



# City of Colorado Springs

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

## Meeting Minutes - Final Council Work Session

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Monday, March 21, 2016

1:00 PM

Council Chambers

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### 1. Call to Order

**Present** 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

### 2. Changes to Agenda

Council President Bennett stated he would like to move the Closed Executive Session to the end of the meeting. Consensus of Council agreed to this agenda change.

### 3. Regular Meeting Comments

Councilmember Knight requested the erroneous map coordinates for the zone change on agenda item 4.B.I. be correctly provided to Council prior to the meeting tomorrow and asked why this item did not go to the Planning Commission prior to being presented to Council. The requested information was provided prior to the end of the meeting.

Councilmember Knight stated he will be pulling agenda items 4.B.R. and 4.B.S. off the Consent Calendar. They are quasi-judicial and will be heard in the Public Meeting section of the agenda.

Councilmember Murray asked why the items included in Mayor's Business are not on the Consent Calendar for tomorrow. Eileen Gonzalez, City Council Administrator, stated these items were included under Mayor's Business per the Mayor's request.

### 4. Review of Previous Meeting Minutes

4.A. [16-237](#) City Council Work Session Meeting Minutes March 7, 2016

Presenter: Sarah Johnson, City Clerk

Councilmember Collins asked if the information requested by Councilmember Murray in agenda item, 10. Councilmember Reports and Open Discussion, about the 5 year warrantee on the roads was provided. Councilmember Murray stated this information has not been provided. Council requested the Chief of Staff follow through with providing the requested information.

Councilmember Knight requested his comments about the notation of items being identified as legislative or quasi-judicial and the discussion he initiated about starting the March 22, 2016 meeting at 9:00 am be included in the agenda planner. He also requested his support of Councilmember Pico's concerns regarding the refugees be included in the minutes.

The Meeting Minutes were approved as amended to include Councilmember Knight's request.

## **5. Executive Session**

### **5A. Open**

There was not an Open Executive Session.

### **5B. Closed**

#### **5B.A. [16-247](#) Closed Executive Session**

Presenter:

Wynetta Massey, City Attorney

David Andrews, Legislative Counsel, stated the purpose of the Closed Executive Session is to discuss legal advice and consultation with the City Attorney regarding settlement negotiation procedures and to receive legal advice and consultation regarding settlement authority.

Councilmember Knight asked if this is in response to his request about Council providing direction. Mr. Andrews confirmed this is about Council's ability to provide direction and Council's scope of authority.

Council President Bennett polled Council regarding the desire to proceed with the discussions in a Closed Executive Session. Consensus of Council agreed to proceed with the discussion in a closed session.

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

**6.A.**    [15-00785](#)    Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Eileen Gonzalez, City Council Administrator, noted a change to the agenda planner, the Quarterly Strategic Plan Implementation Update will be moved to the April 25, 2016 meeting.

Councilmember Pico requested the discussion regarding the resolution ensuring the security of citizens be included in the April 11, 2016 work session rather than the regular meeting April 12, 2016.

**6.B.**    [16-00138](#)    Financial Report - Memorial Health System Enterprise

Presenter:

Kara Skinner, Chief Financial Officer

There were no questions or comments on the Memorial Health System Enterprise financial report.

**7. Presentations for General Information****7.A.**    [16-00212](#)    Careers in Construction

Presenter:

George Hess, Vantage Homes, Chair, HBA Workforce Development Committee

John Bissett, JM Weston Homes, Co-Chair, HBA Workforce Development Committee

John Bissett, Co-Chair, HBA Workforce Development Committee, provided an overview of this program aimed at bringing construction-based vocational training back to local high schools. Phil LaSarre with Nunn Construction and representing the Association of General Contractors presented additional details about the need for construction workers in the industry. Damon DiFabio, Principal of the Career Readiness Academy with Harrison School District 2, provided a summary of the success of this program in his school.

Councilmember Pico voiced his disappointment that shop classes or other vocation training programs are no longer offered in high schools.

Councilmember Bagley stated he has toured this facility twice and is impressed with the instructor and students and how proud they are of

their achievements. He was also impressed with the math application being taught through the program.

Councilmember Strand spoke about the loss of vocational programs in the school districts and how parents devalued these programs and asked if this is still true today. Mr. Bissett confirmed this stigma from his past and stated he is seeing a trend of parents supporting vocational arts.

Councilmember King encouraged them to do more work with the local colleges to provide college degrees and enhance their learning experience. Mr. Bissett stated their curriculum was reviewed by Pikes Peak Community College staff and he will take this idea into consideration.

## **8. Items for Introduction**

- 8.A.**     [16-00216](#)     An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the City-Funded CIP Fund in the Amount of \$356,250 for the Construction of Several Traffic Signal Projects

Presenter:

Kathleen Krager, Transportation Manager

Res/Ord Number: 16-50

Charae Moore, City Budget Manager, introduced this discussion about an amendment to the City's CIP funds to cover the costs of installing traffic signals.

Councilmember Pico requested documentation of where the traffic signals are located.

Councilmember Strand asked about the difference in costs of the signals. Ms. Moore explained the cost difference depends on the complexity of the signal required for the intersection.

Councilmember Collins stated she has concerns with monies coming from the general fund to cover the cost of improvements in metropolitan districts.

- 8.B.**     [16-00218](#)     A Resolution Approving an Agreement Between the City of Colorado Springs and Life Time Fitness Regarding the Construction and Operation of the John Venezia Community Park Tennis and Pickleball

## Facility

## Presenter:

Sarah Bryarly, Landscape Architect

Kim King, Recreation and Administration Manager

Res/Ord Number: 31-16

Sarah Bryarly, Landscape Architect, provided an overview of the proposal and highlighted changes to the agreement been made since the Council packets were published. Ms. Bryarly explained the proposed pay-to-play concept will help cover the costs of on-going maintenance. Kim King, Recreation and Administration Manager, discussed the terms of the agreement with Life Time Fitness in more detail. Yazdegerd Tavatli, representing Life Time Fitness, spoke about the opportunities this agreement presents for both the City and Life Time Fitness.

Council President Pro Tem Gaebler asked if the inclusion of snow removal in the contract is an indication the facilities will be open year round. Ms. Bryarly stated the drop in facilities will be available year-round. The pro-shop and City support will also tentatively be open year-round. Ms. Gaebler also asked if the pay-to-play concept a new trend. Ms. Bryarly stated people are willing to pay for the opportunity to play in advanced facilities such as this one and this is a nationwide trend to ensure maintenance costs are covered.

Councilmember Knight requested the contract include the ability to re-address the five percent cost share in a few years and asked if Life Time Fitness was selected through an RFP process. Ms. King stated an RFP put out about a year ago for the Memorial Park facility only produced one interested entity which dissolved prior to signing a contract. Due to this experience, a contractual agreement was selected with Life Time Fitness due to their interest in providing outdoor recreational opportunities for their clients and their willingness to contribute financially to the construction of the facilities.

Councilmember Knight asked if this could potentially cause legal problems for the City. Brit Haley with the City Attorney's Office explained this arrangement was made possible due to Life Time Fitness gifting the installation of the courts to the City with provisions for City use of the facilities.

Councilmember Strand expressed concern about the termination of the

agreement only being allowed under mutual consent or breach of contract and suggested language allowing either party to exit the contract with a specified time period notice. Ms. Haley will consider this suggestion.

## **9. Items Under Study**

### **9.A. [16-238](#) City Council Medical Marijuana Task Force Report**

Presenter:

Councilmember Larry Bagley

Councilmember Bagley provided a brief history of the evolution of the marijuana industry leading to the need for changes in the regulation of the industry. The task force has considered and discussed a variety of issues leading to its recommendations to Council.

Councilmember Strand asked if input from caregivers was obtained. Mr. Bagley stated he was able to speak with a few caregivers on the phone but many are reluctant to attend meetings and Jason Warf and Mark Slauch spoke on behalf of caregivers as members of their associations.

Councilmember Murray asked if medical professionals were engaged in the discussion. Mr. Bagley stated he had a phone discussion with a physician but his input is not included in the report as he did not attend a meeting.

Peter Wysocki, Director of Planning and Community Development, summarized the discussion and recommendation of the Task Force as related to land use. Council President Pro Tem Gaebler asked if this recommendation includes a conditional use permit process for marijuana related facilities not located in manufacturing zones. Mr. Wysocki confirmed this.

Council President Pro Tem Gaebler asked about the ability of caregivers and individuals to extract hash oil. Brett Lacey, Fire Marshal, explained there is a difference between hazardous and non-hazardous extraction methods and the fire department can evaluate situations and make determinations on a case by case basis.

Councilmember Murray asked about the ability of individuals to infuse products in a residential facility. Mr. Lacey stated extraction using flammable products is already prohibited by law.

Councilmember Knight asked about required notification of property owners. Mr. Wysocki explained the conditional use permit notification process.

Councilmember Pico asked about plant limits. Mr. Wysocki stated current State Statutes allow caregivers to grow up to 99 plants per patient, creating the potential to have houses in residential areas with up to roughly 500 plants. The Task Force is recommending a plant limit of 12 plants per residential structure.

Councilmember Strand asked about potential legal repercussions of following the plant limitation recommended by the Task Force. Marc Smith with the City Attorney's office stated the City has legal authority to limit the number of plants allowed in a residential structure.

Councilmember Strand asked if renters are required to notify property owners they are growing marijuana on their property. Mr. Smith stated the current recommendation is for police to notify property owners of illegal grows when found on rental property. Property owners can include prohibition of marijuana growing and or/use in a lease agreement.

Sarah Johnson, City Clerk, provided an overview of the business licensing regulations and the licensing recommendations of the Task Force, adding caregivers are not licensed at this time.

Councilmember Knight asked if there are limitations to the types of advertising allowed and if there restrictions on the distance sign spinners can be from the facility.

Task Force members Charles Houghton, Tom Scudder, John Harding, Dale Hecht, Jan Doran and Bret Waters, Deputy Chief of Staff spoke about their experience, contribution and perspective of participating on the task force.

Councilmember Murray asked if a three month extension of the moratorium would allow adequate time for the Task Force to complete the needed discussion and make recommendation on all of the issues presented. Mr. Waters stated he believes it would take at least a year to complete discussion on all of the outstanding items they feel need to be addressed.

Council President Bennett suggested Councilmember Bagley bring forth a recommendation from the Task Force on how best to proceed.

Councilmember Knight expressed concern about extending the moratorium as suggested by some of the Task Force members and suggested limiting the number of licenses instead. Ms. Johnson stated this is an option, however; the language of the legislative action would need to be very specific and clear for this option to succeed.

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

Councilmember Knight commented on email communication from citizens about the proposed Broadmoor land swap. Councilmembers are not responding to the emails due to ex parte communication concerns surrounding this item. This is creating frustration among citizens. Bret Waters, Deputy Chief of Staff, will respond to Ms. Duggan and other citizens regarding this concern.

Councilmember Pico stated he is continuing to work on the language of his proposed resolution relating to Syrian refugees and will present additional information in the Work Session April 11, 2016.

Councilmember King provided an update on the town hall meeting recently held at the Broadmoor Community Church.

#### **11. Adjourn**

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

Sarah Johnson, City Clerk