



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 27, 2020

10:00 AM

Council Chambers

How to Watch the Meeting

1. Call to Order

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

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

Sarah B. Johnson, City Clerk, stated staff received a request from citizens to have items 4B.E., 4B.F., 4B.G., and 4B.H. be removed from the April 28, 2020 City Council Meeting Consent Calendar.

Consensus of City Council agreed to this change.

Councilmember Knight requested staff provide a map illustrating the land being swapped in regards to item 4B.H. Jeff Greene, Chief of Staff, stated staff will present the requested information.

4. Review of Previous Meeting Minutes

4.A. [20-176](#) City Council Work Session Meeting Minutes April 14, 2020

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [4-14-20 City Council Work Session Meeting Minutes Final](#)

The minutes of the April 14, 2020 Work Session meeting were approved by Consensus of City 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. [20-175](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 4-27-20](#)

Councilmember Knight asked when Accessory Dwelling Units (ADUs) will come before City Council again. Peter Wysocki, Director of Planning and Community Development, stated it will be presented at the May 22, 2020 Work Session meeting.

7. Presentations for General Information

There were no Presentations for General Information.

8. Items for Introduction**8.A. [20-171](#) A Resolution Authorizing the Acquisition of a 1.651 Acre Parcel using PPRTA funds from the Gelles Family Trust, and the Gail C. Gelles 2002 Revocable Trust, for the Black Forest Road Widening Project**

Presenter:

Mike Chaves, P.E., Engineering Manager

Attachments: [Gelles Resolution - Clean 3-19-2020](#)
[Black Forest South-Gelles Presentation-2](#)

Mike Chaves, P.E., Engineering Manager, presented the Resolution authorizing the acquisition of a 1.651-acre vacant parcel for the Black Forest Road widening project from Woodmen Road north to Research Road. He provided a vicinity map of the land acquisition, limits of the project, and stated the acquisition will use Pikes Peak Rural Transit Authority (PPRTA) funds from the Gelles Family Trust and the Gail C. Gelles 2002 Revocable Trust. Mr. Chaves stated the land was appraised twice and the agreed upon purchase amount is \$1,058,101.

Councilmember Strand asked how much each of the appraisals came in at. Mr. Chaves stated the City's appraisal was \$935,500 and the owner's appraisal was \$1,090,00.

Councilmember Murray asked why this project is not being considered as a stormwater project. Mr. Chaves stated this acquisition is due to the road widening project which is why it is being funded by PPRTA and there are no stormwater funds available for this project.

Councilmember Murray asked why this project is a priority over Marksheffel Road. Mr. Chavez stated it is due to the congestion on Black Forest Road and Marksheffel Road is not currently on the PPRTA extension list.

8.B. [20-180](#)

An ordinance amending Section 104 (deposit of coins or tokens; time limits; prohibitions) of Article 15 (parking meter regulations) of Chapter 10 (motor vehicles and traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to time limitations for deposit of tokens at metered parking spaces

Presenter:

Scott Lee, Parking Enterprise Director, Parking Enterprise Fund

Attachments: [Metered Parking ORD-2020-05-01.docx](#)

President Skorman recused himself due to this item affecting his downtown business.

Scott Lee, Parking Enterprise Director, Parking Enterprise Fund, presented the Ordinance amending City Code pertaining to time limitations for deposit of tokens at metered parking spaces. He stated this proposed amendment to City Code section 10.15.104(E) would allow the City's Parking Enterprise to charge for metered parking on Sundays, which would be consistent with the long-standing policy of charging for parking in the City's public parking structures.

Councilmember Pico stated he prefers the metered parking to be free on Sundays.

Councilmember Knight asked if downtown businesses were supportive of this change. Mr. Lee confirmed they were in favor of this increase.

Councilmember Geislinger asked if the faith community was in favor of this change Mr. Lee stated the parking meters will start at 1:00 PM in order to

allow free parking in the morning.

Councilmember Williams requested the language of the Ordinance be changed to "Sunday mornings" instead of removing the word "Sunday" completely. Wynetta Massey, City Attorney, stated the Ordinance language does not need to be changed, but the signage on the parking meters will need to be changed.

Councilmember Avila stated she is not in favor of this at all because the City should keep Sundays as family-oriented and there should not be any parking fees on Sunday.

Councilmember Knight stated he agrees with Councilmember Williams' request to add language that prohibits charging parking meters to be charged on Sundays before 1:00 PM. Ms. Massey stated parking meters may be under Administrative jurisdiction.

- 8.C.** [20-179](#) A resolution designating an independent auditor as required under section 3-160 of the Charter of the City of Colorado Springs

Presenter:
Denny Nester, City Auditor

Attachments: [Independent Auditor Designation Resolution.docx](#)
[2020 Independent External Auditor.ppt](#)

Denny Nester, City Auditor, presented the Resolution designating an independent auditor, BKD, CPA Firm, as required by the City Charter. He gave an overview of City Charter section 3-160, the history, current situation, and the Audit Committee's request for designation.

Councilmember Geislinger asked if protocol should be the designation of a new Certified Public Accountant (CPA) firm every four to five years. Mr. Nester stated the balance between having a fresh view and familiarity with the organization has to be considered. He stated there is a significant difference between the price of the bids and usually the external auditor will rotate the individual auditors.

- 8.D.** [CPC CA](#)
[20-00019](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing standards for Wireless Communication Facilities (WCF), including Small Cell Facilities

(Legislative)

Presenter:

Morgan Hester, Principal Planner
Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD WCF & Small Cell](#)
[CPC Staff Report_WCF Ordinances](#)
[CPC Minutes_WCFOrdinances_draft.pdf](#)
[STAFF WCF Ordinances 4-27-20.pptx](#)
[STAFF WCF Ordinances 5-12-20](#)

Morgan Hester, Principal Planner, presented the details of the Ordinances amending Chapter 7 of City Code establishing standards and revising all references for wireless communication facilities (WCF) from Commercial Mobile Radio Service (CMRS), including small cell facilities, and establishing standards specific to modifications of macro cellular communication sites on private property, in accordance with Federal regulations. She also presented the Ordinance amending Chapter 3 of City Code establishing the allowance of small cell facilities in the right-of-way.

Councilmember Pico asked if the language change from “CRMS” to “WCF” was due to alignment with state and federal regulations. Ms. Hester confirmed it was.

Councilmember Pico asked if these facilities could be prohibited in planned unit developments (PUD). Ms. Hester stated if the uses are outlined as something which is precluded in the PUD, they could be prohibited. She stated WCF towers are subject to zoning regulations, but small cell facilities proposed within a right of way needs to comply with those requirements.

Councilmember Knight requested applicants be required to provide letters from Homeowners Association (HOA) which state they are in compliance with their regulations. Wynetta Massey, City Attorney, stated the City cannot impose requirements on private covenants because the City does not have authority over them. Ms. Hester stated there are aesthetic standards and distancing requirements identified in the Ordinance.

President Skorman asked if there are any opportunities for a homeowner to refuse the implementation of a cell tower based on health concerns. Ms. Hester stated there is not.

- 8.E.** [CPC CA 20-00020](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing standards specific to modifications

of macro cellular communication sites on private property.

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD Eligible Facilities](#)
[CPC Staff Report_WCF Ordinances](#)

Please see comments in Agenda item 8.D.

- 8.F. [CPC CA 20-00023](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code revising all references to include Small Cell Facilities and Wireless Communication Facilities (WCF) from Commercial Mobile Radio Service (CMRS)

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD-WCF_LandUseTables](#)
[CPC Staff Report_WCF Ordinances](#)

Please see comments in Agenda item 8.D.

- 8.G. [CPC CA 20-00024](#) An ordinance amending Chapter 3 (Public Property and Public Works) of City Code establishing the allowance of small cell facilities in the right-of-way

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_Public Property](#)

Please see comments in Agenda item 8.D.

9. Items Under Study

- 9.A. [20-097](#) Protect Our Parks (“POPS”) Discussion

Presenter:

Richard Skorman, Third District City Councilmember
Kent Obee

Attachments: [Charter-Amendment-ParklandConveyances-2020-03-09-CLEAN.docx](#)

[Exhibit A--Parkland Designation List.xlsx](#)

[POPS-WhatWhy.doc](#)

President Skorman presented the Protect Our Parks (POPS) Ordinance which would refer a Charter Amendment to the November 2020 election if City Council is placing other items on the ballot.

Citizen Kent Obee stated these parks are being heavily used, parkland belongs to the citizens, and when it is gone, it is gone forever. He stated most jurisdictions in Colorado have provisions of voter protection in regards to the transfer of parkland.

Councilmember Geislinger asked how the proposed language would allow the City to be flexible enough to provide for immediate response if necessary. Mr. Obee stated even in emergency situations, the parkland should have a degree of protection because it cannot be replaced. President Skorman stated there are also a number of exceptions in the proposal to address emergent situations.

Councilmember Murray stated these properties are low hanging fruit when the City is experiencing hard times, they need to be protected, and the decision should be left up to the voters. Councilmember Geislinger stated he does not view economics as an emergent situation, but the safety of citizens is. Mr. Obee stated there are already laws in place to deal with those situations even with the POPS Ordinance in place.

Councilmember Avila stated the parks should be viewed as a precious resource, not as an economic tool which could be traded. She stated she prefers the citizens choose about the outcome of the parks, but if City Council is required to decide the outcome, she requested it be done by a super-majority vote.

Councilmember Pico stated he does not support selling parkland for revenue and requested the criteria for how the list of parks was created. Mr. Obee stated most municipalities do not even have a list of specific parks, but they worked with the Parks Department and the City Attorney's Office to create the list of exceptions, the De Minimis conveyance, and to

be fair to all citizens.

Councilmember Williams stated he does not want to remove City Council from making decisions for the betterment of a park situation without having to have an election. He also requested that there not be a special election held for this item.

President Pro Tem Strand and Councilmember Gaebler stated they are in favor of moving forward with this Ordinance.

10. Councilmember Reports and Open Discussion

Councilmember Knight requested a briefing from the Finance Department before the end of May 2020 as to what the ratchet down effects of the Taxpayer Bill of Rights (TABOR) will have on the City's ability to recover from the current economic downturn.

Councilmember Avila requested Transit Services work with the El Paso County Department of Health regarding keeping passengers safe who are serving the City during these COVID-19 times. Jeff Greene, Chief of Staff, stated Transit Services did collaborate with the El Paso County Department of Health and will have a Work Session presentation regarding their operations.

President Skorman requested more information regarding resources for public safety for businesses which are beginning to reopen.

Councilmember Geislinger stated there will need to be future discussion in regards to rental assistance.

Councilmember Murray stated everyone should be wearing a mask in public for the safety of the community. Councilmember Geislinger stated they should first request direction from the Department of Health. Councilmember Pico stated because it is a recommendation, not a requirement, it should not be a fineable violation.

11. Adjourn

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

Sarah B. Johnson, City Clerk