



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

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Monday, June 24, 2019

1:00 PM

Council Chambers

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### 1. Call to Order

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

### 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.

Consensus of City Council agreed to this change on the agenda.

### 3. Regular Meeting Comments

President Skorman recused himself.

Councilmember Knight asked in regards to item 12.A. on the 6/25/19 City Council meeting agenda, how an administrative approval was granted for the 961 feet buffer between medical marijuana centers when City Code requires 1,000 feet between medical marijuana centers. He also asked if the appeal on the parking stalls was the only appeal item on the agenda. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated only the appeal item related to the parking variance will be considered. Peter Wysocki, Director Planning and Community Development, stated an administrative approval for a variance between the separations of medical marijuana centers can be applied for and potentially approved by the Planning Director and the facility in question is the relocation of an existing location. Councilmember Knight stated the 1,000 feet requirement between medical marijuana centers was established by the medical marijuana business community and requested a discussion with the Chief of Staff regarding whether or not it should be subject to a variance request. Jeff Greene, Chief of Staff, stated he would be glad to discuss it.

Mr. Greene stated the applicant has requested item 11.A., an ordinance excluding certain property from the Interquest North Business Improvement District, to be withdrawn from the June 25, 2019 City Council meeting agenda.

#### **4. Review of Previous Meeting Minutes**

4.A. [19-345](#) City Council Work Session Meeting Minutes June 10, 2019

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [6-10-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the June 10, 2019 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. [19-334](#) In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a) and (b), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve two (2) separate matters including one (1): the purchase, acquisition, lease, transfer, or sale of real property for a public works project; and, two (2): legal advice from the City Attorney regarding the waiver of attorney client privilege on multiple documents.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:  
Wynetta Massey, City Attorney

**Attachments:** [06242019ClosedSession](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated that 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 two (2) separate matters including one (1): the purchase, acquisition, lease, transfer, or sale of real property for a public works project; and, two (2): legal advice from the City Attorney regarding the waiver of attorney client privilege on multiple documents.

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.

Upon return from the Closed Executive Session, Councilmember Geislinger stated the City Council is waiving attorney-client privilege on several draft Charter amendments related to the Protect Our Parks (POPs) effort and has authorized the City Attorney's Office to release the documents to the POPs Committee.

## **6. Staff and Appointee Reports**

### **6.A. [19-344](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 6-24-19.docx](#)

Sarah B. Johnson, City Clerk, stated the item regarding City Council's intent to participate in the November 2019 election and the item regarding the Ordinance pertaining to remittance of tax and short term rentals (STR) will be back-to-back on the July 8, 2019 Work Session and July 9, 2019 regular City Council meeting agendas.

There were no comments on this item.

### **6.B. [19-336](#) City Council Garden of the Gods Flood Mitigation Facility Update**

Presenter:

Mike Chaves, P.E., Engineering Manager

**Attachments:** [GOG detention CC presentation-2019-Council](#)

Mike Chaves, P.E., Engineering Manager, provided an overview of the construction schedule, the project, and the benefits, purpose, and goals of the Garden of the Gods flood mitigation facility.

Councilmember Knight requested additional information regarding how the size and location of the berm was determined. Mr. Chaves stated Wilson and Company was hired as a consultant to conduct the hydraulics study, then they compared Federal Emergency Management Agency's (FEMA) floodplain flow data against the stream data and used the results as a basis to protect against a hundred-year flood.

Councilmember Gaebler asked when the 31st Street channel reconstruction project is anticipated to start. Mr. Chaves stated it is a \$25 million project and will begin once funding has been received.

President Skorman asked how vegetation will be implemented in order for the facility to look more natural. Mr. Chaves stated they will vegetate the berm and the slopes, and it will have temporary irrigation. Councilmember Williams asked if the size of the pond was due to the naturalization aspect of the pond. Mr. Chavez stated it was mainly due to the size of the proposed 31st channel, factors of safety, and the criteria of the state dam safety engineer.

**6.C.**    [19-255](#)            Downtown Transit Center Update

Presenter:

Craig Blewitt, Transit Services Manager

**Attachments:**    [TransitRelocationUpdate6-7-19](#)

Craig Blewitt, Transit Services Manager, provided an update for the Downtown Transit Center. He gave a brief background of the project and identified the project goals and the project approach. Mr. Blewitt gave an overview of Site #8, Site #12, Site #17, and the current downtown Transit terminal.

Councilmember Pico asked what the timeline is. Mr. Blewitt stated they anticipate making a decision regarding the site within the next three months and construction will take approximately two years.

Councilmember Geislinger asked if Site #8 is the best site regional accessibility for mass transit. Brian Vitulli, Transit Planning Supervisor, stated it is. Councilmember Geislinger asked if the benefits were significant enough to require eminent domain if necessary. Jeff Greene, Chief of Staff, stated they are looking for realistic, long-term options and those options will be discussed with City Council.

Councilmember Gaebler, Chair of the Front Range Passenger Commission, stated the City should be talking to Colorado Department of Transportation (CDOT) and other entities regarding funding and getting this project moving quicker.

President Pro Tem Strand, Councilmember Williams, and President Skorman stated they are in favor of Site #8 and against a renovation of the current downtown Transit terminal.

Mr. Greene stated staff will update City Council again within thirty days.

## **7. Presentations for General Information**

There were no Presentations for General Information.

## **8. Items for Introduction**

- 8.A. [19-210](#) A resolution making certain legislative findings and approving the Urban Renewal Plan for the True North Commons Urban Renewal Area.

Presenter:

Peter Wysocki, Director Planning and Community Development

Jariah Walker, CSURA Executive Director

Bob Cope, Economic Development Officer

**Attachments:** [Urban Renewal Plan Resolution True North](#)  
[Exhibit A - True North Urban Renewal Plan 6.19.19](#)  
[item 5.2 12.7.18 true north commons impact report](#)  
[True North Commons Conditions Survey](#)  
[062419 - True North Commons - City Council Work Session](#)  
[Staff Report\\_USAFA](#)

Bob Cope, Economic Development Officer, presented the Resolution making certain legislative findings and approving the Urban Renewal Plan for the True North Commons Urban Renewal Area and the Resolution approving a cooperation agreement with the Colorado Springs Urban Renewal Authority (URA) authorizing the URA to use annual sales tax increments generated within True North Commons Urban Renewal Area for a period of up to 25 years for qualifying public improvements.

Jariah Walker, CSURA Executive Director, introduced Dan Schneff, Managing Member, Blue and Silver Development Partners, LLC, CEO and Chairman of the Board, Matrix Design Group, Inc. who provided an overview of the land use summary, the initial phase of the concept development plan, the Business Improvement District (BID) development costs, the financing structure, the public finance plan, and the project schedule.

Mr. Cope identified the results of the fiscal impact analysis and the regional economic impacts.

Councilmember Williams asked if there is any property tax currently being collected on this property. Mr. Schneff stated there is not.

Councilmember Geislinger requested the source of information for the fiscal impact analysis. Mr. Cope stated Summit Economics conducted the analysis and it was thoroughly reviewed by staff.

Councilmember Knight stated he will not be supporting this because he does not believe this property should be funded by the URA because he does not consider this property to be a menace or blighted.

President Skorman stated the value of this project to the City is potentially tremendous.

Councilmember Pico stated he is also concerned with the URA designation for property that is pristine and basically green field.

Councilmember Williams stated this project is unique because this property is undeveloped and on the United States Air Force Academy which is not currently being taxed.

Jeff Greene, Chief of Staff, stated the appropriate legal counsel will provide a briefing to City Council regarding legal analysis and opinion on the URA designation.

Councilmember Geislinger asked how this project will change future URA projects. Mr. Walker stated it will not have a negative effect on other URA projects because the same rules and regulations will be upheld.

**8.B.**    [19-335](#)

A resolution approving a Cooperation Agreement between the City of Colorado Springs and the Colorado Spring Urban Renewal Authority authorizing the Colorado Springs Urban Renewal Authority to use annual sales tax increments generated within True North Commons Urban Renewal Area for a period of up to 25 years for qualifying public improvements.

Presenter:

Peter Wysocki, Director Planning and Community Development  
Jariah Walker, CSURA Executive Director  
Bob Cope, Economic Development Officer

**Attachments:** [Cooperation Agreement Resolution True North \(6.19.2019\)](#)  
[Exhibit A - True North Cooperation Agreement](#)  
[True North Cooperation Agreement -revised 6-19-19](#)

Please see comments in Agenda item 8.A.

- 8.C.** [19-332](#) A resolution authorizing the submission of Passenger Facility Charge (PFC) Application #23 to the Federal Aviation Administration increasing the total PFC funds to be collected for capital improvements at the Colorado Springs Airport

Presenter:  
Greg Phillips, Director of Aviation

**Attachments:** [PFC 23 Resolution - Application](#)  
[Exhibit A Project Descriptions](#)  
[Table 1 Plan of Finance](#)  
[AAC Letter of Support PFC 23.pdf](#)  
[Final PFC #23 City Council Budget Presentation.pptx](#)

Greg Phillips, Director of Aviation, presented a Resolution authorizing the submission of Passenger Facility Charge (PFC) Application #23 to the Federal Aviation Administration and to authorize the Colorado Springs Airport to submit an application, and a Resolution to accept and execute a loan with the Colorado Department of Transportation State Infrastructure Bank, Aviation Division, in an amount not to exceed \$7,500,000 to fund PFC projects at the Colorado Springs Airport. He stated a portion of the revenue for the airport is generated from the \$4.50 PFC per ticketed passenger fee which generates approximately \$3.5 million in revenue for the airport each year and is used for capital projects. Mr. Phillips gave an overview of the PFC #23 projects, finance plan, process, and timeline.

President Pro Tem Strand asked if airline passengers would be required to pay any additional fees associated with this application. Mr. Phillips stated they would not.

- 8.D.** [19-333](#) A resolution to authorize the Colorado Springs Airport to submit an application, and to accept and execute a loan with the Colorado Department of Transportation State Infrastructure Bank - Aviation Division in an amount not to exceed \$7,500,000 to fund Passenger Facility Charge (PFC) projects at the Colorado Springs Airport

Presenter:  
Greg Phillips, Director of Aviation

**Attachments:** [Draft 2019 SIB Resolution](#)  
[AAC Letter of Support PFC 23.pdf](#)

Please see comments in Agenda item 8.D.

**8.E.**    [19-329](#)            2020 Audit Plan Approval

Presenter:

Denny L. Nester, City Auditor, Office of the City Auditor

**Attachments:** [2020 Audit Plan Final.pdf](#)  
[2020 Audit Plan Presentation](#)

Denny L. Nester, City Auditor, presented the 2020 Audit Plan for the Office of the City Auditor. He identified their mission statement and office structure and said information has been gathered in order to determine the highest risk projects. He gave an overview of the budget percentages for the City, Colorado Springs Utilities and Colorado Springs Airport and explained the need for prioritizing audit requirements.

President Pro Tem Strand asked what initiated the change regarding the Colorado Springs Airport being listed as a separate entity to including other enterprises on the audit plan. Mr. Nester stated it was due to the costs and revenue associated with the stormwater fee and construction of the Pikes Peak America's Mountain Summit Complex.

Councilmember Geislinger recommended the City research how they could audit the City's portion of contribution to the Pikes Peak Rural Transportation Authority (PPRTA).

## **9. Items Under Study**

**9.A.**    [CPC CA](#)            An ordinance amending Chapter 7 (Planning, Development and  
[19-00027](#)            Building) of City Code defining and establishing standards for accessory  
dwelling units.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development  
Hannah Van Nimwegen, Senior Planner, Land Use Review Division



**Attachments:** [Work Session ADU Presentation - 6.10.19](#)  
[Attachment 1 - Draft 10 ADU Ord - Option A - 5-28-19](#)  
[Attachment 2 - Draft 10 ADU Ord - Option B - 5-28-19](#)  
[Attachment 3 - Draft 3 - Affidavit - 5.28.19 - Notification, HOA  
Covenant](#)  
[Attachment 4 - Draft 3 - Restrictive Covenant - 5.28.19 - Subdivision,  
Owner Occupancy  
CPC Staff Report - Accessory Dwelling Unit](#)  
[Figure 1 - ADU Draft Ordinance](#)  
[Figure 2 - Zone Districts Map](#)  
[Figure 3 - Comparable Cities](#)  
[Figure 4 - ADU Citizen Forum Materials](#)  
[Figure 5 - Citizen Comment](#)  
[Figure 6 - ADU Existing Vs Proposed Table](#)  
[Figure 7 - Integrated ADU Illustration](#)  
[Figure 8 - Detached ADU Illustration](#)  
[Figure 9 - PlanCOS Resource Sheet](#)  
[Figure 10 - Mill Street Plan Summary](#)

Hannah Van Nimwegen, Senior Planner, Land Use Review Division, gave an overview of the City Council questions from the June 10, 2019 City Council Work Session meeting regarding demographics, consumer preferences, housing economics, and the number of kitchens in a dwelling unit.

President Skorman polled City Council as to if integrated ADUs should be allowed in single-family zone districts. Councilmember Pico stated he is opposed to an integrated ADU in a single-family residential zone because it would make the structure a duplex. Councilmember Geislinger stated the average age of the community is thirty-four and City Council needs to look at what the City will look like demographically in ten to twenty-five years.

Councilmember Williams stated existing City Code does not allow more than five unrelated individuals in a home and does not believe City Council should be determining the layout of the home in regards to how many units and kitchens are in it as long as the maximum number of unrelated individuals remained the same. He stated there would only be an impact to the neighborhood if the number of people or structures were increased. Councilmember Pico stated if the maximum number of individuals allowed in the home, remains the same, he agrees.

Councilmember Gaebler asked how many related individuals can be in a home. Ms. Van Nimwegen stated it is based on the square footage of the residence. Councilmember Gaebler stated by not allowing lower income individuals to rent in all areas of the City, it segregates the City by income.

Councilmember Knight stated all cities have neighborhoods based on income and individuals do not need the higher priced neighborhood just handed to them, they need to work for it. He stated by removing the requirement for only one kitchen per dwelling unit would allow the zoning to remain single-family with the single-family residency requirements.

President Skorman stated the affordable housing issue is a huge issue and believes that other than the detached option, the rest of the ADU decisions should be left on the table.

Councilmember Pico stated if two units are allowed on the same property in single-family zoning, it will bypass the legal requirements of the rezoning process.

Peter Wysocki, Director of Planning and Community Development, stated staff will provide City Council some alternative options and give an overview of some of the requirements of the International Residential Code (IRC) and Pikes Peak Regional Building Department.

Councilmember Williams suggested that as City Code is reviewed in regards to dwelling units, there should be a R-ADU zone added to incorporate ADUs. He also asked what the consequence would be if additional 220 volt outlets are added to a structure. Mr. Wysocki stated RBD may determine the structure to be a two-plex or three-plex which would have to be fire rated units.

Councilmember Knight stated there is no guarantee ADUs will be affordable housing and does not support integrated ADUs as separate legal dwelling units on single-family lots.

Councilmember Geislinger and Councilmember Williams stated they are in favor of continuing with the discussion regarding integrated ADUs and alternative options.

President Pro Tem Strand and Councilmember Avila stated they are in

favor of holding Town Hall meetings to allow the public to voice their opinions.

Councilmember Gaebler stated she would like an option presented to City Council which includes an easier process for rezoning requests in order to add an ADU.

Councilmember Knight requested a version of the Ordinance with integrated ADUs which would limit the number of short term rental units allowed.

### **10. Councilmember Reports and Open Discussion**

Councilmember Knight stated he received a complaint from a constituent regarding repetitive excessive occupancy in a short term rental unit located near him and that administration has an obligation to enforce occupancy limits in short term rental units. Jeff Greene, Chief of Staff, stated staff will have a discussion with the property owner regarding this issue.

President Pro Tem Strand stated he attended the ribbon cutting ceremony for the new Sand Creek Police Substation, the downtown Marriott Hotel ground-breaking event, and an affordable housing meeting at the Penrose House.

Councilmember Gaebler stated June 26, 2019 is Bike to Work Day.

Councilmember Avila gave an overview of her experience with the Harvard Kennedy School Senior Executives in State and Local Government program she recently attended.

### **11. Adjourn**

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

Sarah B. Johnson, City Clerk