



# 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, September 24, 2018

1:00 PM

Council Chambers

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### 1. Call to Order

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

### 2. Changes to Agenda

There were no changes to the Agenda.

### 3. Regular Meeting Comments

There were no regular meeting comments.

### 4. Review of Previous Meeting Minutes

4.A. [18-0475](#) City Council Work Session Meeting Minutes September 10, 2018

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [9-10-18 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the September 10, 2018 Work Session meeting were approved by Consensus of Council.

Councilmember Strand asked Councilmember Murray if he had received information regarding the El Paso County job availability and unemployment rate data. Councilmember Murray stated he had not. Sarah B. Johnson, City Clerk stated the Chief Financial Officer will be presenting that information at the October 8, 2018 Work Session meeting.

### 5. Executive Session

#### 5A. Open

5A.A. [18-0482](#) Candace Aguilera v. City of Colorado Springs, Danielle McClarin, Angie Nieves, Roger Vargason, Brett Lacey, Robert Mitchell, Case No.

18-cv-02125-KMT, United States District Court, District of Colorado

Presenter:  
Wynetta Massey, City Attorney

**Attachments:** [2018-09-24 CAIC Recommendation to City Council](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated that the City is requesting authorization to defend the employees.

Council President Skorman polled Council regarding authorizing the City to represent the employees. Consensus of Council agreed.

## **5B. Closed**

### **5B.A. [18-0480](#)**

In accord with the City Charter Art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b),(c) and (g), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The topic of the Closed Executive Session is Formal Ethics Complaint 2018-01. The issues to be discussed involve: (1) conferences with the City Attorney's Office for the purpose of receiving legal advice (C.R.S. § 24-6-402(4)(b)); (2) matters required to be kept confidential by federal or state law or rules and regulations (C.R.S. § 24-6-402(4)(c); C.R.S. § 24-72-202(6)(a)(II)(A) & (6)(b)(II) (work product prepared for elected officials); and C.R.S. § 24-72-204(3) (a)(XIII) (deliberative process materials)); and (3) consideration of documents protected by the mandatory nondisclosure provisions of part 2 of article 72 of title 24, commonly known as the "Open Records Act" (C.R.S. § 24-6-402(4)(g); C.R.S. § 24-72-202(6)(a)(II)(A) & (6)(b)(II) (work product prepared for elected officials); and C.R.S. § 24-72-204(3) (a)(XIII) (deliberative process materials)).

Presenter:  
Wynetta Massey, City Attorney

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated in accord with the City Charter Art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b),(c) and (g), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The topic of the Closed Executive Session is Formal Ethics Complaint 2018-01. The issues to be discussed involve: (1) conferences with the City Attorney's Office for the purpose of receiving legal advice (C.R.S. § 24-6-402(4)(b)); (2) matters required to be kept confidential by federal or state law or rules and regulations (C.R.S. § 24-6-402(4)(c);

C.R.S. § 24-72-202(6)(a)(II)(A) & (6)(b)(II) (work product prepared for elected officials); and C.R.S. § 24-72-204(3)(a)(XIII) (deliberative process materials)); and (3) consideration of documents protected by the mandatory nondisclosure provisions of part 2 of article 72 of title 24, commonly known as the "Open Records Act" (C.R.S. § 24-6-402(4)(g); C.R.S. § 24-72-202(6)(a)(II)(A) & (6)(b)(II) (work product prepared for elected officials); and C.R.S. § 24-72-204(3)(a)(XIII) (deliberative process materials)).

President Skorman recused himself from the meeting.

Councilmember Knight said he will be voting no because he would like discussion on this item moved to the end of the meeting.

President Pro Tem Gaebler polled Council regarding the desire to proceed with a Closed Executive Session. At least two-thirds of Council agreed to proceed in Closed Executive Session with Councilmember Knight voting no.

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

### **6.A. [17-1338](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 9-24-18.pdf](#)

Councilmember Murray requested a special presentation to City Council regarding the proposed downtown stadium and hockey arena as well as the traffic and parking impacts to the neighborhood. Jeff Greene, Chief of Staff, stated he will discuss with staff to get something scheduled.

Councilmember Knight requested the policy regarding Pikes Peak Regional Building Department (PPRBD) donations be completed prior to the October 22, 2018 Work Session discussion on the PPRBD 2019 budget. Councilmember Strand stated due to two of the PPRBD commissioners being in Washington, DC, the donation policy will be postponed until the October meeting of the PPRBD Commission. Councilmember Knight stated October 23, 2018 will be the first reading of the Colorado Springs Utilities (CSU) budget. Sarah B. Johnson, City Clerk, stated she will connect with CSU to get it on the agenda.

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

There were no Presentations for General Information.

## **8. Items for Introduction**

- 8.A. [18-0420](#) Resolution Authorizing the Banning Lewis Ranch Metropolitan District No. 4 to Issue Series 2018A Limited Tax General Obligation Bonds in an Amount Estimated to be \$12,865,000, Series 2018B Subordinate Cash Flow Bonds in an Amount Estimated to be \$2,111,000 and Series 2018C Junior Subordinate Cash Flow Bonds in an Amount Estimated to be \$4,059,000.

(Legislative)

Presenter:  
Carl Schueler, Comprehensive Planning Manager, Planning and Development

**Attachments:** [Resolution\\_BLRMetro\\_No4\\_2018\\_Debt\\_Authorization](#)

[Figure 1 Transmittal Letter](#)

[Figure 2 Term Sheet](#)

[Figure 3 Indentures of Trust](#)

[Figure 4 Development-Financial Projections](#)

[Figure 5 2018 Bonds Summary of Costs](#)

[Figure 6 General Counsel Opinion](#)

[Figure 7 Certificate of External Advisor](#)

[PowerPoint\\_BLR4\\_Bond\\_Issue](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Development, presented the Resolution authorizing issuance of debt by the Banning Lewis Ranch Metropolitan District No. 4, and 5, and Banning Lewis Ranch Regional Metropolitan District No. 1. He provided a brief background and summary of each of the districts, presented vicinity maps, an overview of the Series A, Series B, and Series C bonds, and identified the development status and funds allocation.

Councilmember Strand asked if this debt authorization will cause any financial obligation to the City. Mr. Schueler stated it would not, the debt obligation is specifically for the underlying property owners.

Councilmember Strand asked for an explanation as to why the Series A, senior bonds interest rates were lower. Mr. Schueler said the holders of the Series A bonds get paid the interest and principal in full before the holders of the B bonds are paid principal and interest. Councilmember Strand asked if they were tax exempt. Mr. Schueler stated they are proposed to be

tax exempt, but that would be the decision of the district, their bond counsel, and the underwriters. Councilmember Strand asked about the interest rate of the Series C bonds. Bruce Rowe, Oakwood Homes, said they were artificially holding those bonds at a reduced interest rate with an assumption that they will be able to offer a lower rate to the homeowner in the future.

Mr. Rowe said there are 1,254 homes projected to be in District 4 and 545 homes projected for District 5. Councilmember Murray asked if the \$1,000 per lot is for each district or a total between the regional and metropolitan districts. Mr. Rowe said the regional district does not collect the \$1,000 per lot. Councilmember Murray asked what the mill levies will be for each of the districts. Mr. Rowe stated it will be 33.166 in metropolitan districts 4 and 5 and 9.95 in the regional district. Councilmember Murray asked what the average tax accumulated each year for each residence was. Mr. Rowe said he will provide that information.

- 8.B. [18-0421](#) Resolution Authorizing the Banning Lewis Ranch Metropolitan District No. 5 to Issue Series 2018A Limited Tax General Obligation Bonds in an Amount Estimated to be \$6,440,000, Series 2018B Subordinate Cash Flow Bonds in an Amount Estimated to be \$1,030,000 and Series 2018C Junior Subordinate Cash Flow Bonds in an Amount Estimated to be \$1,826,000.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Development

**Attachments:** [Resolution\\_BLRMetro\\_No5\\_2018\\_Debt\\_Authorization](#)

[Figure 1 Transmittal Letter](#)

[Figure 2 Term Sheet](#)

[Figure 3a - Senior Indenture of Trust](#)

[Figure 3b - Junior Indenture of Trust](#)

[Figure 3c - Subordinate Indenture of Trust](#)

[Figure 4 Development-Financial Projections](#)

[Figure 5 2018 Bonds Summary of Costs](#)

[Figure 6 General Counsel Opinion](#)

[Figure 7 Certificate of External Advisor](#)

[PowerPoint BLR5 Bond Issue](#)

Please see comments in Agenda item 8.A.

- 8.C. [18-0422](#) Resolution Authorizing the Banning Lewis Ranch Metropolitan Regional Metropolitan District No. 1 to Issue Series 2018A Limited Tax General Obligation Bonds in an Amount Estimated to be 10,790,000, Series 2018B Subordinate Cash Flow Bonds in an Amount Estimated to be \$1,234,000 and Series 2018C Junior Subordinate Cash Flow Bonds in an Amount Estimated to be \$1,770,000.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Development

**Attachments:** [Resolution BLR Regional Metro 2018 Debt Authorization](#)

[Figure 1 Transmittal Letter](#)

[Figure 2 - Term Sheet](#)

[Figure 3a - Senior Indenture of Trust](#)

[Figure 3b - Junior Indenture of Trust](#)

[Figure 3c - Subordinate Indenture of Trust](#)

[Figure 4 - Development-Financial Projections](#)

[Figure 5 2018 Bonds Summary of Costs](#)

[Figure 6 General Counsel Opinion](#)

[Figure 7 Certificate of External Advisor](#)

[PowerPoint BLR Regional Bond Issue](#)

Please see comments in Agenda item 8.A.

- 8.D. [18-0436](#) A Resolution approving the Intergovernmental Agreement with the Colorado Department of Transportation Regarding Funding of the Fairfax Tributary Basin Permanent Water Quality Pond Project

Presenter:

Richard Mulledy, P.E., Water Resources Engineering Division Manager  
Brian Kelley, P.E., Engineering Programs Manager, Water Resources Engineering Division

**Attachments:** [RES Fairfax-2018-9-13](#)

[IGA](#)

[Vicinity Map-Fairfax Pond](#)

Brian Kelley, P.E., Engineering Programs Manager, Water Resources, presented the Resolution approving the Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) regarding funding of the Fairfax Tributary Basin permanent water quality pond project.

He gave a brief summary and presented vicinity maps of the project.

Councilmember Knight said he is concerned about the diverging diamond interchange because of what happened to businesses due to the configuration of the interchange at Fillmore Road and Sinton Road. He asked how the businesses in the area will be notified of the interchange. Jeff Greene, Chief of Staff, stated the City will coordinate the proposed design with the businesses that would be impacted by it. Councilmember Murray stated businesses should not be affected by this due to how businesses responded to the interchange at Research Parkway and Powers Boulevard.

- 8.E.**     [18-0439](#)     An Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Grants Fund in the amount of \$23,032,764 for the Federal Transit Administration's Section 5307 Grant.

Presenter:

Jennifer Vance, Grants Manager, Finance

**Attachments:**   [Ordinance for 2018 Grants Fund Supplemental rev8.27.18](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation to the Grants Fund in the amount of \$23,032,764 for the Federal Transit Administration's (FTA) Section 5307 Grant. She stated this award includes three years of grant funds for 2013, 2014, and 2015 and the match funds have already been appropriated.

There were no comments on this item.

- 8.F.**     [18-0458](#)     An Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$4,423,414 for a transfer to the Capital Improvement Program Fund, and to the Capital Improvement Program Fund in the amount of \$4,423,414 for capital transportation infrastructure projects due to additional funding from the Highway Users Tax Fund

Presenter:

Charae McDaniel, Chief Financial Officer

Chris Wheeler, Budget Manager

**Attachments:**   [Letter frm CML for HUTF funding](#)  
[Supplemental Approp Ordinance for addl HUTF funding](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation to the General Fund in the amount of

\$4,423,414 for a transfer to the Capital Improvement Program Fund for capital transportation infrastructure projects due to additional funding from the Highway Users Tax Fund (HUTF). She stated due to State Bill 18-001, the City received \$4.4M for highway and transportation projects. Ms. McDaniel stated the projects that would be funded for 2018 would be the 30th Street Safety Improvement Project, the Cascade over Cheyenne Run Bridge Replacement, and the Las Vegas over Colony Hills Bridge Replacement.

Councilmember Strand asked when these projects will begin. Ms. McDaniel said the approval process will not be finalized until the end of October, 2018 and anticipates they will begin in early 2019.

- 8.G.**     [18-0467](#)     An Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$500,000 for capital and operating expenses associated with increasing the number of available low-barrier shelter beds in our community

Presenter:

Charae McDaniel, Chief Financial Officer  
Andrew Phelps, Homelessness Prevention & Response Coordinator,  
Neighborhood Services  
Peter Wysocki, Director of Planning and Development  
Steve Posey, HUD Grants Administrator

**Attachments:**   [Supplemental Approp Ordinance for low-barrier shelter beds - with added whereas.docx](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation to the General Fund in the amount of \$500,000 for capital and operating expenses associated with increasing the number of available low-barrier shelter beds in our community. She stated the Point-In-Time (PIT) count of people experiencing homelessness determined there were over 500 people counted as unsheltered. Ms. McDaniel stated having adequate low barrier shelter bed capacity will also enable the Colorado Springs Police Department to enforce the no camping ordinances. She explained the majority of the funding will come from the Emergency Solutions Grant (ESG) and Community Development Block Grant (CDBG) and the capital improvements will be made at The Springs Rescue Mission and The Salvation Army.

Councilmember Knight, Chair of the Budget Committee, asked if the grant amounts had changed since the presentation to the Budget Committee.



Steve Posey, Housing Urban Development (HUD) Grants Administrator, stated there has been a change and the total amount of federal funding for the remodel is now \$900,000 of the \$1.5M total amount that is needed for the remodel and operating expenses.

Councilmember Knight said he will be voting for this out of necessity for the need for shelter beds, but believes that it should be funded and reimbursed by other accounts and entities that will be benefiting from it and not be funded by the General Fund. He requested additional language in the Ordinance stating the Chief Financial Officer will be working toward getting some of the reimbursement of the cost from both internal and external agencies and communities. He also requested staff report to Council quarterly on their progress of the reimbursement of the cost. Jeff Green, Chief of Staff, stated that in order to enforce the no-camping ban Ordinance, there needs to be available shelter beds and said they will be coordinating with other agencies and City departments regarding the funding.

Councilmember Geislinger asked what the overall cost will be. Ms. McDaniel stated it is approximately \$1.5M. Councilmember Geislinger stated this is a health issue in the community that needs to be addressed.

Councilmember Strand asked if the \$500,000 will be enough to meet the November 2018 deadline. Mr. Posey said there will be a total of 220 new beds added by that time. Councilmember Strand asked if the Pikes Peak Regional Building Department (PPRBD) will be contributing funding to the project. Mr. Posey said he would like to continue to pursue that request.

Mr. Greene stated the faith community will be working toward raising additional funds for this project and the City will need to continue to add affordable housing units each year as the need continues to grow. Mr. Phelps stated he has not seen any research that indicates providing adequate services for the homeless will increase the homelessness rate and the PIT count shows that a majority of the City's homeless population are from El Paso County.

Councilmember Bennett offered assistance in requesting support from The Colorado Springs Health Foundation.

Councilmember Pico stated the homeless population is very diverse and

there will be some that will attempt to take advantage. Councilmember Geislinger said the homeless court is assisting with addressing some of those issues.

- 8.H. [18-0483](#) An Ordinance amending Section 315 (Delegation of Authority During Temporary or Short Term Absences) 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 the delegation of Mayoral appointment authority for temporary replacement members on the Title Board

Presenter:

Marc Smith, Corporate Division Chief, Office of the City Attorney  
Don Knight, City Councilmember

**Attachments:** [TitleBdApptMemberDelegationORD-2018-08-22\(2\).docx](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, presented the Ordinance pertaining to the delegation of Mayoral appointment authority for temporary replacement members on the Title Board. He stated Councilmember Knight requested the proposed change to City Code § 1.2.315 (E) provides for a prohibition of the Mayor's ability to delegate to a member of the administrative staff the authority to appoint temporary replacement Title Board members and requires that the Mayor make the appointment. Mr. Smith explained this proposal also deletes the Mayor's inability to appoint a member of staff to act in the Mayor's capacity at Colorado Springs Utilities Board of Directors meetings.

There were no comments on this item.

- 8.I. [18-0484](#) An Ordinance amending Part 9 (Boards and Commissions) 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, and associated ordinance and rules amendments pertaining to Council-appointed boards and commissions

Presenter:

Marc Smith, Corporate Division Chief, Office of the City Attorney  
Don Knight, City Councilmember

**Attachments:** [BoardsCommissionsORD-2018-09-17.docx](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, presented the Ordinance pertaining to Council-appointed boards and commissions. He stated Councilmember Knight has requested a

discussion among Council to provide direction to City staff regarding which changes to implement. Mr. Smith stated the amendments to the Code to be amended include 1.2.901-1.2.907 which generally include a maximum of two consecutive terms on a board or commission, a specific reference to what constitutes a full term when an appointment is abandoned, temporary service, qualifications for board and commission service, City residency requirements, expanded duties for alternate members, a requirement for good cause for removal of a term, and a requirement for each board and commission to submit an annual report to City Council. He said in addition to the board and commission section of the City Code, this overall process will require additional board-specific City Code and Ordinance amendments which will affect the Planning Commission and Lodgers and Automobile Rental Tax (LART) committee.

Councilmember Knight stated the intent is to address internal City boards and there needs to be some clarity for filling an expired term. He said he would like the language changed from "Council President" to "Council rules" in order to have consistency as the position changes. Consensus of Council agreed to have staff proceed with the proposed amendments. Jeff Greene, Chief of Staff, stated any protections in regards to Mayoral appointments need to remain in place.

- 8.J.**     [CPC CA](#)           An Ordinance amending Chapter 7 (Planning, Development and  
[18-00063](#)           Building) of City Code defining and establishing standards for short term  
rental units

(Legislative)

Presenter:

Meggan Herington, Assistant Planning Director

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ORD Short Term Rental](#)  
[CPC Staff Report Short Term Rental Unit](#)  
[FIGURE 1 VRBOlocations](#)  
[FIGURE 2 Municipal Comparisons](#)  
[FIGURE 3 ReadlinedSTR Draft](#)  
[FIGURE 4 Correspondence](#)  
[FIGURE 4a Additional Correspondence](#)  
[FIGURE 5 Self Inspection Checklist Draft2](#)  
[Opposition Correspondence from Neighborhood Preservation Alliance](#)  
[Comparison Table](#)  
[CPC ShortTermRental Minutes](#)  
[Staff Presentation STRs](#)

Councilmember Bennett recused himself due to his son, daughter-in-law, and wife own and/or manage a short term rental unit in the City.

Meggan Herington, Assistant Planning Director, presented the Ordinance amending Chapter 7 of the City Code defining and establishing standards for short term rental units. She provided details of what constitutes a short term rental unit and why a review of City Code was necessary. Ms. Herington gave an overview of the process, stakeholder meetings, and the proposed language changes to City Code. She gave a summary of the Planning Commission hearing, explained the definitions relating to short term rental units, and available options.

President Pro Tem Gaebler stated she served on the stakeholder committee and wanted this issue brought forward because there are many short term rentals in the community that are not paying sales tax or the Lodgers and Automobile Rental Tax (LART). She said this Ordinance is a balance of protecting neighborhoods, private property rights, and small businesses.

Councilmember Geislinger asked how many permits could be issued to an individual. Ms. Herington stated there is no limit on the number of permits that can be issued, but there is a limit based on the number of lawful dwelling units located on the property. Councilmember Geislinger stated he is concerned with having commercial properties in residential zoned neighborhoods. He said he supports this Ordinance, but would like it to be evaluated going forward. Ms. Herington stated in the long term, it will provide more accurate data as to the number and location of the short term

rental units.

Councilmember Knight stated he would like the re-evaluation of this Ordinance to be completed by next May or June. He said when restrictions were placed on marijuana consumption clubs, it was considered a taking because of denied income and a ten-year sundown clause had to be included. Councilmember Knight asked if a cap was placed on the number of short term rental permits if it would be considered a taking. Marc Smith, Corporate Division Chief, City Attorney's Office, said this is a very difference circumstance than the marijuana consumption clubs because in this instance, no specific land use rights have been granted and there is no federally illegal activity. Councilmember Knight asked for additional information regarding the consequences for the City if a permit is granted and then is restricted at a later date. Mr. Smith stated he would provide that information. President Pro Tem Gaebler stated it should be an annual permit instead of a one-time permit.

Councilmember Knight asked if an individual files a Section 106 appeal, if the suspension or revocation issued by the Planning Commission would stay in place throughout the appeal process. Ben Bollinger, Senior Attorney, City Attorney's Office, stated a motion under Rule 65 for an injunction would have to be filed in order to prevent City Code from being enforced.

Councilmember Knight requested that people who rent their dwelling for less than fourteen days per year not be subject to having to acquire a short term rental permit and require that the owner of the short term rental unit be a resident of Colorado Springs. Mr. Bollinger stated the federal Constitution's negative commerce clause prohibits discrimination against people from other states in regards to interstate commerce.

Councilmember Geislinger asked if there could be an owner occupied or partially-occupied requirement. Mr. Bollinger stated he will look into that further.

Councilmember Knight requested a cap be put on the number of permits issued, the language that states the trash must be picked up within twenty-four hours be amended to trash must be picked up the same night and for the graduated suspensions to lead to revocation. He said he agrees with President Pro Tem Gaebler that this be a renewable annual permit fee.

Councilmember Pico said this is a collision of property rights and the City does not currently regulate either long term or short term rentals so he is hesitant with putting regulations on rentals of less than thirty days, but realizes that something needs to be done to address the issues. He also commented that placing a cap could definitely cause an issue with taking because they do not know how many short term rental properties there are in the community and that he does not agree with putting an owner-occupied requirement on it.

Councilmember Murray asked if the Homeowners Association (HOA) covenants will be upheld. Mr. Bollinger said City Code would not change the legal documents between the HOA and the neighbors. Councilmember Murray asked how many complaints have been received regarding short term rental units. Mitch Hammes, Neighborhood Services Manager, said they receive approximately five complaints per month. Councilmember Murray asked how much LART is anticipated. Ms. Herington said they cannot predict that number because they do not have complete data.

President Skorman said he agrees with Councilmember's Knight's recommendation for rentals that are less than fourteen days, the graduated suspensions for revocation, and holding the owners responsible for violations rather than the unit. He stated there needs to be further clarification regarding the requirement for response within one hour and the cap.

President Pro Tem Gaebler stated she supports a cap, but not until they have a better understanding of how many units there are.

Councilmember Knight asked when owners would have to obtain the proposed permit. Ms. Herington stated ninety days from the passage of the Ordinance. Councilmember Knight asked if a cap could be put in place that reflects the baseline number of rental units plus ten percent per year in order to control growth. Mr. Smith asked if the permits would be transferrable. President Skorman stated Council will have to further discuss the cap and whether or not they will be transferrable.

Ms. Herington explained the additional responsibilities this permit and regulation will place on the Planning Department staff. Councilmember Knight said additional staff will be needed to handle this, which should be

covered through an annual permit fee.

Councilmember Geislinger stated he agrees with the fourteen-day requirement and the difference between long term and short term rentals is that long term renters are engaged in the community whereas short term rentals are businesses in residential areas that need to be regulated.

Peter Wysocki, Director of Planning and Community Development, requested this item be referred to the October 23, 2018 City Council meeting. Consensus of Council agreed.

- 8.K.**     [18-0440](#)     A Resolution rescinding Resolution No. 12-17 and establishing Development Application Fees and Charges for the Land Use Review Division of the Planning and Development Department

(Legislative)

Presenter:

Meggan Herington, Assistant Planning Director

Peter Wysocki, Director of Planning and Community Development

**Attachments:**   [RES Development-App-Fees](#)

[Exhibit A-LUR Fees](#)

Please see comments in Agenda item 8.J.

## **9. Items Under Study**

There were no items under study.

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

Councilmember Bennett stated he is the chair for the 2020 Pikes Peak Area Census Complete Count Committee.

Councilmember Pico stated there have been some noise complaints regarding the Sky Sox Stadium that he and staff will be looking into.

President Pro Tem Gaebler stated she will be working with Council in regards to the Pikes Peak Regional Building Department's (PPRBD) donation policy.

Councilmember Knight stated he attended a tutorial of the Pikes Peak Observatory and requested a presentation to the Colorado Springs Utilities Board regarding the water shed protection on Pikes Peak.

Councilmember Strand stated he attended the Fallen Firefighter Memorial service and the Home Front Cares Golden Boot Gala. He said he and Councilmember Murray will be holding a Town Hall meeting on September 27, 2018.

## **11. Adjourn**

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

Sarah B. Johnson, City Clerk