



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, October 24, 2016

1:00 PM

Council Chambers

1. Call to Order

- Present** 7 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Don Knight, Councilmember Andy Pico, and Councilmember Tom Strand
- Excused** 2 - Councilmember Keith King, and Councilmember Bill Murray

2. Changes to Agenda

Council President Bennett stated he will introduce visitors from Colorado Springs Sister City of Smolensk Russia when they arrive.

3. Regular Meeting Comments

Councilmember Pico stated he intends to pull agenda items 4.B.I., 4.B.J. and 4.B.K. from the Consent Calendar for tomorrow.

Councilmember Knight requested additional information on the annexation of the Northcreek Estates, he would like to see both letters from the Air Force Academy referenced in the staff memo and the facilities comments on the drainage plan prior to the meeting tomorrow.

4. Review of Previous Meeting Minutes

- 4.A. [16-635](#) City Council Work Session Meeting Minutes October 10, 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

There was not a Closed Executive Session.

6. Staff and Appointee Reports**6.A. [16-00145](#) Financial Report - Memorial Health System Enterprise**

Presenter:

Kara Skinner, Chief Financial Officer

Councilmember Knight asked why there are still legal fees being paid out of the account. Kara Skinner, CFO, explained the City Attorney's Office charges the account for their time on a periodic basis.

6.B. [15-00800](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

There were no questions or comments on this item.

6.C. [16-00025](#) Quarterly Strategic Plan Implementation Update

Nina Vetter, Senior Analyst, highlighted the activities and progress working toward meeting the goal of the strategic plan.

Councilmember Strand asked if there have been any new jobs created as measured by the strategic planning process. Bob Cope, Economic Development Manager, stated they have worked on measuring job creation in the community and roughly 8,800 jobs were created in 2015.

Councilmember Strand asked about the implementation of a 311 system. Ms. Vetter stated 311 is a big part of communication which is an important part of the strategic plan and in the planning process.

7. Presentations for General Information**7.A. [16-406](#) Council's Special Marijuana Working Group Recommendations Concerning Regulations to Address Licensing Hardships and Feasibility of a Board Relating to Licensure of Marijuana-Related Businesses**

Presenter:

Bret Waters, Chair, Marijuana Working Group
Councilmember Larry Bagley

Councilmember Bagley stated the group has been meeting twice a month for several months and will be coming to Council with recommendations on membership in the near future.

Sarah Johnson, City Clerk, provided a review of the current moratorium and licensing process. There have been a limited number of requests for change of location during the moratorium.

Councilmember Collins asked what determines a "hardship". Ms. Johnson stated the only hardship at this time is an expiring lease agreement.

Bret Waters, Deputy Chief of Staff, stated the group is requesting Council provide direction on the consideration of additional hardship provisions during the remainder of the moratorium.

Renze Waddington and Tom Scudder, representing the medical marijuana industry on the working group, presented a summary of the locations of marijuana facilities and the impact the moratorium has had on the industry. They stated four to five facilities might use a revised hardship clause to relocate during the moratorium. They sent an email to the entire industry and received some feedback regarding difficulties the moratorium has caused, noting an additional four to five businesses have been prohibited from getting set up due to the moratorium.

Peter Wysocki, Director of Planning and Development, spoke about land use issues presented by the marijuana industry. He also provided an in-depth explanation of the zoning codes and land uses.

Council President Pro Tem Gaebler asked when the Urban Renewal Authority will decide if Medical Marijuana facilities will be allowed in their areas and what will happen when the moratorium expires. Mr. Wysocki stated when the moratorium expires, businesses will be allowed to relocate to areas within an approved zone and stated the work assigned to the Marijuana Working Group has not been completed, and he recommends remaining consistent with the moratorium until the working group has been able to complete their work.

Councilmember Knight asked how the Planning Department will identify which M-1 zones will be acceptable for marijuana facilities. Mr. Wysocki explained the process used to approve currently licensed facilities and

how zoning changes could impact this industry and how facilities could be approved in other zones through the planning process.

Mr. Cope provided a brief overview of the economic and other impacts the marijuana industry has had on our community.

Councilmember Collins expressed concern about the majority of the marijuana businesses being located in the Southeast part of town.

Council President Pro Tem Gaebler commented on the tax revenue realized by the marijuana industry and reminded Mr. Cope the industry needs to be included in the free market. Mr. Cope stated one of the barriers to this is the lack of businesses willing to be located in the same vicinity of a marijuana business and land owners refusing to rent to marijuana businesses.

Councilmember Pico stated one of the initial concerns of Council was to move the marijuana facilities out of the residential areas. If businesses want to move out of a residential area, he believes they should be allowed to relocate during the moratorium.

Council President Bennett polled Council regarding the desire to have additional hardship provisions drafted. Consensus of Council supported keeping the moratorium as is and not adding new "hardship" Exception provisions.

Councilmember Strand recognized the legitimacy of the medical marijuana industry in this community. He is interested in expanding the definition of a "hardship".

8. Items for Introduction

8.A. [16-634](#) Pediatric Hospital Agreement

Presenter:

Wynetta Massey, City Attorney

Res/Ord Number: 108-16

Wynetta Massey, City Attorney, introduced the announcement of the construction of a Children's Hospital on the UCH Memorial Health System North Campus.

Jim Wiehl with the offices of Norton Rose Fulbright, Attorney, presented a summary of the plans for the new facility and an overview of the agreement between Children's Hospital, Memorial Health System and the City.

Councilmember Strand asked why they are using the phrase, "Up to 100 inpatient beds". Greg Raymond, Regional Vice President, Children's Hospital, explained the ambiguity is due to hospital licensing requirements.

Councilmember Knight asked about the shared lab services and asked if same day lab results will be available to patients. Mr. Raymond stated the lab will be able to provide results for many lab tests on same day basis, explained the difference between the outpatient and inpatient facilities and stated they are still working to determine how the lab and pharmacy services will be established.

8.B. [16-638](#)

A Resolution approving an amendment to the Amended and Restated Service Plan for Banning Lewis Ranch Metropolitan Districts Nos. 1, 2, 3, 4, 5 and 7 to allow an unlimited maximum debt service mill levy in District No. 2

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Carl Schueler, Comprehensive Planning Manager, provided a summary of the service plan agreement and the request for approval of issuance of debt by this development.

Matt Dalton with the Law Firm of Spencer Fane stated this is a good situation as the development is built out and the developers know what needs to be done to cover the costs and finance the improvements.

Councilmember Knight asked if there are any developers remaining on the board of the district and why this request does not require an election. Mr. Dalton stated the board is made up completely of residents and explained this is a refinancing of existing debt which does not require an election.

Councilmember Knight expressed concern about Council allowing the debt cap to be removed and requested additional information about how residents were notified about the proposal. Mr. Dalton stated this is regulated by the State and has been communicated to the homeowners who have approved the plan.

Stacy Jenson, resident and member of the Metropolitan District 2 Board, provided information about how the board has reached out the residents and spoke to the residential support of the neighborhood.

Councilmember Knight expressed appreciation for the information provided and stated he no longer needs a hard copy of the outreach information.

8.C. [16-637](#)

A Resolution Approving the Issuance of Debt by Banning Lewis Ranch Metropolitan District No. 2 in the Form of Series 2016 Unlimited General Obligation Refunding Bonds (Legislative Item)

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Please see comments in agenda item 8.B.

Councilmember King arrived.

8.D. [16-462](#)

Request to Set a Public Hearing on November 22, 2016 to Confirm a Report and Consider an Ordinance for the Special Assessment of Costs for Demolition, Remediation and Administrative Work Performed For the Dangerous Building at 418 East Cucharras Street, Colorado Springs, Colorado.

Presenter:

Mike Chaves, P.E., CIP Engineering Manager
Aaron Egbert, P.E., Senior Engineer

Aaron Egbert, Senior Engineer, provided an overview of this demolition and explained the process the City followed regarding this action.

8.E. [16-557](#)

An ordinance amending provisions of the Pikes Peak Regional Building Code, 2011 edition, formerly adopted by Ordinance 11-34, as amended by Ordinances 13-6 and 16-23, and amending Sections 102 (Code Adopted by Reference) and 103 (Penalty Provisions, Additions and Modifications) of Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended.

Presenter:

Meggan Herington, Planning Manager, Planning and Development
Department

Roger Lovell, Regional Building Official

Meggan Herington, Planning Manager, explained this proposal is to adopt State imposed changes to the regional building code relating to plumbing.

Roger Lovell, Regional Building Official, explained plumbing and electrical code is adopted at the State level and municipalities have 12 months to come into compliance with these code changes, failure to do so creates the risk of the State taking over the performance of local inspections. Mr. Lovell stated he believes these changes have improved code and made the plumbing venting process less onerous.

Councilmember Knight asked why complete restatement of code is being done rather than line changes. David Andrews, Legislative Counsel, stated this has to do with the changes affecting both regional building code and City Code. Mr. Knight will discuss this offline with Mr. Andrews.

8.F. [16-552](#)

A Resolution Approving the 2017 Budget for Pikes Peak Regional Building Department

Presenter:

Roger Lovell, Building Official, Pikes Peak Regional Building
Department

Councilmember Bagley stated the Regional Building Commission has seen this and will probably approve it at their next meeting.

Councilmember Strand asked if there are any big changes between this and the 2016 budget. Mr. Lovell provided an overview of the proposed budget, highlighting the changes between the 2016 and 2017 budgets.

Councilmember Pico commented on the amount of construction on the eastside of town and expressed appreciation for the work done by this department.

8.G. **CPC MP**
09-00027-A1
MJ16

Experience Downtown Land Use Master Plan

Related File: CPC MP 09-00027-A1MJ16R

Presenter:

Ryan Tefertiller, Urban Planning Manager

Peter Wysocki, Planning and Community Development Director

Sarah Humbargar, Downtown Partnership of Colorado Springs

Peter Wysocki, Director of Planning and Community Development, thanked the staff who have worked on this initiative and expressed appreciation for all of the work done.

Ryan Tefertiller, Urban Planning Manager, presented a history of the development plans for the downtown area, introduced the proposed updates to the Imagine Downtown Plan and reminded Council of the development plan approval process that must be followed.

Sarah Humbarger (formerly Harris) with the Downtown Partnership presented a summary of the plan, highlighting the proposed changes to the plan.

Councilmember Strand asked how much money the Downtown Development Authority (DDA) put into the development of this plan. Ms. Humbarger stated the DDA contributed about \$300,000 toward the development of this plan including the development assessment study.

Councilmember King asked if the references to tax increment financing and the Imagine Downtown Plan on page 130 of this plan are intentional. Ms. Humbarger will research whether this reference was intentional or needs to be corrected and follow-up with Council.

Councilmember King asked if there are plans to replace the Tejon St. gateway bridge as it is not very aesthetically pleasing. Ms. Humbarger stated there are plans to replace this bridge; however, since there are also other development plans for this area, the situation is somewhat complicated. The design for replacement of that bridge is included in a PPRTA plan. Mr. Tefertiller stated another complication of this project is that the railroad must continue to function throughout the construction process.

8.H. [16-639](#)

An Ordinance Repealing Ordinance No. 15-88 and Adopting the City of Colorado Springs - 2017 Salary Structure for Civilian and Sworn Municipal Employees

Presenter:

Mike Sullivan, Human Resources Director

Kara Skinner, Chief Financial Officer

Mike Sullivan, Human Resources Director, explained this is a request to approve the proposed 2017 salary structure for City employees. The financial implications of this action will be reflected in the 2017 budget.

Councilmember Knight explained that, by Charter, City Council is required to set the salary of all City employees annually. This is achieved by setting the salary structure for the coming year.

Councilmember Knight requested an executive summary highlighting added position and any changes made to the salary structure during the year.

- 8.I. [16-620](#) A Resolution Supporting an Application to Great Outdoors Colorado for the John Venezia Community Park Universally Accessible Playgrounds

Presenter:

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

Sarah Bryarly with Parks, Recreation and Cultural Services, explained this is a request to apply for a grant from Great Outdoors Colorado to provide universally accessible playground equipment in Venezia Park. This is the same grant applied for last year which was denied because the vendor was not selected. The vendor has now been selected and the equipment will be ordered in early 2017 even if the grant money is not received because the playground equipment has to be installed in the park.

Councilmember Knight asked how much the matching funds will be and what the source of funds will be. Ms. Bryerly stated the matching funds will be about \$70,000 and will come from the TOPS budget.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Strand stated he and other Councilmembers have recently attended the National Cyber Security Update, the town hall budget meeting, the town hall for the intellectually and developmentally disabled, the grand opening of the cat house at the Humane Society,

Holistic Health Week, and the MHS Cancer Fashion Show.

Councilmember Knight stated he has some concerns with changes to the accounting method for pre-paid funerals that has affected the Cemetery budget. He requested Council authorization to request the City Auditor review this accounting method and and budget and provide acknowledgement that the Cemetery Enterprise budget can be considered balanced. Consensus of Council agreed to this request.

Councilmember Knight stated the cover memos for some of the items on the agenda were not updated between Council meetings. Mr. Waters will address this with appropriate staff.

11. Adjourn

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

Sarah Johnson, City Clerk