



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, July 23, 2018

1:00 PM

Council Chambers

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

Councilmember Knight stated he will have a question regarding City boundary expansion as it relates to Plan COS for item 4B.C. at the time of the annexation hearing date for Airport Spectrum Addition No. 1.

Councilmember Knight asked staff to research item 11.A, an Ordinance organizing the USAFA Visitor's Center Improvement District and appointing an initial board of directors, to see if section four needs to be revised to reflect it being an appointed board rather than an elected board.

4. Review of Previous Meeting Minutes

4.A. [18-0339](#) City Council Work Session Minutes July 9, 2018

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [7-9-18 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the July 9, 2018 Work Session meeting were approved by Consensus of 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. [17-1334](#) Agenda Planner Review**

Presenter:

Eileen Krauth, City Council Administrator

Attachments: [072318 Agenda Planner Review MEMO](#)

There were no comments on this item.

6.B. [18-0304](#) The City of Colorado Springs Commission on Aging 2019 Budget Recommendations

Presenter:

Aubrey Day, Chair, Colorado Springs Commission on Aging

Attachments: [COA2019_BudgetREC](#)

Aubrey Day, Chair, Colorado Springs Commission on Aging, presented the Commission on Aging 2019 budget recommendations which align with recommendations in the Age Friendly report. She stated results from the public process that took place identified the five budget recommendations of 1.) affordable rental housing, 2.) displacement assistance, 3.) expanded transit service for seniors, 4.) infrastructure to include upgraded amenities in parks, and 5.) sidewalk improvements.

President Pro Tem Gaebler asked if the recommendations for upgraded amenities in the parks aligned with the Parks, Recreation and Cultural Services master plan. Sabrina Cotta, Analyst, Office of Innovation and Sustainability, confirmed they did.

President Skorman asked how the \$150,000 for the upgraded park amenities was calculated. Ms. Cotta stated that amount would cover the cost for a pathway and the purchase of senior-friendly benches.

Councilmember Pico asked if any of these recommendations were reviewed by City staff to see if they were realistic. Ms. Cotta said staff confirmed they had the capacity to complete these projects if they are funded.

Councilmember Knight stated he is concerned these recommendations may not get approved because they would require general fund dollars. He suggested looking for alternative funding such as the Conservation Trust

Fund (CTF) or grants. Ms. Day stated they are researching alternative funding such as matching funds.

Councilmember Strand asked what the transit ridership study would cost. Ms. Cotta stated they do not have an estimate at this time, but the Transit Department has agreed to provide assistance with obtaining that information.

- 6.C.** [AR APR 17-00721](#) A report on a Certificate of Amendment to Plat Restriction that removes an access limitation from Woodmen Road for Lot 1 of Briargate Subdivision Filing Number 35 located at 7408 Duryea Drive.

(Staff and Appointee Reports)

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [Certificate of Amendment to Plat Restriction Recorded](#)
[Vicinity Map](#)

Daniel Sexton, Senior Planner, Planning and Community Development, gave an overview of a Certificate of Amendment to a plat restriction that removes the access limitation from Woodmen Road. He stated Academy School District 20 submitted a request to remove the access limitation from its bus facility which was reviewed by staff in coordination with Colorado Springs Utilities Public Works and the new access is currently under construction. Mr. Sexton explained that City Code requires notification to City Council, but no Council action is required.

There were no comments on this item.

7. Presentations for General Information

- 7.A.** [18-0337](#) Careers in Construction 2017/2018 Update

Presenter:

George Hess, Chair, Colorado Springs Housing & Building Association
Workforce Development Committee

Attachments: [072318 HBA Careers in Const slides](#)

George Hess, Chair of the Workforce Development Committee for the Colorado Springs Housing and Building Association (HBA), provided a briefing on the Careers in Construction program, a workforce development initiative of the Associated General Contractors and the HBA. He gave a brief history of the program and identified their objectives. Mr. Hess gave an overview of the industry statistics and the Home Builders Institute. He

described the enrollment for the 2017-2018 school year, the 2018-2019 enrollment projections, and listed the schools participating in the program. Mr. Hess identified the funding sources which include the Building Futures Fund created by the construction industry, other contributors and supporters, and a grant received from the Colorado Department of Labor and Employment.

Councilmember Strand requested the industry statistics for the average age of tradesmen specific to Colorado Springs. Mr. Hess agreed to provide that information.

Councilmember Strand asked how City Council could support the program. Mr. Hess stated continued support of City Council to encourage vocational trades as careers. Joe Little, President of Classic Homes, stated any assistance the City could give in regards to providing property lots to put the student-built houses on would also be greatly appreciated.

8. Items for Introduction

- 8.A. [18-0282](#) A Resolution Authorizing the Acquisition of up to 223.25 Acres as an Addition to the Corral Bluffs Open Space Through the Trails, Open Space and Parks (TOPS) Program

Presenter:

Karen Palus, Director, Parks, Recreation & Cultural Services
Britt Haley, Design and Development Manager / TOPS Program Manager

Attachments: [7-23-18 - Resolution Corral Bluffs Acquisition Updatedv2 \(2\) Rev Final](#)
[7-9-18 - corral bluffs bishop Map](#)

Britt Haley, Design and Development Manager/TOPS Program Manager, presented the Ordinances requesting a supplemental appropriation to the Trails, Open Space and Parks (TOPS) fund in the amount of \$1,078,000 for acquisition of up to 223.25 Acres as an addition to the Corral Bluffs Open Space. She presented a general location map identifying the locations of the Bishop parcels, gave an overview of the project summary, and an update of the 2018 TOPS revenue fund.

Councilmember Bennett asked if there was only one owner of the property. Ms. Haley confirmed there was.

Councilmember Knight, chair of the Budget Committee, said the Budget Committee endorses the acquisition.

Councilmember Strand asked if the property could be purchased for less than \$1,078,000. Ms. Haley said the price will be based on the fair market price established by the appraisal, but the purchase may be lower if the amount of acreage is smaller.

- 8.B. [18-0283](#) An Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation in the Amount of \$1,078,000 to the Trails, Open Space and Parks Fund for Acquisition of up to 223.25 Acres of Property for the Purpose of Public Open Space and Trails as an Expansion of the Corral Bluffs Open Space

Presenter:

Karen Palus, Director, Parks, Recreation & Cultural Services
Britt Haley, Design and Development Manager / TOPS Program Manager

Attachments: [7-9-18 - Supplemental Approp Ord for TOPS CorralBluffsBishopAcquisition](#)
[7-9-18 - corral_bluffs_bishop_Map](#)

Please see comments in Agenda item 8.A.

- 8.C. [18-0303](#) An Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$100,000 for costs associated with the formation of the Colorado Springs Sports Authority as recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer
Fred Veitch, Chair, LART Citizen Advisory Committee

Attachments: [Ordinance for LART 2018 Supplemental Approp-Colo Spgs Sports Authority](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation of \$100,000 to the Lodgers and Automobile Rental Tax (LART) fund for costs associated with the formation of the Colorado Springs Sports Authority (CSSA) to advance the Colorado Sports and Event Center project. She stated the LART Citizen Advisory Committee recommended approval of this funding.

Councilmember Murray stated it was his understanding that no public funds are to be used for a sports stadium. Bob Cope, Economic Development Manager, stated no general fund money will be used and this project will be funded from the LART fund which received a unanimous recommendation from the LART Citizen Advisory Committee.

Councilmember Knight and President Skorman stated the LART fund purpose is to be used for tourism and attraction based projects.

Councilmember Strand, a member of the LART Citizen Advisory Committee, confirmed there was a unanimous recommendation from the LART Citizen Advisory Committee for this project.

- 8.D. [18-0346](#) An Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the Amount of \$300,000 for Additional Positions and Resources to Enhance the City's Americans with Disabilities Act Title II (ADA) Program

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Supplemental Approp Ord for ADA Program](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation of \$300,000 to the general fund for additional positions and resources in the Public Works and Human Resources Departments to enhance the City's Americans with Disabilities Act Title II (ADA) program. She stated the additional positions will enhance the City's current compliance efforts.

Councilmember Strand asked if this would only fund staff and not infrastructure. Ms. McDaniel confirmed it would as well as additional resources for vehicles to be used for inspections.

- 8.E. [CPC CA 18-00073](#) An Ordinance amending section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the location of medical marijuana centers

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Attachments: [PlanDev-MMCLocationORD-DRAFT](#)

[CPC Staff Report MMC Setbacks](#)

[Figure 1 - MMJ 1000 ft buf Council District map](#)

[Setbacks presentation CC.pptx](#)

[Ordinance MMCLocations - Lobato - CPC CA 18-00073](#)

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst, presented

the proposed amendment recommended by the Council President's Special Marijuana Working Group establishing one thousand foot setbacks between Medical Marijuana Centers (MMC). She said it would only apply to change of location requests for MMC and existing locations within the setback would be considered legal-nonconforming. Ms. Gullixson gave a brief background regarding the zoning restrictions for MMC, identified the areas of concentration, the potential impacts of the change, and the stakeholder process.

Councilmember Pico asked how the one thousand foot distance was determined. Ms. Gullixson said it was in order to be consistent with the already established one thousand foot buffer between other establishments such as schools and drug or alcohol rehab facilities.

Councilmember Knight requested that the same restrictions be applied to marijuana consumption clubs as well. Ms. Gullixson stated staff will review that request.

Councilmember Murray asked if any other industry had the same restrictions. Sarah B. Johnson, City Clerk, and Marc Smith, Division Chief, Corporate and Legislative Counsel, stated sexually oriented businesses have the same separation requirements.

President Pro Tem Gaebler asked what the purpose of the buffer would be. Tom Scudder, representing A Wellness Centers and member of the Council President's Special Marijuana Working Group, stated when the industry was first established, the locations were restricted to areas where landowners would rent to them. He said it would be better for local businesses if the buffer was added because the larger growers from Denver will be purchasing many of the financially struggling facilities and a separation would help spread MMC around the City.

President Pro Tem Gaebler asked how this will affect businesses if recreational marijuana is introduced. Mr. Scudder said he believes it would be even more significant because most existing medical marijuana dispensaries will get dual licenses. Ms. Albert said it would also help prevent heavy concentration in one area of the City.

8.F. [18-0314](#)

An Ordinance Amending Section 304 (Appoint and Dismiss Staff) 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 Mayor Appointed Staff

Presenter:

Wynetta Massey, City Attorney, Office of the City Attorney

Attachments: [MayorAppointedStaffORD-2018-02-22.docx](#)

Marc Smith, Division Chief, Corporate and Legislative Counsel, presented the proposed amendment to the Ordinance pertaining to Mayor appointed staff. He said with the adoption of the proposed Ordinance, any future mayor appointments to Chief Information Officer will be subject to City Council confirmation, but would not apply to the current Chief Information Officer.

Jeff Greene, Chief of Staff, stated the Mayor is in full support of this proposed Ordinance.

Councilmember Murray asked why this is important. Councilmember Knight, member of the Code Scrub Committee, said the Code Scrub Committee recommended the Chief Information Officer be a confirmed position due to the growth of the Information Technology Department over the past years.

- 8.G.** [18-0220](#) 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, pertaining to boards and commissions

Presenter:

Eileen Krauth, City Council Administrator

Attachments: [BoardsCommissionsORD-2018-07-13](#)

Councilmember Knight, presented the proposed Ordinance pertaining to changes related to term limits, residency requirements, alternates, annual reports, and other language to clarify and update the section of City Code relating to boards and commissions. He said additional research will need to be completed prior to coming back to City Council.

Councilmember Strand recommended an exception to the residency requirement to committees overstretching into other regions such as the Lodgers and Automobile Rental Tax (LART) committee. Councilmember Knight agreed to the recommendation.

Councilmember Bennett asked if current board members who live outside the City would be able to finish their term. Councilmember Knight confirmed they would.

- 8.H. [18-0305](#) A non-binding resolution concerning referral of a firefighter collective bargaining measure at the next general municipal election

Presenter:

David Noblitt, President, Colorado Springs Professional Firefighters Association Local #5

Attachments: [UnionCollectiveBargRes-7-18-18](#)

John Roy, Colorado Springs Professional Firefighters Association Local #5 (Local #5), presented the proposed non-binding Resolution regarding City Council's intent to submit a ballot issue concerning the referral of a firefighter collective bargaining measure at the April 2019 general municipal election. He stated a majority of the major Fire Departments on the Front Range have collective bargaining agreements for firefighters. He read the proposed revised ballot measure language and said they are seeking non-binding arbitration.

Mr. Roy said at the request of several City Council members, the language requiring a vote of the people as the final step in the impasse resolution process, should the City and Local #5 not agree to the terms of the contract, was removed due to the extreme cost to the City to conduct an election. He said those points of contention would go before City Council instead. Mr. Roy said if they need to refer the ballot measure by petition, they would not use the revised ballot language.

Sarah B. Johnson, City Clerk said pursuant to City Code, City Council may not refer an item to the ballot prior to November 13, 2018 without triggering the need for a special municipal election.

Mayor Suthers said the Mayor and City Council are elected to collectively review City revenue and expenditures, and set budget priorities for the interest of all citizens. He said those responsibilities should not be delegated to an unelected group who advocates and bargains on behalf of only one group of City employees. Mayor Suthers said granting collective bargaining to only one group of public safety professionals would be fundamentally unfair. He stated it would create a slippery slope that could result in a City workforce being unionized. Mayor Suthers said converting to

a collective bargaining agreement will result in a much less collaborative environment and would not add any additional revenue to the City. He said it is not a matter of respect and dignity for firefighters, it is about respect and dignity for the rights of all City employees as well as taxpayers.

Councilmember Murray asked Mayor Suthers if he had ever worked with a union that had any kind of collective bargaining process. Mayor Suthers stated he had not. Councilmember Murray also asked Mayor Suthers if he is stating that all City employees should have a collective bargaining agreements. Mayor Suthers clarified that if City Council refers a collective bargaining agreement to the ballot for firefighters, they should be prepared to refer collective bargaining agreements to the ballot for any other City employee that requests it.

Councilmember Strand requested information regarding the grievance process other jurisdictions have encountered after collective bargaining agreements have been approved. Mr. Roy agreed to provide that information.

Councilmember Geislinger asked in what way the language would be more favorable if it was a petition process instead of referred by City Council. Mr. Roy stated the final setting of an impasse would be a resolution process for a vote of the people. Councilmember Geislinger recommended that if there is Code language that needs to be revised and does not require a vote of the people, it should come before City Council to be enacted by Ordinance. Mr. Roy stated they would be willing to discuss that option.

Councilmember Knight asked if the ballot petition process will still be initiated even if the Resolution is adopted. Mr. Roy confirmed it would, but with the original ballot language.

Councilmember Knight stated he agrees with Councilmember Geislinger's recommendation of codifying the process.

Councilmember Pico stated he is concerned about the inequity among other public service employees and is not in favor of collective bargaining agreements. Mr. Roy agreed the proposed Resolution could pave the way for other departments.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Murray requested permission to attend the National League of Cities (NLC) meeting in Los Angeles, CA. Consensus of Council agreed to his request.

Councilmember Knight said Wynetta Massey, City Attorney, informed him that the City has very limited authority over Public Improvement Fee (PIF) signage requirements and staff will continue to research it.

Councilmember Avila requested permission to attend the Smart Cities Conference in Washington D.C. Consensus of Council agreed to her request. She said she met with representatives from the U.S. Census Bureau and explained how important it is for citizens to complete the U.S. Census forms in order for the City to receive accurate federal and state funding. Councilmember Avila said she attended the Meet-in-the-Park event at Panorama Park.

Councilmember Strand said there were 129 applications for the position of Chief Executive Officer (CEO) for Colorado Springs Utilities. He commented that if anyone has any information regarding the theft of a small sculpture that was located downtown, they should contact the Police Department. Councilmember Strand said there are two more meetings scheduled for PlanCOS.

11. Adjourn

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

Sarah B. Johnson, City Clerk