



# 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.*

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Monday, February 24, 2020

10:00 AM

Council Chambers

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### 1. Call to Order

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

### 2. Changes to Agenda

President Skorman stated items 7.B. and 9.A. will be taken before noon and item 5.B.A. was withdrawn.

Consensus of City Council agreed to these changes on the agenda.

### 3. Regular Meeting Comments

Sarah B. Johnson, City Clerk, stated there is a request to postpone items 12.A., 12.B. and 12.C. to the March 11, 2020 City Council meeting. Councilmember Knight requested a financial impact analysis for these items regarding tax dollars to the City by changing land use from commercial to residential. Jeff Greene, Chief of Staff, stated staff will provide that information.

Consensus of City Council agreed to these changes on the Agenda.

### 4. Review of Previous Meeting Minutes

- 4.A. [20-087](#) City Council Work Session Meeting Minutes February 10, 2020

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [2-10-20 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the February 10, 2020 Work Session meeting were approved by Consensus of City Council.

## **5. Executive Session**

### **5A. Open**

### **5B. Closed**

#### **5B.A. [20-078](#)**

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 (c), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed includes negotiation consultation with the City Attorney for the purpose of receiving legal advice on specific legal questions related to leased property.

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:** [02242020ClosedSession](#)

This item was withdrawn.

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

#### **6.A. [20-086](#)**

Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 2-24-20.pdf](#)

Sarah B. Johnson, City Clerk, stated there will be an annual update from UCHealth and Children's Hospital at the March 9 2020 City Council Work Session meeting.

Councilmember Murray asked when City Council will receive an update regarding the Transit Center. Jeff Greene, Chief of Staff, stated the property negotiations are still in process, but as soon as the cooperative agreement is complete, they will discuss with City Council as to what the proposed terms are.

President Skorman stated there will be representation from the Housing and Building Association (HBA) and others involved in metropolitan

districts regarding the state and federal tax impacts for homeowners within metropolitan districts at the March 9, Work Session meeting.

**6.B.**    [20-077](#)            HomeCOS: Housing Our Future, A Comprehensive Affordable and Attainable Housing Plan for the City of Colorado Springs, Colorado

Presenter:

Steve Posey, HUD Program Manager, Community Development Division

Peter Wysocki, Director of Planning and Community Development

**Attachments:**    [HomeCOS Housing Our Future Housing Needs Chart.pdf](#)  
[HomeCOS CC Work Session 2 24 2020.pptx](#)

Peter Wysocki, Director of Planning and Community Development, stated the topic of affordable and attainable housing has been ongoing for a number of years and HomeCOS is a draft advisory document regarding home prices and attainability within the City.

Councilmember Geislinger asked if HomeCOS will be drafted in conjunction with RetoolCOS. Mr. Wysocki confirmed it would and it will highlight higher density housing and accessible dwelling units to assist with the goal of affordable housing.

Steve Posey, HUD Program Manager, Community Development Division, presented HomeCOS: Housing Our Future, a comprehensive affordable and attainable housing plan for the City. He identified the existing conditions, housing challenges, benefits of addressing housing need, ongoing efforts, and future collaborations. Mr. Posey gave an overview of regional growth population, specific age groups, household composition, and employment. He went over existing inventory, housing production, housing costs, social benefits, economic benefits, and housing needs. Mr. Posey identified the core objectives and implementation plan.

President Pro Tem Strand asked if the Reboot Camp included people who are leaving the military, but remaining in the community. Mr. Posey stated he will provide that information.

Councilmember Geislinger asked what a person's wage must be in order to afford an average apartment with utilities in Colorado Springs without being cost burdened. Mr. Posey stated \$18-\$20 per hour.

Councilmember Williams asked if summer jobs or overtime wages have been calculated in the employment data. Mr. Posey stated he will research that information.

Councilmember Avila stated a single parent who needs child daycare

needs to make \$27 per hour in order to earn a living wage. Mr. Posey stated he will provide City Council the study "A Sustainable Wage for El Paso County" which provides a breakdown of a living wage for families and single parents.

Councilmember Knight asked if the full affordability data included both rentals and home ownership. Mr. Posey stated this data compares the rental stock in the community to household income and only applies to multi-family housing.

Councilmember Williams asked if providing assistance with housing for veterans is one of the objectives of the plan. Mr. Posey confirmed it is.

Councilmember Geislinger stated that going forward he would like to see a breakdown of the costs associated with homelessness issues and the economic benefit to the City of having more affordable and attainable housing.

Councilmember Knight asked if HomeCOS will come before City Council for adoption. Jeff Greene, Chief of Staff, stated HomeCOS is the Mayor's plan, but they wanted to be sure City Council was briefed on the components of the plan and once the final plan is drafted, it will come before City Council again.

Councilmember Knight stated he is concerned that City Council will be forced to approve zone changes from commercial to multi-family because it would create affordable housing. Mr. Posey stated there are no proposed changes to the entitlement process and each project would have to meet the requirements of the land development code.

Councilmember Williams asked if the cost of infrastructure was included in the lot cost of the 2019 new single-family home. Mr. Posey stated he will reach out to the Housing and Building Association (HBA) to get that information.

Councilmember Pico stated he is concerned that there may be a shift of cost to attain some of these objectives, because development needs to pay its own way.

President Skorman asked if there is a focus regarding housing for seniors. Mr. Posey confirmed there is.

Councilmember Murray stated the migration of people to the City will exacerbate the problem of the lack of affordable housing and needs to be addressed.

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

### **7.A. [20-011](#) Colorado Springs Health Foundation Update to City Council**

Presenter:

Cari Davis, Executive Director

**Attachments:** [City Council Pres\\_24Feb20](#)

Cari Davis, Executive Director, Colorado Springs Health Foundation (CSHF), stated City Councilmembers requested additional information concerning policy issues for funding focus areas, critical health needs in the community, and how the CSHF decides to allocate resources. She gave an overview of their legal structure, original purpose statement, mission, vision, values, geographic scope, and grant making policy. Ms. Davis explained the process for sources of data and insight, community health priorities, deciding on funding priorities, current funding focus areas, allocating resources, and assessing results.

Jon Medved, founding trustee, CSHF, gave a brief history of the Colorado Springs Health Foundation.

President Pro Tem Strand asked when data regarding youth vaping and e-cigarettes will be updated. Ms. Davis said the Healthy Kid Survey is done every two years so there should be more information released this spring.

Councilmember Pico asked if there is a new population outside of Chronic, Vets, Youth, and Families experiencing homelessness which is causing the total number of people experiencing homelessness to rise. Ms. Davis stated she will research that information.

Councilmember Murray requested additional information regarding matching funds requirements for grantees. Ms. Davis and Mr. Medved gave several examples of where grantees have indicated their use of matching funds.

Councilmember Knight asked if the grant payouts for Healthy Environments were determined by zip code. Ms. Davis gave an overview of the grants made to support parks and clinics in the socioeconomically disadvantaged parts of the City toward where resources are not as available to residents. Councilmember Geislinger highlighted that forty percent of a person's health outcome is due to socioeconomical factors.

Councilmember Knight requested a list of applications which were not funded by the CSHF to illustrate their very strict guidelines. Ms. Davis agreed to provide that information.

**7.B.**    [19-712](#)        Stopping Puppy Mills: Retail Pet Sale Ban

Presenter:

Francelle Moore, Retail Pet Sale Ban Advocate

Roland Halpern, Executive Director with the Humane Society of the United States

Dustin Hawthorne, Owner PetCity Colorado Springs

**Attachments:**    [CS Puppy Mill Pipeline](#)

[Worksession Additional Information](#)

[Worksession Additional Information Part 2](#)

Vicki Allinger, Colorado Springs Team Leader for Bailing Out Benji, gave an overview of puppy mill/large scale breeder statistics, breeder violations, consumer protection issues, and health issues with the puppies.

Amy Jesse, Public Policy Director, Humane Society of the United States, presented the proposed retail pet sale ban to put a stop to puppy mills. She stated they are not looking to put retail pet stores out of business, but they want them to change to a humane business model. Ms. Jesse stated pet stores which do not sell live animals have been shown to be financially successful and gave an overview of regulations and licensed breeders.

Councilmember Murray asked how this would impact a citizen's ability to purchase a puppy. Ms. Jesse stated only three percent of Americans purchase puppies from pet stores and they could purchase directly from reputable breeders or adopt from the Humane Society.

Councilmember Williams asked if the proposed Ordinance could require pet stores to only purchase from reputable breeders. Ms. Jesse stated due to the lack of enforcement and out-of-state regulation, it has been proven that the implementation of a sourcing law would be ineffective.

Councilmember Avila identified that this proposed Ordinance would not stop the commerce of reputable breeders.

Dustin Haworth, Owner PetCity Chapel Hills Mall, gave an overview of the local PetCity stores, where the dogs come from, consumer demand, and how they have improved animal welfare in Colorado Springs.

Bree Maestas, Owner PetCity Citadel Mall, stated they have personally visited the facilities from which they get their animals and said the information regarding United States Department of Agriculture (USDA) licensed breeders are misleading. She identified several kennels which supply the puppies to Pet City and stated they endorse animal welfare.

Councilmember Murray asked how many puppies they purchase within the City. Mr. Haworth stated zero. Ms. Maestas stated even though they do not purchase from breeders in the City, forty percent are purchased from within the state of Colorado.

Councilmember Murray asked what the impact would be if the pet store was converted to a pet supply only store. Mr. Haworth stated they would lose a significant amount of revenue.

Councilmember Geislinger asked if there have been previous attempts to reach a common ground. Mr. Haworth stated there has not been any previous stakeholder process. Ms. Jesse stated a compromise was proposed at a state level, but pet stores were opposed to it and there was an attempt to reach out to the owners of PetCity, but there was no response.

Councilmember Pico asked what type of veterinarian screenings are done prior to the puppies being sold. Mr. Haworth identified there is a veterinary screening done at the breeder's facility and they are also physically examined seven days prior to arriving at the pet store.

Councilmember Murray and Councilmember Williams requested a response to each of the Bailing Out Benji statements in regards to the alleged breeding facility violations. Mr. Haworth agreed to provide that information.

Councilmember Knight stated he is supportive of staff working on a draft Ordinance, but would prefer the parties to work out a compromise.

President Skorman and Councilmember Geislinger requested both sides work toward a resolve before a law is enacted.

Councilmember Williams stated he supports the protection of the health and care of animals, but does not support targeting certain businesses. He disclosed he was involved with the investigation of a complaint involving the Humane Society of the United States in 2015 when he was Secretary of State.

Councilmember Pico stated everyone is concerned with the welfare of the animals, but he does not believe the data presented supports PetCity's involvement in the described puppy mills and more of an analysis is needed.

President Skorman polled City Council in regards to staff moving forward with a draft Ordinance or if there should be more discussion between the

two sides first.

Councilmember Knight stated he supports additional discussion between the parties.

Councilmember Geislinger stated City Council needs to stay focused in the priorities for the year and does not support this becoming a legislative issue this year.

Councilmember Avila stated this ongoing issue is just as important as the other issues on the agenda and should be considered.

Councilmember Murray and Councilmember Williams requested statements from the local Humane Society in regards to their position on the issue.

## **8. Items for Introduction**

- 8.A.**    [20-081](#)    An Ordinance amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$121,000 for five additional projects and events recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

Laurel Prud'homme, Chair, LART Citizen Advisory Committee

**Attachments:**    [Ordinance for LART 2020 Additional Events-Feb 2020](#)  
[FINAL 2020 LART Resolution Exhibit A](#)

Councilmember Knight recused himself because his wife is on the Board for the Challenger Learning Center which is one of the recipients.

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation of \$121,00 to the Lodgers and Automobile Rental Tax (LART) fund for five additional projects and events as recommended by the LART Citizen Advisory.

President Pro Tem Strand asked if the \$50,000 VisitCOS Promotional Opportunity was for the National Hockey League game. Laurel Prud'homme, Chair, LART Citizen Advisory Committee, confirmed it was.

- 8.B.**    [20-082](#)    An Ordinance amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$100,000 for additional funding for the Humane Society



animal law enforcement and sheltering contract

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [Ordinance for 2020 GF Supplemental - HSPPR Humane Society-Supplemental-02-24-20](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation to the General Fund in the amount of \$100,000 for additional funding for the Humane Society animal law enforcement and sheltering contract for 2020 and 2021. She stated this item was approved by the City Council Budget Committee on February 11, 2020 and the appropriation will come from the reserve funds of the general fund.

Leslie Yoder, Interim CEO, Humane Society of the Pikes Peak Region gave a brief background on the Humane Society of the Pikes Peak Region.

Ralph Rivera, Director of Finance and Administration, Humane Society of the Pikes Peak Region, explained why the increase is needed for wage increases, additional staffing, and turnover.

Councilmember Williams asked if the Administration and the Humane Society of the Pikes Peak Region supports this request. Ms. McDaniel confirmed they do.

Councilmember Knight stated he is concerned the \$280,000 budget deficit is based on the budget for salaries and not the expenditure for salaries.

**8.C. [20-048](#)**

An Ordinance Amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$241,300 for Acquisition of Approximately 40 Acres of Property for the Purpose of Public Open Space and Trails

Presenter:

Britt Haley, TOPS Program Manager, Parks, Recreation and Cultural Services Department

**Attachments:** [Jimmy Camp Creek Parcels w additional parcel SuppAppr JCC40acresORD-2020-02-14.docx](#)

Britt Haley, Parks, Recreation and Cultural Services Department,

presented the Ordinance for a supplemental appropriation to the Trails, Open Space and Parks (TOPS) fund in the amount of \$241,300 for acquisition of approximately 40 acres of property currently owned by Colorado Springs Utilities for the purpose of public open space and trails. She presented a map of the property and gave an overview of the project summary, updated 2020 TOPS revenue, and the estimated fund balance recap. Ms. Haley stated this item was approved by the City Council Budget Committee on January 14, 2020.

There were no comments on this item.

- 8.D.**    [20-084](#)    A Resolution Amending Resolution No. 153-19, 2020 Drainage Basin Fees, Bridge Fees, Detention Pond Facility and Land Fees, to Increase the Black Squirrel Creek Pond Land Fee and the Middle Tributary Basin Drainage Fee

Presenter:

Richard Mulledy, P.E., Stormwater Enterprise Manager, Stormwater Enterprise

Erin Powers, P.E., Senior Technical Engineer, Stormwater Enterprise

**Attachments:**    [2020\\_DrainageFeeUpdatesRES-2020-05-05 \(2\)](#)

[2020DrainageFeeScheduleExhibit\\_A-2020-02-05](#)

[Exhibit B\\_Drainage Board Minutes](#)

[Black Squirrel Pond Land Fee Middle Trib Drainage Fee Adjustment 2020](#)

Erin Powers, P.E., Senior Technical Engineer, Stormwater Enterprise, presented the Resolution to increase the 2020 Black Squirrel Creek Pond Land Fee and the Middle Tributary Basin Drainage Fee from \$789 to \$3,739 per acre. She stated the City of Colorado Springs/El Paso County Drainage Board unanimously approved these changes on December 5, 2019.

Councilmember Pico stated the increase is appropriate because it is tied directly to the construction costs of the stormwater improvements.

Councilmember Knight stated the original estimate was based on a 1989 estimate of construction costs so there should be new estimates obtained on the other projects. Richard Mulledy, P.E., Stormwater Enterprise Manager, Stormwater Enterprise, stated they are working towards updating the estimates on the older basins.

## **9. Items Under Study**

- 9.A. [CPC CA 20-00005](#) Discussion and update on RetoolCOS - amendment of City Code Chapter 7 (Zoning and Subdivision Regulations)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [FIGURE 1 - RetoolCOS Timeline](#)

[FIGURE 2 - RetoolCOS ProjectPlan](#)

[FIGURE 3 - District Uses](#)

[RetoolCOS](#)

Peter Wysocki, Director of Planning and Community Development, introduced the project RetoolCOS and the consultant, Don Elliott of Clarion Associates.

Mr. Elliott gave an overview of the project purpose, project overview, opportunities for input, initial survey results, the project plan, and key themes. He listed the steps which include implement PlanCOS, refine zone districts, improve development standards, and make it user friendly. Mr. Elliott went over the proposed outline, Chapter 3. Use regulations, Chapter 4. Development standards, Chapter 5. Administration, Chapter 6. Definitions, and phase 2.

Councilmember Knight recommended another session with City Council in March 2020 regarding taking City Council out of the appeal process and other project recommendations. He stated parking needs to have its own meeting and asked if there is an active re-write of the sign Ordinance. Mr. Wysocki stated there is not at this time.

Councilmember Knight requested additional discussions regarding zoning regulations and what the tax implications will be, vertical zoning, and conditions of record. Jeff Greene, Chief of Staff, stated there are areas of City Code which require discussion and needs to be updated.

Councilmember Williams stated he has some skepticism regarding the reduction of parking requirements and the recommendation regarding trail systems.

Mr. Greene stated Councilmember Gaebler texted him and agreed there needs to be a robust discussion regarding parking.

Councilmember Geislinger asked when the next public meeting will be held. Morgan Hester, Principal Planner, stated it will be presented at the March 12, 2020 informal City Planning Commission and then at the March 23, 2020 City Council Work Session meeting.

**9.C. [20-055](#) State and Federal Tax Impacts to Homeowners Inside Metro Districts**

Presenter:  
Council Member, Don Knight

**Attachments:** [District Tax Advantages Ver 4](#)

Councilmember Knight identified the financial impacts of metropolitan districts to homeowners and developers. He gave an overview of the Wildgrass Metropolitan District, principal, interest, taxes, and insurance (PITI) for the first year of loan, and home loan qualification. He went over the Silver Hawk Metropolitan District, home value appreciation, 1st, 5th, 10th, and 15th year of loan, federal and state income taxes, deductible categories if itemizing, tax cuts and Jobs Act changes, and tax impacts for 1st, 2nd and 4th year of mortgage.

Councilmember Williams asked what presumption of family income was made over this time period. Councilmember Knight stated \$110,000 per year with an escalation of two percent per year.

President Pro Tem asked if the funding would be different if it was calculated for a previously owned house. Councilmember Knight explained the differences between a pre-owned homes versus a new home.

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

Councilmember Knight and Councilmember Williams stated they attended the luncheon the Mayor hosted for housing our veterans. Councilmember Knight requested future legislative items include the presentation slides in the City Council agenda packets.

President Pro Tem Strand recognized Colorado Springs Police Officers Malcolm Wells and Gary Darress who recently celebrated their retirement. He stated he and several other Councilmembers attended the Colorado Springs Fire Department's Annual Award Banquet.

Councilmember Williams stated he attended the Leadership Program of the Rockies.

Councilmember Murray stated the City needs to be prepared and reserve funding needs to be set aside for emergency responders in regards to the coronavirus.

**11. Adjourn**

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

Sarah B. Johnson, City Clerk