



City of Colorado Springs

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

Meeting Minutes - Final-revised Council Work Session

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Monday, October 12, 2015

1:00 PM

Council Chambers

1. Call to Order

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

2. Changes to Agenda

Council President Bennett stated the Closed Executive Session will follow agenda item 8.E.

3. Regular Meeting Comments

Councilmember Murray requested additional information about the process of placing agenda item 10.D., the medical marijuana moratorium, on the agenda for tomorrow in unfinished business versus new business. David Andrews, Legislative Counsel, explained this is a result of the Council action in the previous meeting, to divide the question on the item that appeared on the September 22, 2015 regular meeting agenda and postpone this portion of the ordinance to the October 13, 2015 meeting.

4. Review of Previous Meeting Minutes

4.A. [15-00626](#) City Council Work Session Meeting Minutes, September 21, 2015

The Meeting Minutes were approved as presented.

5. Executive Session

A) Open

B) Closed

B)A. [15-00636](#) Closed Executive Session

David Andrews, Legislative Counsel, stated the issues to be discussed

in the Closed Executive Session involve consultation with the City Attorney and determination of positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators regarding: an economic development agreement and the City's animal control contract.

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

Councilmembers King, Gaebler and Strand were excused.

6. Staff and Appointee Reports

6.A. [15-00491](#) Agenda Planner Review

There were no questions or comments on this item.

7. Presentations for General Information

7.A. [15-00558](#) Leading Edge Student Presentations

Kasi Carter, Program Manager, Leadership Pikes Peak, spoke about the Leading Edge program and introduced students Alexis McCowan and William Carstensen who shared their experiences with the program. The teens shared their desire to be perceived as serious members of the community.

7.B. [15-00612](#) Overview of the Broken Arrow Task Force mobilization exercises

Christopher Riley, Colorado Springs Fire Chief, provided a summary of the need for this organized sharing of task forces in the event of a fire. Garry Briese, Executive Director Colorado State Fire Chiefs provided an overview of the program.

Councilmember Murray asked about the financial arrangements for funding mutual aid. Mr. Briese explained how the mutual aid process is funded.

Councilmembers expressed support of the program and the importance of communication.

Councilmember Strand asked if there is an improvement plan based on the results of the training exercise. Mr. Briese stated an agreement is

being circulated to formalize financial arrangements and the goals have been recalculated to capture more realistic expectations.

7.C. [15-00567](#) Transit Fleet Maintenance Program Briefing

Craig Blewitt, Transit Services Manager, presented an overview of the transit maintenance program.

Councilmember Pico stated he observed the maintenance program for the City buses. The bus drivers have the power and authority to shut down a bus that is not safe to operate. Councilmember Pico feels the program is well run.

Councilmember Strand asked if the transit system is made aware of citizen complaints and comments. Mr. Blewitt stated citizen complaints and comments are forwarded to his department and considered or investigated.

Councilmember Strand asked why an air conditioning check is not included on the bus maintenance check list. Mr. Blewitt stated the department currently uses standardized forms but they are working to create a new form. The department was aware of buses operating without functioning air conditioning over the summer; however, lack of air conditioning is not considered an unsafe situation meriting the shutdown of a bus or route. The equipment to repair the air conditioners on the buses was out of commission and equipment repairs took longer than expected.

Councilmember Knight asked if there is disciplinary action taken against bus drivers refusing to operate a bus not functioning properly. Mr. Blewitt stated the bus drivers are not City employees and the routes still have to be run. A limited number of relief buses are available and some new buses have been ordered.

Council President Bennett asked about citizen comments related to fumes on the buses. Mr. Blewitt stated air quality tests on the buses have been performed and the results are pending.

7.D. [15-00605](#) Colorado Springs Police Department Body Worn Camera Project Summary

Police Chief Peter Carey introduced Commander Pat Rigdon, CSPD, who presented an overview of the plan to equip police officers with body

worn video cameras, a program to be implemented in about nine months. Chief Carey spoke about the cost of the program which will initially be funded through grants and the general fund. On-going costs through the general fund, including two staff positions to manage video footage and storage, will be about \$600,000 annually.

Councilmember Knight asked about keeping film as evidence. Chief Carey stated film not identified as evidence will be kept for 30 days, footage identified as part of a case will be retained as court evidence for the length of the case and in some cases permanently retained.

Councilmember Murray requested additional information about the policy on video monitoring. Chief Carey stated the policy will be finalized prior to implementation and officers will be well trained on the use of the cameras.

Councilmember Murray asked if there will be a formal public input process included in the development of the policy. Chief Carey stated public input and best practices from other police departments using body worn cameras will be considered in the development of the policy.

Councilmember King asked if officers will have discretion about when cameras are used and if they have the ability to erase or alter recordings in the field. Commander Rigdon stated there will be some officer discretion based on the nature of the call and the request of a victim. Videos cannot be erased or altered in the field. An access log will be maintained on all video footage.

Councilmember Strand asked if there are cities that have opted not to implement the use of cameras and if so, why. Chief Carey stated he does not know of any large cities that are not planning to implement the cameras, but there are some small cities that lack funding for this type of program.

7.E. [15-00634](#) Medical Marijuana Licensing Overview

Sarah Johnson, City Clerk, introduced this discussion about the medical marijuana licensing structure and reminded Council this discussion is intended to provide a better understanding of the licensing process and is not intended to be a discussion about the moratorium on the agenda for the meeting tomorrow. Ms. Johnson introduced Lee McRae, License Enforcement Officer, who provided an in-depth overview of the licensing

process.

Councilmember King asked if the City limits the cultivation and manufacture of marijuana products to specific zones. Mr. McRae stated all approved medical marijuana locations are in zones that allow for medical marijuana related activities. Peter Wysocki, Director of Planning and Development, explained how zoning districts are defined and allow for medical marijuana sales and cultivation opportunities. Mr. Wysocki added that residents have a limited ability to appeal approval of medical marijuana related facilities. Council continued to discuss manufacturing limits in commercial and residential zones with Mr. McRae and Mr. Wysocki.

Councilmember Pico asked about required air filtration systems to prevent manufacturers from producing marijuana related odors. Mr. McRae stated a facility's failure to minimize odor would be a zoning violation because facilities are required to contain odors. He also explained the complications of multiple locations potentially creating the odors and stated odor containment is addressed in the initial inspection of each facility.

Councilmember Pico asked how citizens can report residential structures being converted into marijuana cultivation facilities. Mr. McRae stated zoning violations, growing more than 36 plants in a location, are handled by the Planning Department or the CSPD.

Council President Pro Tem Gaebler commented on the number of hours required to license a medical marijuana facility as compared to a liquor license and the lack of an appeal process for the marijuana industry. Mr. McRae stated the process for a liquor license application is similar to a medical marijuana license application.

Councilmember Knight stated he has received complaints from constituents regarding grow facilities in residential areas creating odors. Mr. McRae stated this is addressed in City Code, however; the burden of proof falls to the City which can be difficult as multiple facilities located in close vicinity can make it difficult to pinpoint the odor source. Mr. McRae stated zoning violations can be enforced and action taken against the license if the odor is proved to be generated by a specific location.

Councilmember Knight asked what the required distance is, per City Code, between a medical marijuana facility and a school and how that distance is measured. Mr. McRae stated the required distance is 400 feet from the nearest edge of the facility to the nearest property line of the school, using public access. Councilmember Knight requested the new regulations define the distance as being measured by a straight line rather than through public access routes. Mr. McRae stated this can be done if the regulations are not more restrictive than the State Statutes.

Councilmember Murray asked about medical marijuana license violations. Mr. McRae stated there have been a couple of medical marijuana business license suspensions and more than 43 applications either denied or withdrawn.

8. Items for Introduction

- 8.A.** [15-00552](#) A Resolution Authorizing the Acquisition of Approximately 7.022 Acres Owned By Union Pacific Railroad for the Rock Island Trail Corridor

Res/Ord Number: 105-15

Chris Lieber, Park Development Manager, introduced this request to acquire property to extend the Rock Island Trail and work toward closing gaps in the City's trail system.

Councilmember Collins about environmental requirements for this trail section. Mr. Lieber stated all potential environmental issues have been satisfactorily addressed with no substantial costs.

- 8.B.** [15-00554](#) John Venezia Community Park Resolution of Support for Great Outdoors Colorado Grant Request

Res/Ord Number: 106-15

Jeff Webb, Senior Grants Analyst, provided an overview of this grant request to install universally accessible playground equipment in Venezia Park.

- 8.C.** [15-00619](#) A Resolution Approving an Intergovernmental Agreement for Renewal of the CDL Third Party Testing Unit License Between the City of Colorado Springs and the State of Colorado

Res/Ord Number: 101-15

Victoria McColm, Risk Manager, explained how this agreement allows the City to test employees for CDL Drivers licenses.

Councilmember Knight asked how much this costs the City, where the money comes from, and if a cost analysis has completed on this process. Ms. McColm indicated the State charges \$125 per test. To have staff travel to Denver for testing would add costs in the form of administrative fees, City vehicle use and travel time to Denver. This is a money saving measure as the test administrator for this City includes this in his job duties.

8.D. [15-00445](#) Introduction of the Downtown Development Authority (DDA) Budget, and Business Improvement District (BID) Operating Plans and Budgets for 2016

Carl Schueler, Planning Manager-Comprehensive Planning, provided an overview of the potential changes to the Business Improvement District development plans and budgets for 2016. These items will be voted on separately in the October 27, 2015 City Council Meeting.

Councilmember Knight asked about the process of the Interquest South BID creating a PIF or TIF. Mr. Schueler and Mr. Andrews explained the process through which BIDs are able to acquire funds through debt or other forms of financing.

Councilmember Knight expressed concern about the Briargate BID request for an amount above the standard percentage and requested history on what this BID has done with their funds. Mr. Schueler will provide this information prior to the next meeting.

Susan Edmondson, President & CEO of the Downtown Partnership, provided additional information about the Downtown Development Authority.

Councilmember Knight asked if the planned expansion of the downtown district area will require a vote of Council. Mr. Schuler stated BID inclusions and exclusions have to be approved by a vote of Council.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Knight requested Council and the Planning Commission begin thinking about reserving property for a Ronald McDonald House or other temporary lodging in conjunction with the planned Children's

Hospital.

11. Adjourn

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

Sarah Johnson
City Clerk