



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, August 12, 2019

1:00 PM

Council Chambers

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

Councilmember Gaebler was excused at approximately 6:15 PM.

2. Changes to Agenda

President Skorman stated item 6.A. will be moved to before item 4.A.

Jeff Greene, Chief of Staff, requested item 9.A. to be postponed.

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

3. Regular Meeting Comments

There were no Regular Meeting Comments.

4. Review of Previous Meeting Minutes

4.A. [19-440](#) City Council Work Session Meeting Minutes July 22, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [7-22-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the July 22, 2019 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. [19-439](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 8-12-19.pdf](#)

Sarah B. Johnson, City Clerk, stated the August 27, 2019 regular City Council meeting will be starting at 8:00 AM.

Councilmember Murray requested an update on the Transit Center. Jeff Greene, Chief of Staff, stated they will be presenting it to City Council in a Closed Executive Session at the September 9, 2019 City Council Work Session meeting.

6.B. [19-007](#) City Financial Report

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Aug 12 Monthly Financial Report.Council](#)

Charae McDaniel, Chief Financial Officer, presented the August 2019 financial report which represented activity through June 2019. She gave an overview of general fund revenue, expenditures, sales tax trends, grant funds, and economic indicators.

Councilmember Knight asked how the cause is determined if there is a large variance in expenditures in a department's budget. Ms. McDaniel stated they compare their budget YTD to last year and discuss any large variations with the department. She said a majority of the variances are due to personnel vacancies and the timing of capital replacement projects within the year.

Councilmember Williams asked for the number of additional hotel/motel rooms in the City. Ms. McDaniel stated she will research that information.

Councilmember Murray requested projections for a five to ten percent decrease in revenue in the event of a recession. Ms. McDaniel stated she will provide additional information regarding that.

6.C. [19-408](#) Academy Boulevard Great Streets Progress and Measures Report, an

Update on Southeast Colorado Springs Economic Development Initiatives and a Report on the Rustic Hills Neighborhood Revitalization Initiative

Presenters:

Peter Wysocki, Planning and Community Development Director
Carl Schueler, Comprehensive Planning Manager
Chelsea Gaylord, Economic Development Project Manager
Mary Elizabeth Fabian, North Academy Revitalization Initiative

Attachments: [ABC GSR CG Presentation](#)
[170715_ABCReport2018](#)

Peter Wysocki, Planning and Community Development Director, provided a summary of the Academy Boulevard Great Streets Plan progress report.

Carl Schueler, Comprehensive Planning Manager, presented a map of the Academy Boulevard corridor, the factors that contribute to making a great street, the measures of success. He presented the PlanCOS Vision Map and the noteworthy progress.

Chelsea Gaylord, Economic Development Project Manager identified the Southeast economic development initiatives.

Mary Elizabeth Fabian, North Academy Revitalization Initiative gave an overview of the vision and mission of the North Academy Revitalization Committee.

Councilmember Williams asked about the proposed push button crosswalk at Galley Road. Mr. Schueler stated it will be dependent on the pedestrian data collected for that area.

President Pro Tem Strand asked how a substation could be made more appealing. Ms. Fabian stated other communities have planted community gardens at substations. Councilmember Geislinger stated the Public Art Commission would also be able to assist with the substation.

Councilmember Gaebler commented that improvements should be considered for the Citadel Mall.

Councilmember Avila requested the RISE Coalition partner with this committee for the revitalization of this corridor.

7. Presentations for General Information

There were no Presentations for General Information.

8. Items for Introduction

Meeting went into Recess

Meeting Reconvened

- 8.A.** [19-390](#) A Resolution Approving an Intergovernmental Agreement between the El Paso County Clerk and Recorder and the City of Colorado Springs regarding the conduct and administration of the November 5, 2019 Coordinated Election

Presenter:

Sarah B Johnson, City Clerk

Attachments: [Election IGA Resolution.docx](#)
[2019 IGA Agreement-City of CS.pdf](#)
[Signed Resolution 75-19.pdf](#)

Sarah B. Johnson, City Clerk, presented the Intergovernmental Agreement (IGA) with the El Paso County Clerk and Recorder for the November 5, 2019 Coordinated Election. Ms. Johnson stated if an item is approved to be referred to the election ballot, this IGA would need to be filed with the El Paso County Clerk and Recorder by August 27, 2019 and the estimated cost for participation is \$283,389.84.

There were no comments on this item.

- 8.B.** [19-399](#) Ordinance No. 19-54 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 5, 2019, adding a new section 11-80 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance.

Presenter:

Marc Smith, Corporate Division Chief, City Attorney's Office
Karen Palus, Parks, Recreation and Cultural Services Director

Attachments: [Charter-Amendment-ParklandConveyances-2019-08-20-Option1-Clean](#)
[Exhibit A-Parkland Designation List 07312019](#)
[Charter-Amendment-ParklandConveyances-2019-08-20-Option1-Redline](#)

Marc Smith, Corporate Division Chief and Legislative Counsel, Office of

the City Attorney, presented the three options for proposed Charter amendment ballot question ordinances regarding the sale or conveyance of City-owned parkland. He gave an overview of the basic provisions, parkland designation list, exceptions, secondary uses and intra-City transfers. Mr. Smith stated Option 1 requires citizen vote for conveyance of City-owned parkland, Option 2 requires City Council super-majority of six votes, and Option 3 is a combination where certain parks would require a citizen vote and certain parks would require a City Council super-majority vote. He listed the proposed parks which would require a citizen vote for Option 3.

Councilmember Knight asked what caveats are required to get a park on the protected list. Mr. Smith stated it is whatever City Council decides to put on the list after a process through the Parks and Recreation Advisory Board and the adoption of the list by Ordinance.

Councilmember Geislinger asked if there is a provision for City Council to add parks to the protected list as the City grows. Mr. Smith confirmed there was.

Councilmember Gaebler stated Corral Bluffs should be added to the list. President Skorman stated because it was purchased by Trails, Open Space, and Parks (TOPS), it is already protected.

Councilmember Strand asked how the list of protected parks were determined. Karen Palus, Director, Parks, Recreation and Cultural Services, stated the Regional parks and the rest of the parks were added to the list with the exception of the TOPS and non-developed Parkland Dedication Ordinance (PLDO) parks.

Councilmember Knight asked if the Protect Our Parks (POPs) committee was requesting all parks be protected. Mr. Palus stated the Option 1 list only includes developed, City-owned parks.

Councilmember Pico asked if the list of parks will be on the ballot. Mr. Smith stated if the Charter amendment is successful, the list of parks would be adopted by City Council by Ordinance.

Jeff Greene stated the City administration supports Option 2.

Ms. Palus stated the Parks and Recreation Advisory Board supports Option 2.

President Pro Tem Strand asked what the cost would be for a special election. Sarah B. Johnson, City Clerk, stated a stand-alone election would cost approximately \$350,000-\$400,000.

President Pro Tem Strand asked if there has been a case where a decision needs to be made quickly regarding a park. Ms. Palus stated if a property needed to be closed on prior to the end of a year, in order to take the tax benefits, it would be very challenging to bring forward an election that quickly.

President Pro Tem Strand if in the case of an election, if the City could take a position for pro or con. Mr. Smith stated it could adopt a Resolution offering an opinion, but there are restrictions regarding the spending of funds.

Councilmember Murray stated there needs to be a checks and balance process in place before there are any transactions made.

Councilmember Williams asked if Option 1 passes, if the conveyance of five percent of a City-owned two-acre park would require a vote by the people. Ms. Palus confirmed it would.

Councilmember Geislinger stated the City needs to have a way to deal with emergent issues in regards to parks.

Councilmember Williams gave an overview of Option 3 and the differences between the various parks located within the City and how the majority of the people would care or not care about the protection of them.

Kent Obee, POPs group representative, stated all of the City's park land is valuable, regardless of size, and need to be protected. He stated polls indicate eighty percent of the voters would support Option 1 and would vote to protect even the small neighborhood parks.

Jim Lockhart, Conservation Chair, Sierra Club Group, stated the voters should have the opportunity to decide about any conveyance of the parks.

Judith Rice-Jones, League of Women Voters, spoke about the parks which are protected by the deed from General William J. Palmer.

Councilmember Geislinger asked why the trust for the protection of the parks cannot be put in the members of City Council which were elected by the vote of many. Mr. Obee stated the park land is owned by the citizens and historically, there have been some fairly egregious attempts by previous City Councils to sell parkland.

President Pro Tem Strand asked why people would care to protect a park they do not live near. Mr. Obee stated he firmly believes people would vote to not sell any parks.

Councilmember Knight stated he is concerned that if there is a recession, there may be conveyance of parks due to the necessity to fund other City needs and does not believe citizens would vote to protect all parks.

Councilmember Pico stated there is flexibility with adding parks with Option 3. Mr. Obee stated there would need to be clarity regarding the intent of City Council regarding the list of protected parks.

Councilmember Williams asked if the designated parks could be listed in the ballot language for Option 3. Ms. Johnson confirmed it could.

President Skorman polled City Council regarding their preference of how to move forward with this item.

Councilmember Geislinger stated his preference is Option 2 because he feels it honors the voters the most and the citizens will not be invested in the small neighborhood parks which are not in their area of the City. He stated he would also consider Option 3.

Councilmember Williams stated his preference is Option 2 because he does not believe Option 1 would be in the best interest of the Parks, Recreation and Cultural Services Department because it includes every park parcel no matter how small it is. He stated Option 3 would be a compromise and would consider supporting it, but would like a list specifying which parks are included.

Councilmember Murray stated the critical piece of this process is checks

and balances and the citizens should be allowed to decide. He stated his preference is Option 1.

Councilmember Gaebler stated she is struggling with the notion that some parks are more important than others and her preference is Option 1.

President Skorman stated he supports Option 1 because of the pressure which gets put on City Council in regards to parks and the unknown in regards to future City Councils and what may happen during a recession.

President Pro Tem Strand stated he is on the border between Option 1 and Option 3 and will make a decision after hearing public discussion at the August 13, 2019 City Council meeting.

Councilmember Avila stated she believes in the wisdom of many and the small parks are just as important as the large ones. She stated she supports Option 1.

Councilmember Pico stated he is undecided at this time.

Councilmember Knight stated he supports leaving things as they are because he does not see these options as complete enough solutions because there is not a definitive list with the ballot issue. He said this is not a time critical issue which needs to be on the November 2019 ballot and feels it could be reviewed further and be on the November 2020 ballot.

8.C. [19-476](#)

An Ordinance Authorizing and Approving The Lease-Purchase Of Certain Property and the Execution of Documents Related Thereto by the City of Colorado Springs, Colorado, in Connection With the Issuance of Certificates of Participation, Series 2019, in an Aggregate Principal Amount of Not To Exceed \$12,500,000; Ratifying Action Previously Taken Concerning Such Matters; And Providing For Other Matters Related Thereto

Presenter:

Charae McDaniel, Chief Financial Officer
Tom Florczak, Deputy City Attorney

Attachments: [Colorado Springs 2019 COPs - City Authorizing Ordinance.doc](#)
[Redline_4838-2539-9963v4_Colorado Springs 2019 COPs - City Authorizing Ordinance - 4838-2539-9963v5_Colorado Springs 2019 COPs - City Authorizing Ordinance.DOCX](#)
[Colorado Springs 2019 COPs - Indenture.doc](#)
[Colorado Springs 2019 COPs Site Lease \(Governmental - A\).docx](#)
[Colorado Springs COPs 2019 - Lease Purchase Agreement \(Governmental - A\).doc](#)
[2019 Fire and Ice COP - presentation.pptx](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance authorizing the lease-purchase of property and related issuance of Certificates of Participation (COP) not to exceed \$12.5 million in order to finance the costs of improvements to certain City facilities. She identified the Series 2019 COP team and the proposed improvements which include a new building on the Fire Department Complex property, the Sertich Ice Center, and Police firing range. Ms. McDaniel stated the proposed Ordinance has been amended to remove the language “including (descriptions of selected sites to be inserted)” in the second to last whereas clause on page one.

Councilmember Knight requested the actual percentage of the City's indebtedness with the COPs before the August 27, 2019 City Council meeting. Tom Florczak, Deputy City Attorney, stated COPs under the Taxpayers Bill of Rights (TABOR) do not constitute debt.

Councilmember Pico asked why COPs are not recognized as debt. Mario Trimble, Kutakrock, representing the City's bond counsel, stated the Supreme Court and Colorado courts at all levels have approved lease-purchase financing subject to annual appropriation.

Councilmember Murray asked if City for Champion (C4C) funds could be used for the Sertich Ice Center project instead of the Robson Arena. Jeff Greene, Chief of Staff stated these are two very different projects and both are very much needed in the community.

Councilmember Williams requested the total anticipated repayment cost for the COPs. Ms. McDaniel stated it will be approximately \$1 million per year for all three projects combined. Councilmember Williams asked why COPs were chosen for funding versus other funding sources. Ms. McDaniel stated it is due to not having the cash on hand to build the facilities right now.

- 8.D. [CPC MP 92-227-A1MJ](#)
[17](#)

A resolution adopting HistoricCOS as the City of Colorado Springs Historic Preservation Plan.

(LEGISLATIVE)

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [HistoricCOS finaldraft 11-JUN-19](#)
[CC_HistoricCOS_Staff-Presentation](#)
[Historic COS newest version august interactive](#)

Daniel Sexton, Principal Planner, Planning & Community Development, stated the Resolution adopting HistoricCOS as the City's historic preservation plan will be further vetted through another open house as well as the City's Historic Preservation Board and Planning Commission.

Patrick Rawley, Stan Clauson Associates, gave an overview of the City's historic preservation initiatives, purpose of the Historic Plan, their vision statement, and initial resources. He gave a review of comparable cities, stakeholder interviews, the interactive public meeting, community survey results, the action item matrix, and next steps.

Councilmember Williams asked what the funding source would be for the proposed full-time preservation staff positions. Mr. Rawley stated there would be no financial obligation from the City.

Councilmember Murray requested an estimate for the value of repair and a prioritization of the City Auditorium and other projects. Mr. Rawley stated those are built into the process.

Councilmember Knight asked when staff would like recommendations from City Council regarding the plan. Mr. Sexton stated early to mid-September 2019.

Councilmember Geislinger recommended coordination with the sesquicentennial event.

- 8.E. [19-432](#)
- A Resolution authorizing the use of Eminent Domain to acquire real property interests owned by Goetsch Peacock, LLC for the Cottonwood Creek Detention Basin PR-2 Project.

Presenter:
Jeff Dunn, PE, Stormwater Enterprise

Attachments: [Resolution Goetsch Peacock Property](#)
[Exhibit A -Lopez Recorded Deed](#)
[Exhibit B -Tutt Goetch Peacock Easement Rec No. 212048184](#)
[Exhibit C - Tutt Goetch Peacock Easement Rec No. 212048281](#)
[Aug 27 Council Presentation](#)

Jeff Dunn, PE, Stormwater Enterprise, presented the A Resolution authorizing the use of Eminent Domain to acquire real property interests owned by Goetsch Peacock, LLC for the Cottonwood Creek Detention Basin PR-2 Project. He identified the property location, benefits, and existing interests.

Councilmember Pico asked what the original intent of the use of the easement was. Ben Bolinger, Attorney, City Attorney's Office, stated it was to preserve space for Tutt Boulevard.

Councilmember Williams stated he believes this is an appropriate use of eminent domain for these circumstances.

8.F. [19-425](#) An ordinance amending Chapter 7 of the Code of the City of Colorado Springs pertaining to the occupancy and density of short term rental units

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

Attachments: [Recommended STR Ordinance](#)
[EXHIBIT 1 - OCC 5-Lot Spacing Scenario](#)
[EXHIBIT 2 - One Per Block Face Scenario](#)
[EXHIBIT 3 - 500' Cheyene Blvd](#)
[EXHIBIT 4 - 500' Broadmoor Bluffs](#)
[EXHIBIT 5 - 500' Holland Park](#)
[STR ORD - Block Face](#)
[STR ORD - 500' Spacing](#)
[CC Work Session Presentation - STR Update 8-12-19](#)

Morgan Hester, Principal Planner, Planning and Community Development presented an ordinance amending Chapter 7 of City Code pertaining to the occupancy and density of short term vacation home rental (STR) units. She

gave an overview of three permit density cap options which included five-lot spacing, block face limitation, and five hundred foot distance limitation.

Councilmember Knight and Councilmember Williams requested the limit to two occupants over the age of two per bedroom be added to the Ordinance. Councilmember Pico stated limits should not be included if they are not enforceable.

Councilmember Williams stated the maximum occupancy limit should also not be based on just people staying overnight.

Councilmember Gaebler stated there needs to be consistency among housing types because these limits are not being placed on people who own their home or long term rentals. She also stated there needs to be more of a public process before City Council votes on this item.

Councilmember Geislinger recommended removing the age limits and just requiring a certain occupancy limit per bedroom.

Councilmember Murray stated the proposed Ordinance and the proposed density cap restrictions are too complex and would cause a lot of confusion for the enforcement officers. He recommended a \$200 fine for the owner if the neighbors complain and police have to stop by.

President Pro Tem Strand stated the City should not be so restrictive with how a person uses the property such as a case where a home is being used for a family or college reunion. Councilmember Williams stated there are commercial facilities available for those types of large gatherings.

Councilmember Williams stated the current law requires no more than five unrelated individuals are permitted to stay in a dwelling unit and Code Enforcement Officers are having difficulty regulating that.

Mitch Hammes, Neighborhood Services Manager, stated the largest number of complaints they receive in regards to STRs is no permit and tangible conditions on the property such as trash, noise, or vehicles. He stated an occupancy limit would assist officers in enforcing those provisions.

Councilmember Avila stated she agrees with Councilmember Murray's

recommendation to fine the landlord for complaint issues and she agrees with having a density cap.

President Pro Tem Strand stated the proposed density cap might work in some neighborhoods, but feels it is too restrictive.

Councilmember Knight stated the El Paso County Assessor's Office is considering classifying STRs as commercial and this proposed Ordinance would expand residential property rights, not restrict them. He stated the Neighborhood Preservation Alliance would like to see only 1/16 of a neighborhood used as STRs.

Councilmember Williams stated he does not favor a distance restriction if it does not take into account different densities.

Councilmember Geislinger stated there is a fundamental difference between a STR which is owner-occupied versus one that is not and he would support a density cap for non-owner occupied STRs.

Councilmember Pico stated the City should not be regulating rentals whether it is short-term or long-term and the focus should be on the misconduct, not the occupancy or density. Councilmember Williams explained state law defines STRs as commercial property and there is a difference on the impact and consideration for the neighborhood for rentals over thirty days.

Councilmember Knight stated a solution needs to be made to help Code Enforcement alleviate the problems.

Councilmember Knight asked how long a STR would be grandfathered if a density cap was implemented. Ms. Hester stated the permit goes with the property and if an owner moves, the permit would terminate.

President Skorman stated there will be a robust public hearing at a City Council regular meeting in September or October 2019.

Councilmember Murray requested staff review the STR Ordinance for Breckinridge, CO.

9. Items Under Study

- 9.A. [CPC CA 19-00027](#) Discussion of possible amendments to Chapter 7 (Planning, Development and Building) of City Code pertaining to accessory dwelling units.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Hannah Van Nimwegen, Senior Planner, Land Use Review Division

Attachments: [Attachment 1 - Option Breakdown](#)
[Work Session ADU Presentation - 6.10.19](#)
[Attachment 1 - Draft 10 ADU Ord - Option A - 5-28-19](#)
[Attachment 2 - Draft 10 ADU Ord - Option B - 5-28-19](#)
[Attachment 3 - Draft 3 - Affidavit - 5.28.19 - Notification, HOA Covenant](#)
[Attachment 4 - Draft 3 - Restrictive Covenant - 5.28.19 - Subdivision, Owner Occupancy](#)
[CPC Staff Report - Accessory Dwelling Unit](#)
[Figure 1 - ADU Draft Ordinance](#)
[Figure 2 - Zone Districts Map](#)
[Figure 3 - Comparable Cities](#)
[Figure 4 - ADU Citizen Forum Materials](#)
[Figure 5 - Citizen Comment](#)
[Figure 6 - ADU Existing Vs Proposed Table](#)
[Figure 7 - Integrated ADU Illustration](#)
[Figure 8 - Detached ADU Illustration](#)
[Figure 9 - PlanCOS Resource Sheet](#)
[Figure 10 - Mill Street Plan Summary](#)

This item was postponed.

10. Councilmember Reports and Open Discussion

Councilmember Pico stated he and Councilmember Avila toured the Amazon facility and he attended the Air and Space Center development near Denver International Airport.

Councilmember Murray stated after discussing economic success with leaders in Reno, NV, he feels the City needs a more dynamic economic development group which is fully funded and has the right people.

President Pro Tem Strand stated he attended the municipal court judges

meeting and he, Councilmember Avila, and Councilmember Murray attended the Colorado Springs Chamber and EDC FAM tour.

Councilmember Avila stated she attended The History of Colorado: Honoring Heroes in Our Community event and identified the black history museum located on Bijou Street.

Councilmember Williams stated there are more people per lane mile in El Paso County than in many other parts of the state and the Colorado Department of Transportation (CDOT) has not kept pace with it. He stated CDOT has diverted capital construction funds to maintenance of the roads which has exasperated the challenges the community faces.

Councilmember Murray stated site locators who attended the Colorado Springs Chamber and EDC FAM tour were concerned with the workforce available in the City. Councilmember Pico stated they also said it was a nationwide issue.

11. Adjourn

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

Sarah B. Johnson, City Clerk