



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, July 8, 2019

1:00 PM

Council Chambers

1. Call to Order

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

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated because they are associated with each other, item 6.D. will be moved to before item 8.E. and the Closed Executive Session will be moved to the end of the meeting.

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

3. Regular Meeting Comments

Councilmember Murray, requested the land appraisal for the proposed site of the Transit Center be completed within two weeks. Jeff Greene, Chief of Staff, stated there may be a need for a Closed Executive Session with City Council regarding direction on this item.

4. Review of Previous Meeting Minutes

- 4.A. [19-372](#) City Council Work Session Meeting Minutes June 24, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [6-24-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the June 24, 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. [19-358](#)

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),(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 consultation with the City Attorney regarding a land acquisition matter and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the land acquisition matter.

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: [07082019ClosedSession](#)

Wynetta Massey, City Attorney, Office of the City Attorney, stated 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),(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 consultation with the City Attorney regarding a land acquisition matter and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the land acquisition matter. 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.

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.

6. Staff and Appointee Reports

6.A. [19-371](#)

Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 7-8-19.pdf](#)

Sarah B. Johnson, City Clerk, stated the potential November 5, 2019 ballot items will be on the July 22, 2019 City Council Work Session agenda and the Intergovernmental Agreement (IGA) with the El Paso County Clerk and Recorder will be presented back-to-back at the August 12 and 13, 2019 City Council Work Session and Regular meetings.

There were no comments on this item.

6.B. [19-376](#) 2018 Yearend Review, 2019 Monthly Financial Update, and 2020 Budget Outlook

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Jul 08 Monthly Financial Report.pdf](#)

Charae McDaniel, Chief Financial Officer, presented the 2018 year-end review, 2019 monthly financial update, and 2020 budget outlook. Ms. McDaniel stated as of December 31, 2018, the total net position of the City had a 4.8 percent increase in governmental activities and a 6.2 percent increase in business type activities. She stated the combined ending balance of governmental funds was up 5.2 percent. Ms. McDaniel also explained the 2018 actual revenue over expenses was -\$212,000. The general fund ended the year with a total fund balance of 16.9 percent with \$51.9 million in unrestricted fund balance and \$21.6 million in unassigned

Councilmember Knight how much of the unrestricted fund balance is unassigned. Ms. McDaniel stated \$31.9 million.

Councilmember Knight asked how the City is preparing for a potential recession when the expenses were over budget by \$212,000. Ms. McDaniel stated some of the projects appropriated in prior years had their project spend down occur in 2018.

Councilmember Knight requested a ten-year history of the end-of-year, unrestricted, unassigned fund balance. Ms. McDaniel agreed to provide that information.

Councilmember Geislinger asked for the percentage of the cash-on-hand balance compared to the following year's budget and what the goal is. Ms. McDaniel stated it is 10.4 percent of the following year's budget and the City's goal is 20 percent.

Councilmember Williams asked if roads are included in the City's assets. Ms. McDaniel confirmed they are. Councilmember Williams asked how the value of streets is calculated. Ms. McDaniel stated she will provide that information.

Ms. McDaniel stated revenue activity through May 2019 indicated \$3.2 million above budget. She reviewed sales tax trends, grant funds, Memorial Health System fund, and economic indicators.

Ms. McDaniel said the 2020 estimate of revenue is a 3% increase from the 2019 estimated budget and an \$8.5 million increase from the estimated budget-to-budget amounts. She listed the 2020 budget priorities and other potential impacts to the budget.

Councilmember Knight stated he would like an increase in the unassigned balance for the 2020 budget.

Councilmember Geislinger requested the issue of homelessness and affordable housing be listed as a priority in the 2020 budget.

6.C. [19-276](#) Southwest Downtown and City for Champions (C4C) Update

Presenter:

Bob Cope, Economic Development Officer

Attachments: [Southwest Downtown & C4C City Council Update 7-8-19](#)

Bob Cope, Economic Development Officer, presented the Southwest Downtown and City for Champions (C4C) update. He gave a brief overview of the United States Olympic Museum and Hall of Fame (USOM), Weidner Stadium, Robson Arena, Vermijo Avenue and Sierra Madre rebuild and streetscape, pedestrian bridge, William J. Hybl Sports Medicine and Performance Center, and United States Air Force Academy (USAFA) Gateway Visitor Center.

Councilmember Williams asked if the Pikes Peak Rural Transportation Authority (PPRTA) will be funding the street level improvements for Southwest Downtown and the district or private sources will be funding the enhancements. Mr. Cope stated some of the basic infrastructure will also be funded by private sources.

Councilmember Murray expressed his concerns with the pictures of the proposed projects not being accurate and the funding sources. He requested additional information be provided at the July 22, 2019 Work Session.

Councilmember Knight asked if the C4C agreement had been amended to bifurcate the agreements and the USAFA Gateway Visitor Center could be reduced to 27,300 square feet. Mr. Cope stated the City is not at risk of losing the entire \$120.5 million if the USAFA Gateway Visitor Center does not move forward, only five percent of it and the reduction of the square footage of the USAFA Gateway Visitor Center is a contingency plan in case full funding is not received to construct the full 32,000 square feet. Mr. Cope stated there has not been a change to the agreement. Councilmember Knight requested an official from the USAFA to verify 27,300 square feet would be acceptable to them. Jeff Greene, Chief of Staff, stated there will be a representative from the USAFA Superintendent's Office present at the July 9, 2019 City Council meeting.

Councilmember Murray requested a timeframe for the proposed construction for Southwest Downtown. Mr. Cope stated redevelopment projects do not all occur at once, there will be a phased, coordinated, and screened process for them.

6.D. [19-369](#) Update on the short term vacation home rental program and permitting

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Attachments: [CC Work Session Presentation - STR Update 7-8-19](#)

[FIGURE 1 - Ordinance 18-112](#)

[FIGURE 2 - CC Work Session Cover Memo - 6-10-19](#)

[FIGURE 3 - STR Mid-Year Update PPT - 6-10-19](#)

[FIGURE 4 - OCC Residential Density Heat Map](#)

[FIGURE 5 - OCC STR Density Heat Map](#)

[FIGURE 6 - Downtown Residential Density Heat Map](#)

[FIGURE 7 - Downtown STR Density Heat Map](#)

[FIGURE 8 - Cheyenne Blvd Residential Density Heat Map](#)

[FIGURE 9 - Cheyenne Blvd STR Density Heat Map](#)

[FIGURE 10 - Holland Park Residential Density Heat Map](#)

[FIGURE 11 - Holland Park STR Density Heat Map](#)

[FIGURE 12 - STR Helper/Host Compliance Presentation](#)

[FIGURE 13 - Harmari Presentation](#)

[FIGURE 14 - STR Ord Amend-Sales Tax](#)

Morgan Hester, Program Coordinator, presented an update on the short term vacation home rental (STR) program and permitting. She gave an overview of residential and STR permit density in Old Colorado City, downtown, Cheyenne, and Holland Park. She identified the potential

Ordinance amendments and third-party enforcement options.

Councilmember Knight presented a photo of a tour bus dropping off occupants of a STR and requested an Ordinance be drafted which limits the occupancy in STRs to a maximum of two occupants per bedroom.

Councilmember Geislinger also requested to include a distance requirement between STRs. Councilmember Knight stated the distance should be measured as the crow flies, not as a person walks.

Councilmember Gaebler requested the proposed Ordinance be consistent throughout City Code whether it be long-term or short-term rental units and would like to see a cap on the number of STRs permitted in an area.

Councilmember Williams agreed that there should be a number of bedrooms required based on the number of occupants for STRs, but not for long-term residents and stated he has mixed feelings regarding a cap on density.

Councilmember Murray asked what kind of problems are being caused by the large groups. Councilmember Knight stated the problems are nuisance issues and Code Enforcement is having difficulty with enforcement because the laws need to be clarified.

7. Presentations for General Information

7.A. [19-014](#) The Downtown Partnership of Colorado Springs Update

Presenter:

Susan Edmondson, President and CEO, Downtown Partnership of Colorado Springs

Attachments: [07.08.19 DP council.ppt](#)

Susan Edmondson, President and CEO, Downtown Partnership of Colorado Springs, gave an update of the economic and performance indicators of the Downtown Partnership of Colorado Springs. She gave an overview of the accomplishments and growth of the Downtown Development Authority (DDA), the Business Improvement District and Downtown Ventures.

Councilmember Murray asked if the association had an opinion on raising parking rates. Ms. Edmondson stated they have been discussing it with merchants and the City's Parking Enterprise regarding it.

Councilmember Strand asked how many businesses have applied for building enhancement grants with the DDA. Ms. Edmondson stated the

board received approximately eight to ten requests.

Councilmember Strand asked how private security officers can enhance safety downtown. Ms. Edmondson stated their consistent presence provides conflict resolution.

Councilmember Murray asked if there affordable occupancy rate apartments located downtown. Ms. Edmondson stated there many affordable housing properties located downtown.

7.B. [19-018](#) Review of the Completed Pikes Peak Area Council of Governments - Joint Land Use Study (JLUS)

Presenter:

Brian Potts, Joint Land Use Study (JLUS) Program Manager, Pikes Peak Area Council of Governments

Attachments: [7-8-19 JLUS Imp COS City Council final.pptx](#)

Brian Potts, Joint Land Use Study (JLUS) Program Manager, Pikes Peak Area Council of Governments gave a review of the implementation of the Pikes Peak Area Council of Governments (PPACG) Joint Land Use Study (JLUS). He identified the importance to the community, the scope of the grant, the actions to be taken from March 2019 through June 2020, the key findings, program activities, and implementation details.

Councilmember Murray requested permission to be a representative of City Council at the JLUS meetings. Consensus of City Council agreed to this representation. Jeff Greene, Chief of Staff, stated Peter Wysocki, Director, Planning and Community Development, is the City representative.

8. Items for Introduction

8.A. [19-374](#) An Ordinance amending Part 1 (Municipal Airport Advisory Commission) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Airport Advisory Commission

Presenter:

John Maier, Chairman, Airport Advisory Commission

Attachments: [7-1-19 - AAC_ORD \(2\).pdf](#)

John Maier, Chairman, Airport Advisory Commission, presented the Ordinance to amend the City Code section pertaining to the Municipal Airport Advisory Commission to remove conflicting provisions since the previous amendment to the appointment of Boards and Commissions.

There were no comments on this item.

- 8.B. [19-325](#) A Resolution declaring the intent of the City of Colorado Springs, Colorado to issue its Multifamily Housing Revenue Bonds to finance the construction of a senior affordable multifamily housing facility known as Atrium at Austin Bluffs

Presenter:

Steve Posey, HUD Program Manager, Planning & Community Development

Peter Wysocki, Director of Planning and Community Development

Attachments: [Draft Resolution for Preliminary Inducement of Private Activity Bonds](#)

[Prelim Inducement Res TGap CC Materials](#)

[Signed Resolution 66-19](#)

Steve Posey, HUD Program Manager, Planning and Community Development, presented the preliminary inducement Resolution to issue Private Activity Bonds (PAB) to finance the construction of a senior affordable multifamily housing facility known as Atrium at Austin Bluffs. He gave an overview of recent PAB allocations, the application process, and the specifics of the Resolution.

Lee Patke, Executive Director, Greccio Housing, presented photos of the project site and identified the project concept.

Councilmember Strand asked what the average income would be for an individual to be eligible to live at this facility. Mr. Patke stated approximately \$15,000 per year.

- 8.C. [19-187](#) A resolution approving the Intergovernmental Agreement with the Colorado Department of Transportation to fund the Flying Horse Pond 1 Reconstruction.

Presenter:

Jeff Dunn, P.E., Stormwater Enterprise

Attachments: [Resolution Final - Flying Horse](#)

[Exhibit A - Flying Horse](#)

[FHP 1 Powerpoint](#)

Jeff Dunn, P.E., Stormwater Enterprise, presented a Resolution approving the Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) to fund the Flying Horse Pond 1 reconstruction. He

identified the property location and existing conditions, and gave a brief overview of the project and preliminary plan.

Councilmember Murray asked why CDOT is involved in this project. Mr. Dunn stated it is due to their stormwater permit criteria and the runoff from Powers Boulevard between Interquest Boulevard and I-25 will be discharged into this pond. Councilmember Murray asked why the developer is not being held accountable for building a faulty facility in the first place. Jeff Greene, Chief of Staff, stated the original development of the pond was inspected and approved by the City years ago.

- 8.D.** [19-356](#) A Resolution approving and authorizing the Mayor to execute and administer the Intergovernmental Agreement (IGA) between the City of Colorado Springs and the University of Colorado Colorado Springs (UCCS) and the Pikes Peak Rural Transportation Authority (PPRTA) for construction costs associated with the Spine Road Project.

Presenter:

Mike Chaves P.E., Engineering Manager

Attachments: [PPRTA-3-Way-UCCS Spine RdRES](#)
[UCCS Spine Road IGA](#)
[UCCS IGA - Exhibits A and B](#)
[UCCS IGA Exhibit C and D Public Improvement Easements](#)

Mike Chaves P.E., Engineering Manager, presented the Intergovernmental Agreement (IGA) with the University of Colorado, Colorado Springs, (UCCS) and the Pikes Peak Rural Transportation Authority (PPRTA) for the Spine Road Project. He stated Spine Road will provide a connection between North Nevada Avenue and Stanton Road which will run through the UCCS campus. Mr. Chaves identified that UCCS paid for the design and contractor and the PPRTA will also provide funding towards it.

Councilmember Geislinger stated construction of this new road will divert traffic from the intersection of Nevada Avenue and Garden of the Gods Road which will improve its overall road grade.

Councilmember Strand asked if any funding from the City's general fund will be used for construction. Mr. Chaves stated it will not.

- 8.E.** [19-365](#) Ordinance No. 19-49 amending Section 1704 (Short Term Rental Units) of Part 17 (Short Term Rental Unit) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of City Code of the City of Colorado Springs 2001, as amended, pertaining to

remittance of tax and short term rental unit permit review criteria.

(Legislative)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Attachments: [STR Ord Amend-Sales Tax](#)
[FIGURE 1 Ordinance 18-122](#)
[STR Ord Amend-Sales Tax v2.docx](#)
[Signed Ordinance 19-49](#)

Morgan Hester, Principal Planner, Planning and Community Development, presented the Ordinance amending City Code pertaining to short term rental units and the remittance of sales tax prior to the issuance of a permit.

Councilmember Williams asked how far back the City would be able to retroactively collect sales tax. Charae McDaniel, Chief Financial Officer, stated they could only go back as far as the STR discloses they have been operating. Councilmember Williams stated the burden of proof to show which nights were not occupied should lie with the business that did not obtain a sales tax license.

Wynetta Massey, City Attorney, stated there is a provision in Business Licensing of City Code which states each business license applicant shall not be indebted or obligated in any manner to the City and recommended that provision also be used for STR permits.

- 8.F. [19-353](#) A Resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a Special Municipal Election and to participate in a Coordinated Election to be held on Tuesday, November 5, 2019, and providing the effective date of this resolution.

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Nov2019ElectionCoordinatedRES-2019-06-24.docx](#)
[Signed Resolution 60-19](#)

Sarah B. Johnson, City Clerk, presented the Resolution declaring the intention of participating in the November 5, 2019 coordinated election with El Paso County. She stated this Resolution is not associated with any particular ballot item and the deadline to declare an intent to participate is July 26, 2019.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Jeff Greene, Chief of Staff, recommended starting the July 22, 2019 City Council Work Session at an earlier time due to the number of items on the agenda.

Councilmember Murray stated there was discussion at the National League of Cities Informational Technology Workshop on digital equity and 5G technology.

Councilmember Knight spoke on behalf of Councilmember Pico who stated he and Councilmember Williams attended the Canada Day celebration on July 1, 2019.

President Skorman stated he will report to City Council regarding an E.coli study and Colorado Springs has 350,000 dogs.

11. Adjourn

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

Sarah B. Johnson, City Clerk