



City of Colorado Springs

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

Meeting Minutes - Draft Council Work Session

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Monday, April 11, 2016

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 requested the Executive Session be moved to the end of the meeting today. Consensus of Council agreed to this agenda change.

3. Regular Meeting Comments

Councilmember Knight stated he will pull agenda items 4.B.B. and 4.B.F from the Consent Calendar tomorrow.

Councilmember Strand requested approval from Council to attend the Convention and Visitors Bureau Conference in Ohio. Councilmember Knight stated Colorado Springs is getting an award from the Association of Military Communities in Washington D.C. in June and requested permission to attend the ceremony using his Council Funds. Consensus of Council agreed to these spending requests.

4. Review of Previous Meeting Minutes

4.A. [16-287](#) City Council Work Session Meeting Minutes March 21, 2016

Presenter: Sarah Johnson, City Clerk

The Meeting Minutes were approved as presented.

5. Executive Session

5A. Open

There was not an Open Executive Session.

5B. Closed**5B.A. [16-272](#) Closed Executive Session**

Presenter:

Wynetta Massey, City Attorney

Wynetta Massey, City Attorney, stated the purpose of the Closed Executive Session is to discuss (1) legal advice and negotiation consultation with the City Attorney regarding a pending litigation matter; and (2) legal advice and consultation with the City Attorney regarding ordinances. Ms. Massey recommended discussion on the second item, regarding ordinances, be postponed to the April 12, 2016 Closed Executive Session, due to the late hour of the meeting.

Council President Bennett polled Council regarding the desire to proceed with the discussion in a Closed Session. Consensus of Council agreed to proceed with the Closed Session and with postponing the ordinance discussion.

6. Staff and Appointee Reports**6.A. [16-309](#) A resolution approving an Intergovernmental Agreement between Pueblo County, Colorado and the City of Colorado Springs, Colorado pertaining to expenditure of funds for stormwater capital improvement projects, and authorizing execution of such intergovernmental agreement**

Presenter:

Mayor John Suthers

Mayor John Suthers introduced this draft Intergovernmental Agreement between the City, Colorado Springs Utilities and Pueblo County. Under the proposed agreement, the City and Colorado Springs Utilities commit to spend a total of \$460 million over 20 years, beginning this year. The commitments set forth in this agreement essentially replace a City Stormwater Enterprise that was defunded in 2009. Jerry Forte, CEO of Colorado Springs Utilities, provided a summary of this agreement from a Utilities perspective.

David Robbins, Outside Counsel, recognized the efforts of Michael Kelso in the development of this agreement and reviewed the legal aspects of the agreement.

Mayor Suthers stated Council will be asked to approve the agreement by resolution on April 26, 2016.

There were no Councilmember questions or comments on this item.

6.B. [15-00760](#) Financial Report - City of Colorado Springs

Presenter:

Kara Skinner, Chief Financial Officer

Kara Skinner, CFO, presented the financial report.

Councilmember Strand requested clarification of the term "Use Tax". Ms. Skinner stated Use Tax is applied to items purchased outside of the City and brought into the City for use.

Councilmember Murray asked what the estimated economic impact of the new marijuana legislation will be. Ms. Skinner stated they have not done any studies on this to date.

6.C. [15-00786](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

There were no questions or comments on this agenda item.

7. Presentations for General Information

7.A. [16-227](#) Downtown Colorado Springs Update

Presenter:

Susan Edmondson, President & CEO, Downtown Partnership of Colorado Springs

Susan Edmondson, President and CEO of the Downtown Partnership, provided a quarterly update of the activities of the Downtown Partnership.

Council President Pro Tem Gaebler expressed appreciation for the activities the DDA has participated in.

Councilmember Knight asked what the status of the pedestrian bridge is and how it will be funded. Ms. Edmondson and City Staff will provide this information to Council at a later date.

Councilmember Strand asked what vacancies are available in the downtown area. Ms. Edmondson stated there are numerous vacancies in the downtown area, the challenge is having the appropriate space to meet the needs of interested businesses.

Councilmember Strand asked if the number of tourists visiting the downtown area is measured. Ms. Edmondson stated the only real opportunity to capture this data is through visits to cultural attractions such as the museums. Hotel occupancy rate data is proprietary due to the limited number of hotels in the downtown area.

Councilmember Murray requested a monthly report of the activities of those protesting the Pedestrian Access Act. Ms. Edmondson agreed to monitor this situation.

7.B. [16-255](#) Pikes Peak Continuum of Care (CoC) Update

Presenter:

Shawna Kempainen, CoC Governing Board Chair (Executive Director, Urban Peak)

Anne Beer, CoC Administrator (VP of Income & Housing Stability, Pikes Peak United Way)

Mike DeGrant, Vice Chair of the CoC, thanked Council for their support of programs to address homelessness in the community and provided an overview of the activities and goals of the organization.

Councilmember Strand asked how funds can be multiplied to provide additional services. Anne Beer, CoC Administrator, stated coordination of benefits and strategic use of funds can increase the impact funds have on the community.

Councilmember Strand asked why there is a larger increase in the number of homeless families and veterans than individuals. Ms. Beer stated the available shelter space limits services and creates a seemingly stable amount of homeless individuals. There are more funding sources available for veterans and families, creating a seemingly larger increase in these homeless populations.

Councilmember Murray spoke about the protest on Saturday and expressed appreciation for the information provided about where help is available and what is being done to rectify homelessness in Colorado Springs. Ms. Beer stated the strategic plan addressed homelessness

and the community is reaching out to assist people and get community members involved.

Councilmember King commented on the positive effects of this organization on the community. Ms. Beer stated there are positive results and the focus is frequently on the visibly homeless, rather than the four to five thousand who have been helped.

7.C. [16-00127](#) Emergency Preparedness Shelter Kit for People with Disabilities

Presenter:

Michael Killebrew, ADA Title II Coordinator, Risk Management/HR Department

John Monteith, Occupational Therapist and Disability Consultant, provided a summary of the need for resources to assist individuals with disabilities in emergency shelters. Mr. Monteith presented an emergency resource kit to Bart Howard with the Office of Emergency Management and Michael Killebrew, ADA Coordinator with the City, to be used in the next emergency or disaster relief situation as needed.

7.D. [16-254](#) Briefing on 2016 City Council Redistricting Process

Presenter:

City Clerk Sarah B. Johnson

Sarah Johnson, City Clerk, provided an overview of the redistricting process. Ms. Johnson provided additional information about campaign finance and running for City Council in the 2017 election adding a reminder that Council district lines may change between now and the election.

Council President Bennett stated this is the first time an advisory committee has been formed and stressed the importance of this committee providing advice to the City Clerk. Information about applying for the advisory committee is available on the City Website, the application deadline is April 29, 2016.

8. Items for Introduction

8.A. [16-00093](#) A resolution in support of Colorado Springs' Council of Neighbors and Organizations and Neighbor Up! Week in Colorado Springs

Presenter:

Councilmember Jill Gaebler
Nina Vetter, Senior Analyst, Finance

Council President Pro Tem Gaebler introduced this resolution supporting Neighbor Up! Week and stated a contract between the City and The Council of Neighborhoods and Organizations (CONO) is in the final drafting stages. Jeff Greene, Chief of Staff, explained City funds supporting this organization come from the General Fund.

Nina Vetter, Senior Analyst, spoke about the Citizens College aimed at educating citizens about community government. Mr. Greene endorsed this collaborative activity. Dave Munger, Executive Director of CONO, expressed appreciation for Council's support of CONO and the development of this program.

- 8.B.** [16-00209](#) A Resolution authorizing the abandonment of the Lodgers and Auto Rental Tax (LART) Pikes Peak Cycling USA Pro Cycling Challenge project in the amount of \$225,000 and the transfer of the LART funds in the amount of \$150,000 to the Pikes Peak Summit House LART project and \$50,000 to the Haute Route cycling event project, with the remaining \$25,000 to be returned to the LART fund balance

Presenter:

Fred Veitch & Jack Damioli, Co-Chairs, LART Citizens Advisory Committee
Councilmembers Tom Strand & Helen Collins

Fred Veitch, Co-chair, LART Citizen Advisory Committee, explained this reallocation of funds is necessary due to the Pro Cycle Challenge not coming to Colorado Springs this year. The designated funds will be re-allocated to the Pikes Peak Summit House and the Haute cycling event.

- 8.C.** [16-244](#) An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) For a Supplemental Appropriation to the Pikes Peak - America's Mountain Fund in the Amount of \$150,000 For The Pikes Peak Summit Complex Project

Presenter:

Jack Glavan, Pikes Peak - America's Mountain Manager - Parks, Recreation and Cultural Services Department

Jack Glavan, Pikes Peak Manager, explained the reallocated funds will be applied to construction of the new Pikes Peak Summit House.

Councilmember Knight asked why there are two legislative actions for

this proposal. Charae Moore, Budget Manager, explained the funds were designated for the LART account and are being transferred to the Pikes Peak Highway fund requiring the dual action.

Councilmember Collins spoke in support of the LART Committee and the re-allocation of these funds.

Please also see comments in agenda item 8.B.

8.D. [16-242](#)

A resolution adopting rules and procedures for the Lodgers and Automobile Rental Tax (LART) Citizens' Advisory Committee

Councilmembers Collins and Strand supported the proposed rules and procedures bringing the LART Committee in-line with other committees receiving City funds.

Councilmember Knight complemented Mr. Veitch's leadership of the LART Committee and requested an update on the proposed observatory.

Please also see comments in agenda item 8.B. and 8.C.

8.E. [16-00118](#)

A resolution to adopt the 2016 Hazard Mitigation Plan for the City of Colorado Springs

Presenter:

Bart Howard, Deputy Director, Colorado Springs Office of Emergency Management

Bart Howard, Deputy Director, Colorado Springs, OEM, provided an overview of the Plan, which has been approved by the State and FEMA.

Councilmember Knight requested an update on improvements to drainage plains, eliminating homes in the vicinity of 31st Street and Highway 24 from the 100 year flood plain threat and requested the meeting scheduled with City Engineering include a flood discussion. Mr. Greene will address this request.

Councilmember Collins commented on the importance of keeping the plan updated and urged Ms. Krager to watch entry and exit points of new large buildings and developments to ensure adequate egress routes in the event of an emergency situation.

Council President Bennett commented on the importance of these plans

and expressed appreciation for the work done.

- 8.F. [16-00078](#) An Update Regarding the Proposed Land Exchange between the City of Colorado Springs and the Manitou and Pike's Peak Railway Company, COG Land and Development Company, PF LLC, and The Broadmoor Hotel, Inc., collectively referred to as "Broadmoor"

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services

Karen Palus, Director of Parks, Recreation and Cultural Services, provided an update in this proposal and a brief overview of how citizen concerns have been addressed. City Staff provided additional details about how specific aspects of the proposal have been amended in response to citizen concerns. Matt Mayberry, Cultural Services Manager, spoke about the impact of this proposal to the National Register Designation of North Cheyenne Canyon Park. Kurt Schroeder, Parks Maintenance, Open Space and Trails Manager spoke about how the City is addressing concerns of trash and graffiti on the property. Katheleen Krager, Transportation Manager, provided the results of a traffic study done on the area. Chris Lieber, Park Development Manager, spoke about the conservation easements associated with the proposal. Ronn Carlentine, City Real Estate Services Manager, spoke about the City's Land exchange process and the appraisal process. Rene Congdon with the City Attorney's Office spoke about the City's authority to exchange or sell the property.

Council President Pro Tem Gaebler asked if the appraised value of the incline includes the improvements to the property. Mr. Carlentine stated the appraised amount is just for the land.

Councilmember Murray asked when the appraisal information will be made public. Mr. Greene stated the appraisals will be made public once the third party appraisal is completed and the parties involved in the transaction agree to release of the information.

Councilmember Murray asked about maintenance of Bear Creek Park. Mr. Greene stated that once the property exchange has been finalized, the City and the County will enter into an agreement regarding maintenance of that property.

Councilmember Knight asked if the deed restriction prohibiting intoxicating beverages on the property will continue if the property is

sold. Ms. Congdon stated she believed the deed restrictions would remain with the property. Councilmember Knight asked if this proposal was put to a vote, if it could be combined with the potential special election on the marijuana consumption club referenda. Ms. Congdon explained for this item to be decided by a vote, Council would have to take this issue out of the City Code process. David Andrews, Legislative Counsel, stated Council has the authority to refer this item to a ballot; he will research the feasibility of combining this item with other items on a special election ballot.

Ms. Palus provided a historical overview of how and when the City acquired the parcels to be exchanged and summarized the top ten issues of the Park System Master Plan. Nine of those ten issues are resolved with this proposed land exchange.

Councilmember Murray asked how this exchange will solve funding issues. Ms. Palus stated this exchange will allow the department to acquire desired property without needing cash to purchase the properties and eliminate the need for work in the Strawberry Field area.

Councilmember Strand asked about the master plan for this land, if it is acquired. Ms. Palus stated the development of a master plan for the property will follow acquisition of the property and include the public process.

Councilmember Knight requested additional information about the location of the planned buildings on the property and inclusion of a revocability clause should the conservation easement plan fall through. Ms. Palus stated Mr. Damioli will provide detailed information about the location of planned construction on the property and stated a reversion clause is being drafted. Councilmember Knight asked if a lease agreement similar to the one in Venezia Park has been considered and if the easements and access to the utilities property can be achieved through another form of agreement. Ms. Palus stated the scope of the properties involved has not made a lease or other form of agreement a viable option in this situation.

Jack Damioli, President/CEO the Broadmoor, provided an overview of the proposal from the Broadmoor's perspective. The non-revocable conservation easement will prohibit development of the property with the exception of the riding stables. The Broadmoor will maintain and clean

the property including performing fire mitigation, planting native trees, flowers and grasses, as well as limiting the uses of the property.

Councilmember Murray asked how people will be kept out of the stable area without fences. Mr. Damioli stated he believes people will stay on the hiking trails and respect the property.

Council President Pro Tem Gaebler asked if the pavilions will be available for rent by the public. Mr. Damioli stated the picnic areas will be available for rent through the Broadmoor. Ms. Gaebler urged people to see this as a similar development to the riding stables in Palmer Park.

Citizen Richard Skorman, representing those in opposition to this proposal, thanked Council for the opportunity to present the opposition to this proposal today. He also thanked Mr. Damioli and Ms. Palus for the open communication about this proposal. Kent Obi, representing the opposition, suggested a land exchange of this magnitude should be closely scrutinized and presented some of the objections and concerns about this proposal. Mr. Skorman presented details of the opposition and offered to raise money to allow the City to purchase the property as an alternative to this exchange.

Citizen Glen Montgomery spoke in support of the proposal, stating the Strawberry Hill site is a very small fraction of the total park property in the City, there are numerous recent land exchanges involving City property, The Broadmoor is agreeing to restore and maintain the property as well as improve trails and bridges and perform fire mitigation and erosion control on the site.

Councilmember Knight was excused.

8.G. [16-277](#)

An ordinance amending Section 105 (Additional Standards For Specific Land Uses Allowed In Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) Of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Personal Cultivation of Marijuana and Medical Marijuana.

Presenter:

Peter Wysocki, Director of Planning and Community Development

Councilmember Bagley provided a summary of agenda items 8.G.

through 8.K. which include the draft ordinances implementing the recommendations of the Medical Marijuana Task Force.

Peter Wysocki, Director of Planning and Community Development, provided a summary of the proposed changes to City Code in agenda item 8.G., limiting the number of plants in a residence to 12 and placing other zoning restrictions on the growth of medical marijuana in a residential area.

Councilmember Murray asked why 36 plants allowed per household under current code. Mr. Wysocki explained a patient can grow up to six plants for themselves. The current restriction was based on the six plant maximum, plus six an additional plants for up to five more people if the individual is also a caregiver, with a maximum of one caregiver per household. Councilmember Murray asked if there is a medical basis for this restriction, Mr. Wysocki stated it is a life safety measure based on the requirements for growing marijuana.

Sean Mandel, Commander, Metro Vice, Narcotics and Intelligence, CSPD, introduced representatives from the Drug Enforcement Agency (DEA), Resident Agent In-charge, Tim Scott and Wendy Rower, Field Intelligence Manager, Denver DEA, provided a summary of what the DEA is seeing as a law enforcement agency from the large-scale, home-based marijuana grow operations in El Paso County. Ms. Rower and Mr. Scott provided a presentation on the types of grow operations in the State and the detrimental effects of these operations on residences. Council discussed the marijuana industry with the DEA representatives at length.

Commander Mandel spoke about law enforcement efforts to bring home grows into compliance and how this proposed legislation will assist with enforcement efforts.

Councilmember King asked if the CSPD has any idea of how many grow facilities are in the City. Commander Mandel stated they believe there are at least 200 houses in the City limits growing marijuana on a larger scale.

8.H. [16-291](#)

An ordinance amending Section 302 (Definitions Of Use Types) of Part 3 (Land Use Types And Classifications) of Article 2 (Basic Provisions, Definitions And Land Use Types And Classifications) and Sections 203 (Permitted, Conditional And Accessory Uses) and 205

(Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

Presenter:

Peter Wysocki, Director of Planning and Community Development

Peter Wysocki provided a brief overview of the proposed changes to medical marijuana commercial cultivation operations from a planning perspective; including limiting these operations to M1 and M2 zoned areas by right and other areas as a conditional use. Infused product manufacturers would be classified as hazardous and non-hazardous, with hazardous operations being restricted to M1 and M2 zones and non-hazardous operations to M1 and M2 zones by right and other areas as a conditional use. Mr. Wysocki also reviewed proposed changes to City Code and Zoning regulations relating to these operations.

Councilmember Murray asked about enforcement. Mr Wysocki stated the proposed changes would encourage collaboration between CSPD, CSFD and Code Enforcement.

8.I. [16-275](#)

An ordinance amending Section 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

Presenter:

Peter Wysocki, Director of Planning and Community Development

Mr. Wysocki outlined the proposed ordinance to increase distance restrictions from Medical Marijuana Centers to schools and other facilities from 400 feet to 1000 feet.

8.J. [16-276](#)

An ordinance creating a new Section 210 (Personal Cultivation of Medical Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to personal cultivation of medical marijuana

Presenter:

Larry Bagley, Council Member

Commander Mandel stated the plan is to establish clear legislative

guidelines to enable enforcement through municipal court.

Council continued to discuss how these proposed ordinances will be enforced and help the City deal with the issues currently associated with marijuana cultivation operations. Michael Curran, Prosecuting Attorney, stated failure to comply with City Code and/or zoning restriction can result in fines and or incarceration depending on the scope and severity of the infraction. Bret Waters, Deputy Chief of Staff, endorsed the proposed ordinances as a way for local enforcement agencies to start enforcing the plant limits and begin controlling the undesirable effects of this industry on our City.

- 8.K. [16-278](#) An ordinance amending Section 107 (Application Investigation; Decision), Section 108 (Suspension or Revocation; Hearings; Decision), and Section 109 (Unlawful Acts) of Part 1 (Medical Marijuana License Code) of Article 2 (Marijuana) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana License Code

Presenter:

Councilmember Larry Bagley
City Clerk Sarah Johnson

Sarah Johnson, City Clerk, provided an overview of the proposed business licensing changes.

There were no questions or comments on this agenda item.

9. Items Under Study

- 9.A. [16-00188](#) Briefing & discussion relating to refugee resettlement

Presenter:

Councilmember Andres Pico

Councilmember Pico provided a very short update on this item and requested to postpone this discussion to the April 25, 2016 meeting.

10. Councilmember Reports and Open Discussion

Council President Bennett stated there is pending State legislation designating a portion of U.S. Highway 24 as a memorial to the Buffalo Soldiers.

Councilmember Murray stated he attended the demonstration against the Pedestrian Access Act on Saturday in Acacia Park and applauded

the Police for their work.

Councilmember King commented on his work reviewing the City Charter.

10. Adjourn