



City of Colorado Springs

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

Meeting Minutes Council Work Session

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Monday, March 12, 2018

12:00 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

Eileen Krauth, City Council Administrator, stated that staff requested item 11.A. pertaining to the donation of property to the Colorado Springs Police Department for the future site of their firing range be moved to before Citizen Discussion. Ms. Krauth also stated that there will be a Proclamation regarding the Persian New Year added to Recognitions. Consensus of Council agreed to these changes.

4. Review of Previous Meeting Minutes

4.A. [18-0133](#) City Council Work Session Minutes February 26, 2018

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [2-26-18 City Council Work Session Meeting Minutes Final](#)

The minutes of the February 26, 2018 Work Session meeting were approved by Consensus of Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed**5B.A. [18-0128](#)**

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves legal advice and negotiation consultation with the City Attorney regarding an annexation matter.

Presenter:

Wynetta Massey, City Attorney

Marc Smith, Division Chief, Corporate Legislative Counsel, stated in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves legal advice and negotiation consultation with the City Attorney regarding an annexation matter.

Councilmember Geislinger asked if the topic of the Closed Executive Session could be disclosed to the public. Consensus of Council agreed to the disclosure. Councilmember Geislinger stated the annexation matter to be discussed is regarding Banning Lewis Ranch.

Council President Skorman 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.

6. Staff and Appointee Reports**6.A. [17-1325](#)**

Agenda Planner Review

Presenter:

Eileen Krauth, City Council Administrator

Attachments: [031218 Agenda Planner Review MEMO](#)

Eileen Krauth, City Council Administrator, stated that The Farm development items scheduled for the March 27, 2018 City Council meeting are appeals. Councilmember Knight asked who filed the appeal. Peter Wysocki, Planning and Community Development Director, said the United States Air Force Academy. Jeff Greene, Chief of Staff, said the parties are currently in negotiations and the appeal may be withdrawn.

6.B. [17-1398](#) Financial Report - City of Colorado Springs

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Monthly Financial Report](#)

Charae McDaniel, Chief Financial Officer, presented the March 2018 financial update which represented activity through December 2017. She stated the general fund revenue variance was between .3% - .4% above projected budget and general fund expenditures are approximately \$3.6M below projected budget for the year. She explained the sales tax collections and gave an update of the 2017 grant funds, the Memorial Health System, and the economic indicators. Ms. McDaniel clarified the residential building permits being purchased for single-family and multi-family dwellings are for the number of units being built and provided the average sale price of homes for 2017 and 2018.

Councilmember Strand asked when the final audit for 2017 will be completed. Ms. McDaniel said it will be finalized in May 2018.

Councilmember Strand asked why fines revenue is continuing to decrease. Jeff Greene, Chief of Staff, stated that he will request that Colorado Springs Police Chief, Peter Carey, and Judge Hayden Kane provide a presentation regarding fines.

Councilmember Murray asked if the Gallagher amendment ratio and property taxes going down were a result of a decrease in new businesses and requested a graph depicting business licensing. Ms. McDaniel stated that business licensing does not equate into the Gallagher assessment ratio and that she will resend the presentation that was presented approximately a year ago to City Council.

7. Presentations for General Information

8. Items for Introduction

8.A. [18-0034](#) A Resolution approving a Second Amended and Restated Service Plan for the Banning Lewis Ranch Regional Metropolitan District (Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [RES BLR Service Plan Amendment Resolution](#)
[Exhibit 1- BLR Regional MD Amended and Restated Service Plan](#)
[Ltr to C Schueler re BLR Regional MD Second Am and Restated Service Plan 12-21-17](#)
[REDLINE BLR Regional MD Second Am and Restated Svc Plan ver21FEB2018](#)
[BLR Regional MD Second Am Svc Plan - Exhibit C - District Map](#)
[CWS Powerpoint 03.12.18](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave a brief summary of the second amended and restated service plan for the Banning Lewis Ranch (BLR) Regional Metropolitan District. He presented the district location map and a map of the development and zoning. Mr. Schueler provided a limited history of the district, a list of eligible future regional improvement costs and identified the use of previous revenue collected of \$1M for regional wastewater improvements.

Councilmember Knight stated the district boundaries map shows that the district is expanding not shrinking. Mr. Schueler stated that is due to when it was originally created. Councilmember Knight stated the exhibit pages were blank and that street improvements indicated that there will be allowable use for improvements to local streets. Mr. Schueler agreed to provide that information. Councilmember Knight asked why a district would be acquiring water rights and asked about the equitable debt ceiling. Mr. Schueler said the petitioner is looking at inflation factors and flexibility and that the district will provide additional information.

Councilmember Murray stated that he is concerned with the repurposing of district money that was collected for wastewater and that the \$1M should be given back to the taxpayers. Mr. Schueler stated that it will be used for the regional wastewater system. Councilmember Pico said that the purpose for the money is for the same use as it was collected.

- 8.B.** [18-0096](#) An Ordinance amending Section 202 (Bonds and Oaths) of Part 2 (Appointive Officers; General Provisions) 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

Presenter:

Victoria McColm, Risk Manager, Risk Management

Attachments: [BondRepealORD-2018-02-07.docx](#)

Victoria McColm, Risk Manager, Risk Management, presented the proposed Ordinance to repeal the requirement to purchase surety bonds for certain City employee positions and allow the purchase of additional Employee Crime insurance to satisfy the coverage. She stated the money spent on bond premiums could be applied to increasing the liability limit for the Employee Crime insurance.

There were no comments on this item.

- 8.C. [18-0045](#) Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$346,506 for The Tutt and Cowpoke Stormwater Project

Presenter:

Richard Mulledy, P.E., Water Resources Engineering Division Manager

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Appropriation Ordinance for Tutt Cowpoke](#)

Brian Kelley, Engineering Programs Manager, presented the request for a supplemental appropriation to the general fund of \$346,506 for the Tutt and Cowpoke Stormwater Project. He stated that the funds would be used for the Tutt Boulevard Bridge over Cottonwood Creek. Mr. Kelley presented maps of the project and explained the necessity of the proposed project.

- 8.D. [18-0099](#) An Ordinance Including Certain Property into the First and Main Business Improvement District No. 2

(Legislative)

Presenter:

Conrad Olmedo, Comprehensive Planner II, Planning & Community Development

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [ORD_First&MainBIDNo.2](#)
[Figure 1 - Transmittal Letter to City](#)
[Figure 2 - Petition for Inclusion of Property](#)
[Figure 3 - Notice of Inclusion](#)
[Figure 4 - Boundary Map](#)
[CWS_Presentation_03.12.18](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave a brief summary of the proposed voluntary inclusion of a single property into the First and Main Business Improvement District (BID) No. 2. He provided a history of the district and presented a map of the area and district.

President Pro Tem Gaebler asked why this parcel was not included in district no. 1 from the initial development of the district. Russ Dykstra from Spencer Fane, LLP, representing the district, stated that the Whole Foods Market which is located on the property originally negotiated in their lease that they not be included in the BID district no. 1. President Pro Tem Gaebler asked if the Public Improvement Fee (PIF) can be charged on food items. Mr. Dykstra said that it mirrors sales tax and is not applied to food items. He said that that district no. 2 would benefit from the additional revenue from this parcel which is why it is being included in district no. 2 instead of no. 1.

- 8.E. [18-0095](#) A Resolution approving a service plan allowing for the creation of the Patriot Park Nos. 1 and 2 Metropolitan Districts

(Legislative)

Presenter:

Conrad Olmedo, Comprehensive Planner II, Planning and Community Development Department

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Community Development Department

Attachments: [RES_PatriotParkServicePlanNos1&2](#)

[Exhibit A to Council Resolution - PPMD 1 and 2 Service Plan](#)

[Figure 1 - PPMD Service Plan Compare to Model Service Plan](#)

[Figure 2 - PPMD 1 Improvement Costs](#)

[Figure 3 - PPMD 2 Improvement Costs](#)

[Figure 4 - Forecast Surplus Cash Balance](#)

[Figure 5 - PPMD 1 and 2 Facilities and Improvements Map](#)

[Figure 6 - Transmittal Letter to City](#)

[CWS Presentation_03.12.18](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave a brief summary of the proposed service plan allowing for the creation of the Patriot Park Nos.1 and 2 Metropolitan Districts. He said district no. 1 would be commercial and district no. 2 would be residential. Mr. Schueler presented a map of the area and

district and a map of facilities and improvements. He listed the estimated costs and financial projections.

Councilmember Pico asked about the inclusion area of already developed commercial property. Mr. Schueler said the inclusion area would be a future inclusion that would be addressed at a later time in the service plan.

Councilmember Strand asked why the City does not want the responsibility to pay and maintain the park and why the petitioner is asking for 15 mills to include it. Britt Haley, Parks Development Manager, Parks, Recreation and Cultural Services, said after extensive discussion and an environmental review it was determined that the Parks, Recreation and Cultural Services Department did not want to take on the responsibility of the park, but that the trail would still be maintained by the City.

Councilmember Knight asked what the acreage of the park was and the cost for the irrigation of it. Mr. Schueler said it is approximately nineteen acres and will provide information regarding the cost of the maintenance.

Councilmember Knight said that he is not supportive of consolidating districts under a single service plan and a single debt or the concept of residential metropolitan districts inside the City because of the new tax laws and the possibility of homeowners not being able to itemize the deduction on their taxes for the mill levy. Mr. Schueler said that the model service plan could be addressed with the petitioner at the time of presentation.

Councilmember Knight said he would like to see a letter of consent from the property owner regarding the inclusion of property. Mr. Schueler said that it would be a voluntary inclusion.

8.F. [18-0119](#)

A Resolution authorizing issuance of debt by the Dublin North Metropolitan District No. 2 in the form of limited tax general obligation refunding and improvement bonds, Series 2018A, 2018B, and 2018C Notes with a multiple fiscal year pledge of ad valorem tax from Dublin North Metropolitan District No. 3 the combination of which will use an amount not to exceed \$4,000,000 in service plan authorization.
(Legislative Item)

Presenter:
Conrad Olmedo, Comprehensive Planner II, Planning and Community Development

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [RES_DublinNorthMetroDistNo.2](#)

[Figure 1 - Dublin North MD - Transmittal Letter](#)

[Figure 2 - Dublin North MD No. 2 - 2018 Senior Indenture of Trust](#)

[Figure 3 - Dublin North MD No. 2 - 2018 Subordinate Pledge Agreement](#)

[Figure 4 - Dublin North MD No. 2 - 2018 Senior Pledge Agreement](#)

[Figure 5 - Dublin North MD No. 2 - 2018 Subordinate Indenture of Trust](#)

[Figure 6 - Subordinate Note](#)

[Figure 7 - Dublin North MD No. 2 - Development Projection](#)

[Figure 8 - Dublin North MD No. 1 - 2017 Map](#)

[Figure 9 - Dublin North MD No. 2 - 2017 Map](#)

[Figure 10 - Dublin North MD No. 3 - 2017 Map](#)

[Figure 11 - Dublin North MD - General Council Opinion](#)

[Figure 12 - Dublin North MD No. 2 - External Financial Advisor Certificate - Series 2018C](#)

[Figure 13 - Dublin North MD No. 1 Public Improvement Cost Summary](#)

[CWS Presentation 03.12.18](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave a brief summary of the proposed debt authorization for the Dublin North Metropolitan District No. 2 and No. 3. He presented a district location map and the history of the district. Mr. Schueler stated the funds allocation will repay developers of the project for public improvement costs.

Councilmember Murray commented that district no. 3 was supposed to be commercial, but is now developed as residential. Mr. Schueler stated that as long as the limitations within the model service plan are met, changes can be made to the development plan.

- 8.G.** [18-0069](#) A Resolution approving the issuance of debt in the form of Limited Tax General Obligation Bonds not to exceed \$7,800,000 for the Upper Cottonwood Creek Metropolitan District No. 2

Presenter:

Conrad Olmedo, Comprehensive Planner II, Planning and Community Development

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [RES_UpperCottonwoodCreekMDBond](#)
[Figure 1 - UCCMD No. 2 Bond Resolution 2017 v1](#)
[Figure 2 - Old Ranch MD Eligible Public Improvement Costs 9-10](#)
[Figure 3 - Letter to Carl Schueler for Bond Submittal](#)
[Figure 4 - 1.22.18 - Upper Cottonwood Creek MD LT GO Fairness Letter by RBC](#)
[Figure 5 - 2018 General Counsel Opinion](#)
[Figure 6 - 10.9.17 - Upper Cottonwood Creek MD 2018 Bond Details](#)
[Figure 7 - 10.9.17 - Upper Cottonwood Creek MD 2018 Bond - Preliminary Numbers](#)
[CWS Presentation_03.12.18](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave a brief summary of the proposed debt issuance for the Upper Cottonwood Creek Metropolitan District No. 2. He presented a map of the Wolf Ranch master plan and the history and evolution of the district. Mr. Schueler identified the existing district geography, the district location map and listed the proposed revenue allocation.

There were no comments on this item.

- 8.H.** [18-0098](#) A Resolution Authorizing Transfer of Property to Greccio Housing Unlimited, Inc.

Presenter:

Steve Posey, HUD Program Administrator, Community Development Division

Attachments: [Property Transfer for a Public Purpose](#)
[Exhibit to RES - Purchase Agreement](#)
[Greccio Housing RES](#)

Steve Posey, HUD Program Administrator, Community Development Division, presented the request for the transfer of City-owned property for a public purpose to Greccio Housing Unlimited, Inc. He stated the parcel is located at 4921 Templeton Gap Road and that both the City Attorney's Office and Real Estate Services Department did not find any restrictions on the property. He stated that Greccio Housing Unlimited, Inc. will be building approximately fifty units of affordable housing on this property. Mr. Posey explained the site control and the conditions that need to be met before and after the deed conveyance which will be no cost to the City.

Councilmember Strand asked if the assignability of the real estate

purchase agreement was strictly to Greccio Housing Unlimited, Inc. Mr. Posey confirmed. Councilmember Strand asked what the value of the property was. Mr. Posey stated the estimated value of the property is \$570K which was donated to the City for a public purpose.

President Pro Tem Gaebler commented that this proposal not only aligns with the Innovations in Aging Group's Strategic Plan, but also the City's and City Council's Strategic Plan.

Councilmember Knight asked if this plan met the Real Estate Services (RES) plan logical purchaser test. Darlene Kennedy, Real Estate Services Manager, read 5.4 of the Real Estate Manual regarding one logical potential purchaser. Mr. Posey stated that Greccio Housing, Inc. has positioned themselves as a primary development sponsor to take on affordable housing for the community. Councilmember Knight stated that there may be additional purchasers for this property. Ms. Kennedy said through the buck slip process, it was passed internally to Mr. Posey for use prior to opening it to outside developers. Mr. Posey stated that Greccio Housing, Inc. did solicit a partnership with multiple developers for this property. He identified that there is a deadline for the Colorado Housing Finance Authority (CHFA) in order for Greccio Housing, Inc. to receive the low-income housing tax credit for the year.

Councilmember Geislinger asked if there are other developers in the community wanting to develop parcels like this. Mr. Posey said that there are and that City Council has the authority to decide if the best purpose of the property is to sell it or donate it to be developed as affordable housing.

Councilmember Geislinger asked what the average median income rent would be. Mr. Posey predicted it will be within the \$650-\$800 per month range.

Jeff Greene, Chief of Staff, commented that the collaboration with Greccio Housing, Inc. for affordable senior housing is a very specific use for this property which came from a very specific public need in the community.

Councilmember Geislinger asked if Greccio Housing, Inc. would be willing to work with other developers regarding affordable housing. Lee Patke, Executive Director of Greccio Housing, Inc., explained that being awarded CHFA tax credit allocations for development is very difficult and that they

do collaborate with groups like the Medici Group to bring these types of projects to completion.

- 8.I. [18-0125](#) A Resolution recognizing Downtown Colorado Springs, Old Colorado City and Manitou Springs as a locally-recognized creative corridor

Presenter:

Karen Cullen, Executive Director, Old Colorado City Associates

Attachments: [CreativeCorridorRES-2018-03-05](#)

[OCCA_CD_Letter](#)

[CVB_Creative_District](#)

[Manitou OCC Creative District Letter of Support](#)

[Recommendation Letter for OCC Arts Corridor](#)

Karen Cullen, Executive Director, Old Colorado City Associates, presented the proposal for a “creative corridor” concept connecting downtown Colorado Springs, Manitou Springs and Old Colorado City through art and culture. She stated that the 1st Friday Art Walk will begin April 6, 2018. Andy Vick, Cultural Office of the Pikes Peak Region (COPPeR) explained what is included in the Art Walks activities and the expansion of the shuttle bus to include Manitou Springs. He said there may be the prospect of a grant award from the Colorado Tourism Office due to the creative corridor.

Laurel Prud’homme, Downtown Partnership, expressed the support of the Downtown Partnership for the project.

Councilmember Knight asked if there would be any financial impact to the City. Ms. Cullen stated that there was no cost to the City.

- 8.J. [17-979](#) An Ordinance Amending Section 203 (Expenditures From Fund) of Part 2 (Conservation Trust Fund) of Article 6 (City Funds) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Expenditures of Conservation Trust Fund

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

Attachments: [P_R-CodeScrubCh1-2018-03-02](#)

[3-12-18 - Parks Recreation and Cultural Services Department Code Scrub Presentation](#)

Karen Palus, Parks, Recreation and Cultural Services Director, presented the proposed City Code revisions for Chapters 1, 4, 6, 7, 9, and 10 for the

Parks, Recreation and Cultural Services Department.

Councilmember Knight asked if there would be implications from the language regarding adding a domestic animal to the “threaten to attack” definition. Ms. Palus stated those situations would fall under animal control rules and penalties.

Councilmember Knight commented that Chapter 6 states the owner has the duty to restrain their animal and if they do not, the animal may be declared a nuisance, but does not define what makes the animal a nuisance, off-leash, trespassing, etc. Ms. Palus stated she will review that language for clarification.

Councilmember Knight asked if the section regarding throwing or propelling an object would be eliminating Frisbee or baseball and said that the language should clarify those activities. Ms. Palus stated that she will make sure that those activities are properly addressed.

- 8.K.** [17-981](#) An Ordinance Amending Articles 1 (Administration), 2 (Rules And Regulations), 3 (Permits), And 5 (Colorado Springs Museum Activities) Of Chapter 4 (Parks, Recreation And Cultural Services) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Parks, Recreation And Cultural Services Administration And Regulations

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

Attachments: [P_R-CodeScrubCh4-ParkAdminRegs-2018-03-02](#)

Please see comments in Agenda item 8.J.

- 8.L.** [17-982](#) An Ordinance Amending Article 7 (Regulation of Animals - General Provisions) of Chapter 6 (Neighborhood Vitality / Community Health) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Animals

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

Attachments: [P_R-CodeScrubCh6-Animals-2018-03-02](#)

Please see comments in Agenda item 8.J.

- 8.M.** [18-0040](#) An Ordinance Amending Section 402 (Purpose and Specific Requirements of the Special Purpose Zone Districts) of Part 4 (Special Purpose Districts), Section 717 (Mixed Use Pedestrian and Bicycle

Access and Circulation) of Part 7 (Mixed Use Zone Districts) and Section 903 (Definitions) of Part 9 (Traditional Neighborhood Development) All 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 Parks

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director
Meggan Herington, Planning & Community Development Assistant Director

Attachments: [CPC Staff Report Chapter 7 City Code Parks](#)
[P_R-CodeScrubCh7-PlanDev-2018-03-02](#)

Please see comments in Agenda item 8.J.

- 8.N.** [17-984](#) An Ordinance Amending Section 104 (Discharge of Weapon) of Part 1 (Dangerous and Deadly Weapons), of Article 7 (Dangerous Weapons and Substances) and Multiple Sections of Article 9 (Parks Offenses) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Park Offenses

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

Attachments: [P_R-CodeScrubCh9-ParkOffenses-2018-03-02v3 \(2\)](#)

Please see comments in Agenda item 8.J.

- 8.O.** [17-985](#) An Ordinance Amending Article 12 (Stopping, Standing or Parking Regulations) and Article 27 (Park Traffic Offenses) of Chapter 10 (Motor Vehicle and Traffic) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Motor Vehicle and Traffic

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director

Attachments: [P_R-CodeScrubCh10-MV-2018-03-02v2](#)

Please see comments in Agenda item 8.J.

- 8.P.** [18-0074](#) An Ordinance amending Sections 102 (Definitions) of Article 1 (Public Health and Sanitation - General Provisions) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, relating to the definition of administrator (Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Mitchel Hammes, Neighborhood Services Manager

Attachments: [Housing-AdministratorDefORD-2017-09-18](#)
[022618 Housing Analysis](#)
[031218 Housing Code DRAFT Revisions - Redline](#)
[Housing Standards in City Code](#)

Mitchel Hammes, Neighborhood Services Manager, presented the proposed City Code revisions for Chapters 6 as it relates to the definition of the Code Enforcement Administrator.

There were no comments on this item.

- 8.Q.** [18-0075](#) An Ordinance amending Sections 102 (Right of Entry), 105 (Appeal of Notice and Order; Hearing), 106 (Failure to Comply with Order to Abate) and 108 (Abatement; Emergency Order); creating Section 110 (Adoption of Rules and Regulations) of Article 5 (Public Health and Sanitation - Enforcement); and repealing Part 2 (Inspections and Enforcement) of Article 12 (Housing Code) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to enforcement of the Housing Code (Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Mitchel Hammes, Neighborhood Services Manager

Attachments: [Housing-HousingCodeEnforcementORD-2017-09-18](#)

Councilmember Geislinger stated that this Ordinance originated from a small number of landlords who are responsible for unsafe and dangerous environments for their tenants.

Mitchel Hammes, Neighborhood Services Manager, stated they have received notice of concerns regarding the conditions of several multi-family residential rental properties. He presented a graph indicating the analysis of Code Enforcement housing complaints from June - October 2017. Mr. Hammes stated eight property owners account for forty-eight percent of the cases opened. He stated the proposed Ordinance would change the language pertaining to the designation for repeat offender and chronic repeat offender and track violations by property owner rather than by unit.

Councilmember Geislinger asked if the proposed change would charge a repeat offender violation if a person were in violation for multiple units or properties that they owned. Mr. Hammes confirmed it would.

Councilmember Pico commented that there should also be a rule against tenants damaging rental property.

- 8.R. [18-0076](#) An Ordinance amending Section 106 (Notice and Order Appeal Hearings), 107 (Appeal Hearing Decision), and repealing section 108 (Appeal to City Council; Notice and Order Appeal Hearing) all of Article 5 (Municipal Court Referee) of Chapter 11 (Municipal court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Municipal Court Appeal Hearings (Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Mitchel Hammes, Neighborhood Services Manager

Attachments: [Housing-MuniCtAppealHearingsORD-2017-09-18](#)

Mitchel Hammes, Neighborhood Services Manager, presented the Ordinance amending the City Code to change the appeal process when there is an aggrieved property owner or tenant displeased with the notice issued by the Code Enforcement Department where it will now be heard through a municipal court appeal hearing.

Councilmember Knight asked for clarification on the proposed appeal process. Michael Curran, Division Chief, Prosecution, stated that as it currently stands the notice and order of appeals would originally go to the Planning Commission, then City Council, then district court and with this proposed change, it would be heard by the municipal court and then district court.

Councilmember Strand commented that it would go before the municipal court referee, not the municipal judge.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Knight asked if the Colorado Springs Police Department could provide the number of arrests made in regards to the homeless camps and open fires. Bret Waters, Deputy Chief of Staff, agreed to provide that information.

Councilmember Strand stated that he attended the retirement ceremony of

Officer Rick Hunt who retired after thirty-one years of service with the Colorado Springs Police Department. He also attended the Manitou Springs Expo. He said that he and Councilmember Pico attended a tour of the McCullough Water Treatment Plant at the United States Air Force Academy.

Councilmember Avila said that she attended three different events regarding International Women's Day.

Councilmember Strand also stated that he, President Skorman, and Councilmember Geislinger attended a meeting regarding the move of the Hitch Rack Ranch quarry and requested that even though it is an El Paso County issue that it be presented to City Council at a Work Session meeting.

Councilmember Knight commented about the existing quarry being in District 1 for over a hundred years and that this move would expedite its closing by five years.

President Skorman said that if Councilmembers are going to support this issue, they should hear both sides.

Councilmember Pico stated he has no objection to hearing both sides, but does not feel that City Council should take a specific side or schedule the topic for a Work Session meeting.

Councilmember Bennett said there is no perfect place for a quarry, but the City needs the aggregate.

Consensus of Council was to not schedule a presentation at this time.

11. Adjourn

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

Sarah B. Johnson, City Clerk