



City of Colorado Springs

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

Meeting Minutes 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, April 23, 2018

1:00 PM

Council Chambers

1. Call to Order

Present 9 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

2. Changes to Agenda

There were no changes to the Agenda.

3. Regular Meeting Comments

Eileen Krauth, City Council Administrator, stated that pending the outcome of the item for the emergency Ordinance for a supplemental appropriation of \$5M for repairs due to the fire that occurred at the Colorado Springs Airport, it may be put on tomorrow's agenda under Added Item Agenda.

Councilmember Knight requested item 4B.B. pertaining to appointments to boards and commissions be removed from the April 24, 2018 City Council meeting Consent Calendar.

Consensus of Council agreed to these changes of the agenda.

4. Review of Previous Meeting Minutes

4.A. [18-0202](#) City Council Work Session Minutes April 9, 2018

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [4-9-18 City Council Work Session Meeting Minutes Final](#)

Councilmember Strand asked if the Finance Department had provided the requested information regarding the number of auto sales in previous years. Chris Wheeler, City Budget Manager, agreed to provide that information.

The minutes of the April 9, 2018 Work Session meeting were approved by Consensus of Council.

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. [17-1328](#) Agenda Planner Review

Presenter:

Eileen Krauth, City Council Administrator

Attachments: [042318 Agenda Planner Review MEMO](#)

Eileen Krauth, City Council Administrator, stated that for the May 22, 2018 City Council meeting, there will be an item related to support of military spouse employment added to Recognitions and an item for the Colorado Springs Utilities 2018 Plan of Finance added to Utilities Business .

There were no comments on this item.

7. Presentations for General Information

There were no Presentations for General Information.

8. Items for Introduction

8.A. [18-0210](#) An Emergency Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Airport Capital Improvement Program Fund in the Amount of \$5,000,000 for Repairs Related to the April 2018 Fire at the Colorado Springs Airport

Presenter:

Chris Wheeler, City Budget Manager

Greg Phillips, Director of Aviation

Attachments: [Supplemental Approp Ordinance Airport Fire-April 2018](#)

[EMERGENCY Supplemental Approp Ordinance Airport Fire-April 2018](#)

[Signed Emergency Ordinance 18-36](#)

Chris Wheeler, City Budget Manager, presented an emergency Ordinance for a supplemental appropriation to the airport capital improvement program fund in the amount of \$5M for repairs due to the fire that occurred at the Colorado Springs Airport terminal building. She identified the insurance deductible associated with the claim which would be covered by the airport's fund balance.

Greg Phillips, Director of Aviation, stated the fire that occurred April 16, 2018 caused an estimated \$5M in damage and expects that repairs will be covered one hundred percent by insurance proceeds.

Councilmember Strand asked what the impact would be if the emergency Ordinance is not approved. Mr. Phillips said it would cause a delay in repairs until the insurance payment is made.

Councilmember Knight commented that this appropriation would be for restoration to the airport's original condition and not for any additional improvements. Councilmember Geislinger encouraged that as improvements are identified, to bring those before City Council for approval.

Councilmember Pico requested a copy of the CSFD report at the time it is received. Mr. Phillips agreed to provide that information

Consensus of Council agreed to add the emergency Ordinance to the April 24, 2018 City Council meeting.

- 8.B.** [18-0209](#) A Resolution Recognizing the Unique Natural Characteristics within Banning Lewis Ranch

Presenter:

Karen Palus, Park, Recreation and Cultural Services Director
Britt Haley, Park Design and Development Manager

Attachments: [NDG_BLR RES-2018-04-18](#)

[Signed Resolution 38-18](#)

Britt Haley, Park Design and Development Manager, presented a Resolution recognizing the unique natural characteristics within Banning Lewis Ranch. She stated this acknowledgement from Nor'wood Development Group will allow the City the opportunity to be part of the overall planning process for the open spaces and connectivity of trails in

and around Jimmy Camp Creek Regional Park and Corral Bluffs.

Councilmember Murray asked how Nor'wood Development Group has acknowledged their intentions. Ms. Haley said the Resolution identifies Nor'wood Development Group's commitment to the vision of the 2014 Park System Master Plan. Councilmember Murray commented there are no financial implications identified. Jeff Greene, Chief of Staff, stated that for a major developer to express their intent to preserve the open space is unique and that after the planning process is completed, the financial implications will be explained.

Councilmember Strand asked if the 2014 Park System master plan and the Banning Lewis master plan could be linked together in the Resolution. Ms. Haley said the connectivity aspect of the Park System master plan process will achieve that goal.

President Pro Tem Gaebler, Councilmember Geislinger, Councilmember Strand, Councilmember Pico, Councilmember Bennett, and President Skorman expressed their support of the Resolution.

- 8.C.** [18-0170](#) Resolution approving an amendment to the Service Plan for the Wildgrass at Rockrimmon Metropolitan District.

Presenter:

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

Attachments: [presentation](#)

[RES Wildgrass at Rockrimmon Metro Dist amend](#)

[Figure 1 - 3.27.18 Resubmittal Wildgrass at Rockrimmon MD Amended and Restated Service Plan](#)

[Figure 2 - Blackline \(original to v. 4\) Draft Amended and Restated Service Plan](#)

[Figure 3 - Ltr re. Wildgrass at Rockrimmon MD Amended and Restated SP \[3.14.18\]](#)

[Figure 4 - Mill Levy-Mill Levy and Fee Comparison Chart \(00607981x9C7A0\)](#)

[Figure 5 - Comparison of OA Fees \(00618875x9C7A0\)](#)

[Figure 6- Draft Buildout Budget Wildgrass at Rockrimmon](#)

[Figure 7- Wildgrass at Rockrimmon MD Proposed O M Map](#)

[Figure 8- Metropolitan Districts Operating in Lieu of an HOA](#)

Peter Wysocki, Director of Planning and Development, presented a Resolution approving an amendment to the service plan for the Wildgrass

at Rockrimmon Metropolitan District that would allow the district to operate in lieu of a homeowners' association (HOA), increase the mill levy from 10 mills to 50 mills, and allow the District Board to utilize mill levy and fee impositions for operations and maintenance of public improvements. He presented a district map, provided a brief background of the district, identified the benefits of the change, and presented the petitioner's mill levy and fees comparison.

Councilmember Geislinger stated he is concerned that changing the current service plan and making this exception sets a new precedent for other districts. He also said that residents would have more control over a HOA than they would have over a mill levy.

Councilmember Knight stated that he is also against this request because of the precedent it sets and he does not agree with the public amenities and maintenance responsibilities that were identified in the service plan. He also stated that the associated tax breaks would not apply if a person does not itemize their taxes and that the City has an unhealthy reliance on sales tax versus property tax.

Councilmember Pico said he understands rolling the HOA into the district, but the numbers are way outside of the City's current course of action which needs to be thoroughly examined.

Elisabeth Cortese from McGeady Becher, PC, representing the district, stated that mill levies are set annually and as residents become members of the board, they can choose to implement a HOA and reduce the mill levy.

Councilmember Knight stated that he had requested a comparison of the surrounding area HOA's. Ms. Cortese stated similar communities were presented as a comparison rather than surrounding areas.

Councilmember Geislinger asked what difference it would make if the City's current practice is upheld. Mike Fenton from Century Communities, representing the developer, stated they are trying to avoid the duplication of costs such as separate insurance policies, annual audits, legal service, and collections.

Mr. Wysocki stated that there are no statutory requirements for when this petition needs to be voted on by City Council and that there is no specific

metropolitan district policy on this issue and no established performance measurements of what is an acceptable increase in mill levy for operations.

Councilmember Knight said that he will not vote for this Resolution as it is currently written.

- 8.D.** [18-0193](#) An Ordinance adopting a new Part 13 (Bicycle-Share Businesses) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to bicycle-share business licenses and providing penalties for the violation thereof
- Presenter:
Jill Gaebler, District 5 City Council Member
Susan Edmonson, Downtown Partnership
Sarah B. Johnson, City Clerk
Mitch Hammes, Code Enforcement Services Manager

Attachments: [BikeShareDraftORD-4-09-18.docx](#)
[042318 Bike share overview Edmondson slides](#)

President Pro Tem Gaebler presented an Ordinance implementing a business license for regulation of the operation of bicycle-share businesses. She stated that PikeRide is scheduled to open in June 2018.

Susan Edmonson, Executive Director of the Downtown Partnership, gave a brief history of bike-share programs throughout the country and identified the value of them, the service area of phase one in Colorado Springs, and how the BCycle system will function.

Emily Evans, Deputy City Clerk, explained the regulation process of bicycle-share businesses in regards to the application, licensing fees, and renewals.

Mitch Hammes, Neighborhood Services Manager, explained the code enforcement aspect of regulating the bicycle-share businesses in regards to bikes left in the public right-of-way and the physical condition of the bikes.

Councilmember Pico asked why the City implemented the request for proposal (RFP) for this private company. Ms. Edmonson explained how the City was involved as a partner and that there may be opportunities for federal funding in phase two of the bike-share program which requires a proper RFP process. President Pro Tem Gaebler explained the potential

for grant funding if Transit were to purchase a kiosk for the first and last mile to a bus stop.

Councilmember Bennett asked how theft of the bikes will be prevented. Ms. Edmonson stated that the risk of these bikes being stolen is lower than regular bikes due to how the bikes are constructed and the GPS attached to the bikes for tracking them.

Councilmember Avila asked if tandem bikes will be available. Ms. Edmonson stated that adaptive cycling is in the plan, but because of funding, they do not expect they will be available in phase one of implementation.

Councilmember Pico asked if another company could also start a bike-share business in the City. Ms. Edmonson confirmed they could as long as they met the business license requirements.

- 8.E. [18-0194](#) An Ordinance amending Section 507 (license fees enumerated) of Part 5 (License Fees) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the code of the City of Colorado Springs 2001, as amended, pertaining to bicycle-share business licensing

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Clerk-BikeShareFees-2018-04-23](#)

Please see comments in Agenda item 8.D.

- 8.F. [18-0150](#) A Resolution Authorizing the Acquisition of Approximately 40 Acres of Real Property Owned by Justin Watkins and Melissa Watkins for the Purpose of Public Open Space and Trails as an Extension of Cheyenne Mountain State Park

Presenter:
Britt Haley, Design and Development Manager / TOPS Program Manager - Parks, Recreation and Cultural Services
David Deitemeyer, Senior Landscape Architect - Parks, Recreation and Cultural Services

Attachments: [04-23-18 Watkin 40 AC Acquisition - Resolution FINAL](#)
[04-23-18 - Watkins Parcel Powerpoint](#)

David Deitemeyer, Senior Landscape Architect, Parks, Recreation and

Cultural Services, presented the Ordinances requesting supplemental appropriations to the Trails, Open Space and Parks (TOPS) fund for acquisition of properties owned by the Watkins and Snell families for the purpose of public open space and trails as an extension of Cheyenne Mountain State Park. He discussed the Cheyenne Mountain State Park expansion and the Cheyenne Mountain Heritage Trail. Mr. Deitemeyer also presented site photos of Rock Creek Canyon which would provide connectivity through a trail corridor and described the categories of TOPS funding, restrictions, and approximate revenue.

There were no comments on this item.

- 8.G.** [18-0152](#) An Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (TOPS) Fund in the Amount of \$159,500 for Acquisition of Approximately 40 Acres Owned by Justin Watkins and Melissa Watkins for the Purpose of Public Open Space and Trails as an Extension of Cheyenne Mountain State Park

Presenter:

Britt Haley, Design and Development Manager/TOPS Program Manager
- Parks, Recreation and Cultural Services

David Deitemeyer, Senior Landscape Architect - Parks, Recreation and Cultural Services

Attachments: [050818 Watkins Property Appropriation Ordinance](#)

[050818 Watkins Property Map](#)

[04-23-18 - Watkins Parcel Powerpoint](#)

Please see comments in Agenda item 8.F.

- 8.H.** [18-0197](#) A Resolution Authorizing the Acquisition of Approximately 31.918 Acres Owned by Jacob Snell and Shantell Snell for the Purpose of Public Open Space and Trails as an Extension of Cheyenne Mountain State Park

Presenter:

Britt Haley, Design and Development Manager / TOPS Program Manager

David Deitemeyer, Senior Landscape Architect - Parks, Recreation and Cultural Services

Attachments: [4-23-18 - Snell Acquisition - Resolution Final](#)

[4-23-18 - Exhibit 2A - Snell Vicinity Map](#)

[4-23-18 - Exhibit 2B - Snell Parcel Map](#)

[04-23-18 - Snell Parcel Powerpoint](#)

Please see comments in Agenda item 8.F.

- 8.I. [18-0196](#) An Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (TOPS) Fund in the Amount of \$139,000 for Acquisition of Approximately 31.918 acres Owned by Jacob Snell and Shantell Snell for the Purpose of Public Open space and Trails as an Extension of Cheyenne Mountain State Park

Presenter:

Britt Haley, Design and Development Manager / TOPS Program Manager

David Deitemeyer, Senior Landscape Architect

Attachments: [4-23-18 - Snell Appropriation Ordinance - FINAL](#)

[4-23-18 - Exhibit 2B - Snell Parcel Map](#)

[04-23-18 - Snell Parcel Powerpoint](#)

Please see comments in Agenda item 8.F.

- 8.J. [CPC CA 18-00033](#) 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 the Cultivation of Marijuana and Medical Marijuana in Violation of the Zoning Code and Providing Remedies for the Violation Thereof (Legislative)

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Attachments: [ORD MJ Cultivation-Non-Residential-2018-03-05](#)

[Staff Report Code Amendment - Section 7.3.205](#)

[7.2.302.C.22 DefinitionUseType MMJ Facility](#)

[7.3.105.P Personal Cultivation of MJ.MMJ](#)

[7.3.205.M Additional Standards MMJ Facility](#)

[7.5.602 Applications](#)

[7.5.603 Findings - ZC req CA](#)

[Non-Licensed Commercial Grows Ord Package Apr232018](#)

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst, presented the Ordinances addressing unlicensed marijuana cultivations and unlawful transfer of marijuana. She stated the proposed Ordinance language would address public safety and the grey and black market activity through regulation and enforcement of the City's Zoning Code, Criminal Code, and

unlawful transfer violations. Ms. Gullixson explained there are at least thirty illegal grows currently occurring in commercial spaces within the City and discussed how they affect public safety and public health.

Councilmember Knight stated that City Council spoke against recreational marijuana in 2013. Brett Waters, Deputy Chief of Staff, stated that this clarifies that all commercial grows would have to be regulated even if they declare that they are not growing it for recreational purposes.

Councilmember Knight asked for clarification of the plant count requirement. Michael Curran, Division Chief, Prosecution, explained the proposed Ordinance language is directly from Title 18 of the Colorado Revised Statutes which identifies the general prohibition and then creates exceptions to that prohibition. Councilmember Knight requested that clarifying language be added. Mr. Curran agreed to revise the language.

Councilmember Knight asked why the transfer amount was set at four ounces. Mr. Curran stated that the City's jurisdiction limit is four ounces which is a level 1 drug misdemeanor and could be settled in municipal court rather than district court.

- 8.K. [18-00033](#) An Ordinance amending Section 211 (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 the Cultivation of Marijuana and Providing Penalties for the Violation Thereof

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Attachments: [MarijuanaCultivation-2018-04-10 MC final](#)

Please see comments in Agenda item 8.J.

- 8.L. [18-0163](#) An Ordinance amending Section 212 (Unlawful Transfer of 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 the Unlawful Transfer of Marijuana and Providing Penalties for the Violation Thereof

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Attachments: [MarijuanaDistributionORD-2018-04-10 final](#)

Please see comments in Agenda item 8.J.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Strand stated he and Councilmember Pico attended the Colorado Springs Utilities wildfire exercise led by Colorado Springs Utilities wildland team chief Mike Myers. He said that he attended the Pikes Peak Mechanical Contractor Awards ceremony and that he and Councilmember Avila attended the Sabin Middle School presentation on determination, perseverance, and true grit. He also stated that he attended the Jackson Elementary School 60th anniversary event.

Councilmember Pico stated that he and Councilmember Murray attended the Vice President's speech at the Space Symposium and that he and Councilmember Strand attended the corresponding luncheon.

Councilmember Knight stated that he attended the ribbon cutting ceremony for the Pima Medical Institute and the Ascension Lutheran Church event to discuss transportation for the community.

Councilmember Geislinger stated that he attended the University of Colorado, Colorado Springs (UCCS) coalition of graduate students and that he and Councilmember Knight attended the Real Estate Manual update committee meeting.

President Pro Tem Gaebler said she attended the Old North End tree-planting on Earth Day event and asked Council if she could invite the North End Woodlands group to speak at a City Council meeting. She also requested permission to attend the Regional Leader's meeting in Boise, ID. Consensus of Council agreed to both requests.

Councilmember Bennett stated that based on the results of an audit that was conducted, it has been confirmed that Memorial Hospital UCHealth is paying the contracted amount of \$3M per year for the UCCS medical school through Anschutz Medical Campus.

Councilmember Avila spoke about her visit with the students of Sabin Middle School and the donations made to the Sunstone Townhomes residents who experienced a fire last month.

11. Adjourn

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

Sarah B. Johnson, City Clerk