary, district background/history, district boundaries, and next steps.

There were no comments on this item.

- 8.E.** [21-552](#) A resolution of the City Council of the City of Colorado Springs, Colorado acknowledging a name change of the SW Downtown Metropolitan District Nos. 1 & 2 to Park Union Metropolitan District Nos. 1 & 2.

(Legislative)

Presenter:

Carl Schueler - Comprehensive Planning Manager, Planning and Community Development Department
Peter Wysocki - Director of Planning and Community Development

Attachments: [Resolution](#)[1- Service Plan and Ordinance Amendment Transmittal Letter](#)[2- District Resolution Approving Name Change - SW Downtown MD Nos. 1 & 2](#)

Please see comments in Agenda item 8.D.

- 8.F.** [21-570](#) A resolution approving the Second Amendment to the Service Plan for Upper Cottonwood Creek Metropolitan District Nos. 2-5 to Modify the Maximum Authorized Debt Limits for Each District in Wolf Ranch.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Resolution](#)[Exhibit 1- Second Amendment to Service Plan - UCC MD Nos. 2-5](#)[1- Service Plan Amendment Cover Letter - UCC MD Nos. 2-5](#)[2- Petition for Approval - Signed](#)[3- Existing Service Plan UCCMD District Nos. 2-5.pdf](#)[4- Upper Cottonwood Creek MD No. 3 - Order for Exclusion-Order](#)[5- Order-Upper Cottonwood Creek MD No. 5 -Order for Inclusion](#)[PowerPoint \(Service Plan Amendment and Debt Authorization\)](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a second amendment to the service plan for Upper Cottonwood Creek Metropolitan District Nos. 2-5 to modify the maximum authorized debt limits for each district in Wolf Ranch. He gave an overview of the vicinity map, service plan amendment, revised debt limits, districts' background/history, prior/recent boundaries, and current boundaries. Mr. Schueler identified the existing debt, questions/comments from the Budget Committee, and next steps.

There were no comments on this item.

- 8.G.** [21-569](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving a First Service Plan Amendment for the Reagan Ranch Metropolitan Districts No. 1 through 3 to modify the District Structure and modify the Maximum Authorized Debt Limits for each District in an area located northeast of the Colorado Springs Airport within the Banning Lewis Ranch area.

Presenter:

Carl Schueler - Comprehensive Planning Manager, Planning and
Community Development

Peter Wysocki - Director of Planning and Community Development

Attachments: [Resolution](#)

[Exhibit 1-Amendment to Service Plan - Reagan Ranch MD Nos. 1-3](#)

[1- Service Plan Amendment Cover Letter - Reagan Ranch MD Nos.
1-3](#)

[2- Petition - Reagan Ranch MD No 1, 2 & 3](#)

[3- Original Service Plan \(Resolution 70-20\)](#)

[4- 20210924 RR DISTRICT MAP EXHIBIT V3](#)

[5- Reagan Ranch District Restructure Map-After](#)

[PowerPoint](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolutions approving a first service plan amendment for the Reagan Ranch Metropolitan Districts No. 1 through 3 to modify the district structure and modify the maximum authorized debt limits for each district and issuance of debt by the Reagan Ranch Metropolitan District No. 1 in the form of General Obligation Limited Tax Bonds in an aggregate amount not to exceed \$18,200,000 within the Banning Lewis Ranch area. He provided a summary and an overview of the vicinity map, districts' background/history, prior/new boundaries, development status, and service plan amendment. Mr. Schueler identified the revised debt limits, debt issuance, improvements to be funded, potential funded improvements, questions/comments from the Budget Committee, and next steps.

Councilmember Henjum asked if the reason for a zone change is due to the proposed boundary changes. Mr. Schueler stated the boundaries of the district will move around as development occurs which does not require a service plan amendment, but when the structure of the districts change it does.

8.H. [21-571](#)

A resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of debt by the Reagan Ranch Metropolitan District No. 1 in the form of General Obligation Limited Tax Bonds in an aggregate amount not to exceed \$18,200,000 located northeast of the Colorado Springs Airport in the Banning Lewis Ranch Master Plan Area.

(Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

Attachments: [Resolution](#)

[1- Bond Issuance Cover Letter - Reagan Ranch MD Nos. 1 & 2](#)

[2- G RRMD#1 Financial Plan](#)

[3- DRAFT Authorizing Resolution - RRMD#1\(6169261.1\)](#)

[4- DRAFT Resolution - RRMD#2](#)

[5- DRAFT Series 2021A\(3\) Indenture of Trust - Reagan Ranch\(6169247.1\)](#)

[6- DRAFT Pledge Agreement - Reagan Ranch MD#2](#)

[7- Reagan Ranch Metropolitan District No. 1 - Public Improvements Summary - Initial Inclusions {09.2021}](#)

[8- Reagan Ranch MD No. 2 - Regional Public Improvements Summary - with Initial Inclusions {09.2021}](#)

[9- Reagan Ranch Metropolitan District No. 3 Public Improvements Summary - Future Inclusions {09.2021}](#)

[10- DRAFT Reagan Ranch MD Nos. 1 & 2 GC Opinion](#)

[11- DRAFT Bond Counsel Opinion - RRMD#1](#)

Please see comments in Agenda item 8.G.

8.I. [21-391](#)

Approval of the Proposed 2022 Operating Plan and Budget for the Barnes & Powers North Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

Attachments: [2022 Operating Plan - Barnes & Powers North BID\(6212310.1\)](#)

[10-11-2021 BIDpresentation](#)

Carl Schueler, Planning Manager, Comprehensive Planning presented the proposed 2022 budget for the Colorado Springs Downtown Development Authority (DDA) and the proposed 2021 operating plans and budgets for the fifteen Business Improvement Districts (BID). He explained the annual budget and mill levy approval by City Council is required for the DDA and annual budget and operating plan approvals by City Council are required for BIDs. Mr. Schueler identified the refinements for this cycle, Greater Downtown BID, list of other BIDs, BID name changes, proposed mill levy changes, requests for debt issuance, developer advances, public improvement fees (PIFs), boundary changes, and districts which have less than full boards. He identified examples of ownership and maintenance, overlapping districts/DDA, overlapping Urban Renewal Authorities, the

United States Air Force Academy (USAFA) Visitors Center BID, ongoing edits, Special District Working Group process, and next steps.

President Strand asked who appoints members to the DDA. Mr. Schueler stated that board is appointed by City Council.

Councilmember Helms asked for additional information regarding the name change for the USAFA Visitors Center BID. Mr. Schueler stated it is his understanding that the United States Air Force Academy requested their name be removed from the district name.

Councilmember Henjum asked if the BIDs were included in the audit of the City Auditor for metropolitan districts. Mr. Schueler stated they were not because the audit was only focused on certain parts of metropolitan districts.

Councilmember Henjum asked about the level of confidence in the governance of other boards. Mr. Schueler stated these boards are public entities and the fundamental responsibility of these boards are subject to open meetings, open records, and statutory responsibilities. He stated there are also checks and balances in place related to debt which is approved by City Council.

Councilmember Murray asked if there have been any court cases related to vertical overlapping of districts. Mr. Schueler stated vertical segregation has not occurred physically yet, but there are limits to the aggregate mill levy.

President Strand asked who funded the \$5.7 in predevelopment advance to the USAFA Visitors Center BID. Mr. Schueler stated the project developer, Dan Schnepf and his team fronted that money.

President Strand asked if there is a maximum amount of PIF that can be charged. Mr. Schueler stated there is not.

Councilmember Donelson asked if there is a control in place for the eight percent interest rate on the USAFA Visitors Center BID advance so that the developer does not refinance at a lower rate and make a profit on it. Russ Dykstra, Spencer Fane, LLC, representing the districts stated eight percent does not come close to the developers cost for borrowing that

money because construction loans are generally at ten to twelve percent and they do look at the interest rates with the district boards to ensure it is a reasonable rate.

- 8.J. [21-392](#) Approval of the Proposed 2022 Operating Plan and Budget for the Barnes & Powers South Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

Attachments: [2022 Operating Plan and Budget - Barnes & Powers South BID\(6212323.1\) \(1\)](#)

Please see comments in Agenda item 8.I.

- 8.K. [21-393](#) Approval of the Proposed 2022 Operating Plan and Budget for the Briargate Center Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

Attachments: [2022 Operating Plan\(00847659-1_xAF7F5\)](#)

Please see comments in Agenda item 8.I.

- 8.L. [21-394](#) Approval of the Proposed 2022 Operating Plan and Budget for the Creekwalk Marketplace Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

Attachments: [2022 Operating Plan and Budget - Creekwalk Marketplace BID\(6215120.1\)](#)

Please see comments in Agenda item 8.I.

- 8.M. [21-395](#) Approval of the Proposed 2022 Operating Plan and Budget for the First and Main Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2022 Operating Plan and Budget - First & Main BID\(6212425.1\)](#)

Please see comments in Agenda item 8.I.

- 8.N. [21-396](#) Approval of the Proposed 2022 Operating Plan and Budget for the First and Main Business Improvement District No. 2

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

Attachments: [2022 Operating Plan and Budget - First & Main BID No. 2\(6213515.1\)](#)

Please see comments in Agenda item 8.I.

- 8.O.** [21-397](#) Approval of the Proposed 2022 Operating Plan and Budget for the First and Main North Business Improvement District

Presenter:
Carl Schueler, Comprehensive Planning Manager

Attachments: [2022 Operating Plan and Budget - First & Main North BID\(6212376.1\)](#)

Please see comments in Agenda item 8.I.

- 8.P.** [21-398](#) Approval of the Proposed 2022 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District

Presenter:
Carl Schueler, Comprehensive Planning Manager

Attachments: [2022 BID Operating Plan and Budget](#)

Please see comments in Agenda item 8.I.

- 8.Q.** [21-399](#) Approval of the Proposed 2022 Operating Plan and Budget for the GSF Business Improvement District

Presenter:
Carl Schueler, Comprehensive Planning Manager

Attachments: [2022 GSF BID Operating Plan and Budget\(6214504.1\)](#)

Please see comments in Agenda item 8.I.

- 8.R.** [21-400](#) Approval of the Proposed 2022 Operating Plan and Budget for the Interquest North Business Improvement District

Presenter:
Carl Schueler, Comprehensive Planning Manager

Attachments: [2022 Operating Plan and Budget - Interquest North BID\(6215590.1\)](#)

Please see comments in Agenda item 8.I.

- 8.S.** [21-401](#) Approval of the Proposed 2022 Operating Plan and Budget for the Interquest South Business Improvement District

Presenter:
Carl Schueler, Comprehensive Planning Manager

Attachments: [2022 Operating Plan and Budget - Interquest South BID\(6214009.1\)](#)
[\(1\)](#)

Please see comments in Agenda item 8.I.

- 8.T.** [21-402](#) Approval of the Proposed 2022 Operating Plan and Budget for the Interquest Town Center Business Improvement District

Presenter:
Carl Schueler, Comprehensive Planning Manager

Attachments: [2022 Operating Plan and Budget - Interquest Town Center BID\(6214128.1\)](#)

Please see comments in Agenda item 8.I.

- 8.U.** [21-403](#) Approval of the Proposed 2022 Operating Plan and Budget for the MW Retail Business Improvement District

Presenter:
Carl Schueler, Planning Manager - Comprehensive Planning

Attachments: [2022 Operating Plan and Budget - MW Retail BID\(6214380.1\)](#)

Please see comments in Agenda item 8.I.

- 8.V.** [21-404](#) Approval of the Proposed 2022 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District

Presenter:
Carl Schueler, Comprehensive Planning Manager

Attachments: [2022 Operating Plan and Budget - Powers and Woodmen Commercial BID\(6212334.1\)](#)

Please see comments in Agenda item 8.I.

- 8.W.** [21-405](#) Approval of the Proposed 2022 Operating Plan and Budget for the SW Downtown Colorado Springs Business Improvement District

Presenter:
Carl Schueler, Comprehensive Planning Manager

Attachments: [2022 Operating Plan and Budget - Park Union BID, fka SW Downtown BID\(6214445.1\) \(1\)](#)

Please see comments in Agenda item 8.I.

- 8.X.** [21-406](#) Approval of the Proposed 2022 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

Attachments: [USAFA BID - 2022 Operating Plan and Budget - 2020 10 05\(6216973.1\)](#)

Please see comments in Agenda item 8.I.

9. Items Under Study

- 9.A. [CPC CA 20-00005](#) Update on the amendment of City Code Chapter 7 (Zoning and Subdivision Regulations)

Presenter:

Morgan Hester, Planning Supervisor

Peter Wysocki, Director of Planning and Community Development

Attachments: [ReToolCOS_10-11-21](#)

Morgan Hester, Planning Supervisor, Planning and Community Development, presented the overview of the public consolidated draft of ReToolCOS. She went over the Articles of the Unified Development Code (UDC) Organization, footnotes, and proposed changes to the zone district, use regulation, development standards, administration, definitions, and next steps. Mr. Wysocki identified the current City Code for appeals, previous appeals proposal, current appeals concept, and requested staff direction.

Councilmember Henjum requested a discussion regarding when an appeal item would be minor and able to be decided administratively and when it needs to come before City Council.

Councilmember Murray stated if a citizen discovers an error in a traffic study, they should be able to just identify the error rather than a whole new traffic study.

President Pro Tem Skorman agreed with Councilmember Henjum that a threshold for appeals to City Council needs to be determined. He stated anything that involves health, safety, or property value should come before City Council.

Peter Wysocki, Director of Planning and Community Development, stated there are minor and major applications already determined in the current and proposed City Code, but the appeal process is the same. He suggested dimensional standards such as building setbacks, fence height,

and things of that nature be appealable only to the Planning Commission and land use related applications such as development plans and conditional use permits be appealable to City Council. Mr. Wysocki stated the majority of appeals are based on whether or not Administration made an erroneous interpretation of a report such as the traffic study and a neighborhood not wanting a commercial use of a property near their residential development and it needs to be determined if those are sufficient grounds for appeal.

Councilmember Williams stated the Planning Commission does a very good job of resolving appeals and he would be more open to a City Council appeal process if the staff and the Planning Commission reached different conclusions.

Councilmember Donelson asked how many times a minor application has been appealed to City Council. Ms. Hester stated year-to-date, they have received 766 applications which do not include permits, ten have been appealed, and six of them were short-term rental permit related.

Councilmember O'Malley stated it is unreasonable to ask a citizen to provide their own traffic study and recommended the quasi-judicial process be changed to where a Councilmember could call up the issue being appealed and vote on whether or not it goes before City Council. Ms. Hester stated that process does occur in other jurisdictions.

Councilmember Avila stated she agrees with Councilmember O'Malley's recommendation for a majority vote by City Council regarding whether it would be heard.

Councilmember Avila asked for additional information regarding parking requirements. Ms. Hester stated overall it is being proposed that there will be a parking reduction based on the project or use.

Councilmember Williams stated part of the appeal process should include identifying what the perceived errors are and does not know how effective a majority vote of City Council would be in deciding whether an appeal goes forward.

Councilmember Murray stated he does not believe an individual's right to appeal should be restricted, but the structure of the appeal hearing should

be condensed.

President Strand read sections of an email provided Dutch Schulz, Old North End Neighborhood President, which stated “explain where standards came from (new or existing)” and “Counter study/report requirement - This concept would be a gift to every entity that wished to delay the approval process. Here is why: The City's study is complete the results are announced. The affected party immediately files an appeal. The appealing party could not have a counter study completed before the announcement of the results so any action on this matter must wait for the counter study to be completed.”

Councilmember Donelson asked if neighborhood associations will be dropped from parties eligible to appeal. Ms. Hester stated the language does not specifically reference the neighborhood associations, but when notifications are sent out within a one thousand foot buffer of the project, if that neighborhood association is within that buffer, they will receive the notice. She stated the appeal however would have to be submitted by a neighbor within that buffer, not the neighborhood association itself in order to prevent it from speaking on behalf of all the neighbors. Mr. Wysocki stated the neighborhood association can still meet and provide comments to the City.

Councilmember Henjum requested clarification regarding neighborhood associations versus homeowner's associations (HOA) asked if neighborhood associations have the right to appeal. Ms. Hester stated she will research that information.

Councilmember Murray stated HOAs should not be restricted from being able to appeal.

Jeff Greene, Chief of Staff, stated Staff is trying to come to a consensus with City Council regarding an entities' appeal rights and they will identify the legal differences between associations and HOAs based upon what entitlements and authority they hold.

10. Councilmember Reports and Open Discussion

Councilmember Henjum stated she attended the Housing for All Solutions workshop.

Councilmember Avila stated she hosted a Southeast Town Hall meeting which was well attended.

Councilmember Williams expressed appreciation for the remodel of City Hall, the new pictures, and for Bob Isaac and Leon Young who both played a key role in helping him get started in City government.

Councilmember Donelson stated he and several Councilmembers attended the 15th Annual Legislative Town Hall hosted by the Resource Exchange, the groundbreaking ceremony for the Guest House at St. Francis, the ribbon cutting ceremony for the Powers Boulevard Interchange, the graduation ceremony for the four new Community Service Officers, and the Motorless Monday event at Garden of the Gods.

President Pro Tem Skorman expressed appreciation for Judy Noyes and stated the ballots have been mailed out with lots of good active campaigning for Issues 2.C. and 2.D.

President Strand expressed gratitude for the Community Service Officers who serve the City and he attended a ransomware webinar.

11. Adjourn

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

Sarah B. Johnson, City Clerk