



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, February 27, 2017

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 Keith King, Councilmember Don Knight, and Councilmember Andy Pico
- Excused** 2 - Councilmember Bill Murray, and Councilmember Tom Strand

2. Changes to Agenda

President Bennett requested that there be a Closed Executive Session after Items for Introduction.

Consensus of Council agreed to these changes on the Agenda.

3. Regular Meeting Comments

President Pro Tem Gaebler will present a Black History Month Proclamation at the February 28 City Council meeting, under Recognitions.

Councilmember Collins requested to remove Items 4B.J. and 4B.K. from the February 28 City Council meeting.

The Drake Air Quality Briefing from the State which appears as Item 9A. will be presented at the February 28 City Council meeting instead of at this Work Session, due to scheduling. It is not an action item, and citizens may comment on the item but otherwise it will be subject to normal Council rules.

Consensus of Council agreed to these changes.

4. Review of Previous Meeting Minutes

- 4.A. [17-847](#) City Council Work Session Minutes February 13, 2017

Presenter:
Sarah B Johnson, City Clerk

Attachments: [2-13-2017 Work Session Final](#)

The meeting minutes were approved as presented.

5. Executive Session

5A. Open

There was not an Open Executive Session.

5B. Closed

5B.A. [17-841](#) Closed Executive Session

Presenter:

Wynetta Massey, City Attorney

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 issue to be discussed involves legal advice and negotiation consultation with the City Attorney pertaining to a personnel matter.

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

6. Staff and Appointee Reports

6.A. [16-757](#) Financial Report - Memorial Health System Enterprise

Presenter:

Kara Skinner, Chief Financial Officer

Attachments: [01-January 2017 Monthly Report for Council](#)

There were no comments on this item.

6.B. [16-684](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Attachments: [022717Agenda Planner Review MEMO](#)

The CEO of the Pikes Peak Council of Boy Scouts of America will address the Work Session on March 13 and should appear as early in the Agenda as possible.

On the Agenda for the City Council meeting on March 14, the MathCounts students will be presented under Recognitions.

Councilmember Knight advised that there will be 5-6 code changes to Chapter 1 that will come before Council on March 14.

7. Presentations for General Information

- 7.A. [16-675](#) Colorado Springs Convention & Visitors Bureau (CVB) - Q4 2016 Performance Measures

Presenter:

Doug Price, President & CEO, Colorado Springs Convention & Visitors Bureau

Ryan Trujillo, Sustainability & Support Services Manager

Attachments: [CVB KPI Report Q4 2016 Graphical](#)

Doug Price presented the 4th quarter 2016 report on tourism performance. Lodgers and Auto Rental Tax (LART) collections have been very strong. Colorado Springs surpassed Front Range per room occupancy rates, and occupancy was up 13.7%. The new website, Visit COS, launches tonight and photos and videos are front and center on it.

Councilmember Collins asked for clarification on the YouTube Big Moments video. Mr. Price explained it was a specific video promotion done on that channel for the first 3 months of the year.

Councilmember King asked how much of the funds received over the budgeted amount were spent. Mr. Price advised that the bulk of it was spent on online and print advertising.

- 7.B. [17-814](#) Update report on the PlanCOS - City Comprehensive Plan process
(Legislative)

Presenter:

Merv Bennett, City Council President and Comprehensive Plan Executive Steering Committee Chair

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

Attachments: [CC Work Session - PowerPoint - 2.27.17](#)

Peter Wysocki and Carl Schueler updated Council on the

Comprehensive Plan, which is in the Vision stage - creating a vision and vision themes that support it. The work is being done by a Steering Committee which includes young professionals.

Councilmember Collins asked which of the Steering Committee members is a young professional and Mr. Wysocki indicated those members were Rachel Beck, Josh Green, and Taj Stokes.

PlanCOS' first big public event will be COS Talks, on March 16 at Pikes Peak Community College. Other outreach efforts include a survey with provocative questions; they are hoping for 5,000 responses.

Councilmember Collins asked how the survey was being conducted. Mr. Schueler responded that it was being done via email to everyone that has been reached through any of the planning efforts.

7.C. [17-861](#)

Overview of Supplemental Appropriation Ordinances that will be introduced at the March 13th City Council Work Session

Presenter:

Kara Skinner, Chief Financial Officer

Kara Skinner previewed the introduction of appropriation ordinance that will be coming before the City Council during the March 13 Work Session.

Councilmember Knight commented that the Finance Committee was to have already met on this, but the meeting was postponed; they are trying to meet again before the March 13 Work Session so as to have the ordinances ready to be discussed that day and presented at the Regular Meetings on March 14 and March 28. He asked that the fund balance history for January 1, 2016 through today be brought to the Finance Committee meeting and also be in the packet for the March 13 and 14 meetings.

Councilmember Knight asked if the LART Committee is recommending the \$660,000 payment to the Convention and Visitor's Bureau be made and expressed disapproval at the contract having been written that way. Bret Waters, Chief of Staff explained that it was representative of accepted practices at the time it was written, with the future appropriations a contingency, and that the Council was not obligated to approve the expenditure. When the contract for 2018 is written it will be structured differently and a representative from City Council will participate in those discussions.

President Pro Tem Gaebler noted that there were several worthy Parks

and Recreation projects that were not considered for funding by the LART Committee, and asked Ms. Skinner to address the following questions at the March 13 Work Session: What is the total cost of the Pro Cycling event, and what percentage of the overall event cost is the City's \$250,000? How does the LART Committee decide which organizations to fund, and why weren't the tourism-driven Parks projects funded?

8. Items for Introduction

- 8.A.** [17-848](#) An ordinance amending Part 1 (Medical Marijuana License Code) of Article 2 (Marijuana) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana License Code.

Presenter:

Bret Waters, Deputy Chief of Staff

Lee McRae, License Enforcement Officer in the City Clerk's Office

Attachments: [Clerk-MMJLicenseCodeORD-2017-02-14.docx](#)

[MJ Working Group Report-2017-02-27 \(Location Cap and Testing Facilities\).pptx](#)

Bret Waters reported that the Medical Marijuana Working Group is well-organized, with hard-working members, and that as a whole the working group does support all of their discussion items.

Lee McRae presented the proposed changes to the MMJ License Code, including a cap on licensed locations and details on introducing a license for MMJ testing facilities in the City.

Dirk Draper, President and Chief Executive Officer of the Colorado Springs Chamber of Commerce and EDC told the Council that the Government Affairs Committee and Board of Directors have unanimously approved these recommendations.

Tom Scudder, medical marijuana industry representative indicated that they have emailed the industry about these amendments, and their feedback was universally positive. He also mentioned possibly needing to add a hardship section to the draft ordinance.

President Bennett asked that the Medical Marijuana Working Group discuss it and bring back a recommendation if changes are needed.

- 8.B.** [17-850](#) An ordinance creating 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.

(Legislative)

Presenter:
Bret Waters, Deputy Chief of Staff

Attachments: [MJ-UnlawfulTransferCh9-ORD-2017-02-28-Final](#)

Peter Wysocki, Planning and Community Development Director, stated for the record that the Planning Commission has reviewed and recommended approval of these ordinances.

Councilmember Bagley indicated the licensed MMJ industry supported these ordinances.

Councilmember Knight asked for an update on enforcement action pertaining to the clubs who did not file for a Medical Marijuana Consumption Club license.

Mr. Waters responded that they would arrange a Closed Executive Session to discuss this within the next 2 - 4 weeks.

- 8.C. [CPC CA 17-00018](#) An ordinance amending Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to marijuana uses and providing remedies for the violation thereof.

(Legislative)

Presenter:
Peter Wysocki, Director of Planning and Development

Attachments: [Plan_Dev-ZoningMJUsesOtherORD-2017-02-28-Final](#)
[CPC Staff Report_MJ ordinance](#)
[CPC DraftMinutes 02.16.17-MJ \(2\)](#)

Please see discussion and comments in Section 8.B.

- 8.D. [CPC CA 16-00079](#) An Ordinance Amending Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Geological Hazard Study and Mitigation.

(Legislative)

Presenter:
Peter Wysocki, Planning and Community Development Director

Attachments: [Plan Dev-GeologicalHazardORD-2017-03-01-Final](#)
[3.14.17 geohazard CC presentation](#)
[CPC Staff Report geohazard ordinance](#)

Mr. Wysocki highlighted some of the more important changes in the draft document of the ordinance and the results of the working group's analysis of the stakeholder process. The working group was led by Councilmembers Knight and Strand, who met with residents, industry representatives, Regional Building Department and Colorado Geological Survey. The amendments include a requirement for submitting site-specific geological hazards study with building permits for new or reconstruction of residences, or expansion of more than 50%; expanding the scope of the study to include analysis of possible impacts to surrounding properties; and submittal of an Improvement Location Survey (ILC) to the City prior to issuance of a Certificate of Occupancy.

Councilmember Knight explained that they want to make sure that any project's final designed plans do indeed contain all the appropriate mitigation techniques recommended by everyone, as previously the CGS would never know if their comments has been accepted, rejected or modified. Submitting an ILC will not generate new paperwork, as it's typically produced anyway, as a requirement for funding. Our requiring it is not a new rule, but a verification.

Karen Berry, Director of the Colorado Geological Survey spoke about how this ordinance closes the loop, providing for a review to be sure that all the original recommendations are being transferred and implemented to the construction plans.

The proposed ordinance was reviewed by the Planning Commission at its February 17 meeting and they recommended denial, feeling that the current ordinance is working. They also discussed eliminating the requirement that geological hazard studies be prepared for all properties west of I-25, which they felt makes redevelopment less attractive in that area, and is not consistent with the comprehensive plan. However, the staff recommends approval of the plan.

8.E. [17-807](#) A Resolution of the City Council of the City of Colorado Springs, Colorado acknowledging the community's participation and approving the Renew North Nevada Avenue Master Plan

(Legislative)

Presenter:

Nina Vetter, Strategic Plan and Business Process Administrator
Peter Wysocki, Planning & Development Director

Attachments: [NorthNevadaRES-2017-2-21-clean](#)
[North Nevada Fiscal Impact Memorandum](#)
[CPC Staff Rep - Renew NNA](#)
[Master Plan Criteria](#)
[Renew North Nevada Avenue - City Council Presentation](#)
[RenewNNAveMasterPlan_Draft 03.06.17_Combined](#)

Nina Vetter reported that the Renew North Nevada Avenue Master Plan is near the end of their decision process and was working on addressing affordable housing.

Andrea Barlow, Project Consultant with N.E.S. recommended that the next stage be studying the transportation plan.

President Pro Tem Gaebler asked for clarification on the traffic and transportation flow on Nevada. There is a concern among residents that traffic and buses not be focused all on Nevada.

Councilmember King asked about funding for these plans. Ms. Barlow referred him to page 73 of the packet, where potential funding options are laid out. Mr. Knight requested that the area not be given 100% of the sales tax increment it generates, as it is something the Council does not want to do again.

Councilmember Collins asked where the group is suggesting Comcor might be relocated. Ms. Barlow referred Council to the map on page 79 in the packet, which focuses on higher industrial/commercial use areas. Councilmember Collins expressed concern about the cost of affordable housing.

- 8.F. [17-822](#) A Resolution Adopting the Intergovernmental Agreement Establishing the Administration and Governance of the Pikes Peak Regional Law Enforcement Records Management System

Presenter:
Sue Autry, Police Administrative Services Manager

Attachments: [File #17-822 - Resolution](#)
[031417 Exhibit A \(IGA\)](#)

Sue Autry presented information about the draft of the Intergovernmental Agreement about record sharing between several City and County law enforcement agencies, which has been rewritten to

accommodate having multiple partner agencies. The highlight of the IGA is that it provides for a governance model to resolve issues that may come up between agencies.

- 8.G.** [17-809](#) An ordinance excluding a 13.151-acre parcel from the Interquest North Business Improvement District.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Development

Attachments: [Exclusion-InterquestNBIDORD-2017-02-21](#)
[Interquest North Exclusion Transmittal Letter](#)
[Interquest North Petition for Exclusion](#)
[Interquest North Draft Notice of Exclusion](#)
[Powerpoint- Interquest North BID 2017 Exclusion](#)

Carl Schueler explained that we need to exclude this property as Business Improvement Districts cannot tax properties used for residential purposes, and exclusions require an ordinance.

Councilmember Knight asked about where the conversion of the property from business to residential stands. Ralph Braden, Norwood, indicated that it has been approved, and that the apartment project is under construction.

- 8.H.** [17-817](#) A Resolution approving changes to the Independent Ethics Commission's Rules of Procedure

Presenter:

Tracy Lessig, City Attorney Division Chief - Employment

Attachments: [2017-2-27IECRulesRES](#)

Tracy Lessig reported that the work to revise the Independent Ethics Commission's Rules of Procedure to reflect the changes made in the City Code in December has been finished.

Councilmember Knight had a question about the role of the alternate member of the Committee which had been previously discussed; Ms. Lessig told him that is something that needs to be fixed in the City Code, not in the Rules.

Councilmember King asked for clarification on whether or not the City

Attorney could represent a City Employee or a Councilmember; Ms. Lessig said the Code of Ethics provides for Councilmembers to retain their own attorney.

Ms. Lessig updated the Council on the status of the memo comparing State ethics laws to ours. It has been drafted but not yet reviewed within the City Attorney's.

- 8.I. [17-852](#) An ordinance amending Section 102 (Regular Council Meetings; Utility Board) of Part 1 (Elective Officers) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Utility Board

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [CS-Ch1-UtilityBoardORD-2017-01-30](#)
[031417 CS-Ch1-UtilityBoardORD](#)

There were no questions from Council.

President Pro Tem Gaebler was excused.

- 8.J. [17-853](#) An ordinance amending Section 202 (Bonds) of Part 2 (Appointive Officers; General Provisions) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Bonds and Oaths

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [CS-Ch1-BondsOathORD-2017-01-30](#)
[031417 CS-Ch1-BondsOathORD](#)

There were no questions from Council.

- 8.K. [17-854](#) An ordinance Amending Section 204 (Assistants) of Part 2 (Appointive Officers; General Provisions) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Assistants

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [CS-Ch1-AssistantsORD-2017-01-31](#)
[031417 CS-Ch1-AssistantsORD](#)

There were no questions from Council.

- 8.L. [17-855](#) An ordinance Amending Section 303 (Appoint to Acting Capacity) of Part 3 (Powers and Duties of the Mayor) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Acting Appointments

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [CS-Ch1-InterimActingORD-2017-02-02](#)
[031417 CS-Ch1-InterimActingORD](#)

Councilmember Knight said this ordinance addresses the challenges with acting appointments. If a staff member is acting in another capacity, they will still receive their regular pay as well as, after 30 days, a 10% differential. It allows an employee to come from another department. And, it protects Council's right to confirm those appointees for a 12 month time limit (one person for 12 months, or 12 people for 1 month each.)

Mr. Waters clarified that these changes give the Mayor incentive to present a qualified person more quickly.

- 8.M. [17-856](#) An ordinance Amending Section 105 (Candidates for Election) of Part 1 (Employee Rules and Regulations) of Article 4 (City Employees) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Candidates for Election

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [CS-Ch1-CandidatesElectionORD-2017-01-30](#)
[031417 CS-Ch1-CandidatesElectionORD](#)

There were no questions from Council.

- 8.N. [17-857](#) An ordinance Amending Section 103 (Presiding Judge; Powers and Duties) of Article 2 (Judges) of Chapter 11 (Municipal Court) of the

Code of the City of Colorado Springs 2001, as Amended, Pertaining to Judges

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [CS-Ch11-JudgesORD-2017-01-30](#)
[031417 CS-Ch11-JudgesORD](#)

There were no questions from Council.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Bagley reminded the Council that the USAF A Wing Open Boxing Championships was coming up on March 2 at 6 p.m., and the Founder's Day dinner will be April 7 at 5 p.m. He also spoke about the recent suicide of a student at Discovery Canyon High School, with a reminder that Council needs to continue looking at and working on that issue locally.

Councilmember Knight asked for consensus from those present to express a desire to the Executive branch that the bandshell in Bancroft Park in Old Colorado City be restored to working order before the summer season. Consensus of Council agreed.

Councilmember King reported that he'd received many emails about the affordable housing complex that is being built behind Safeway at Academy and Highway 115.

11. Adjourn

The meeting was adjourned.

Sarah B. Johnson