



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, October 22, 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 asked if the public hearing items scheduled for the October 23, 2018 City Council meeting should be moved to the November 13, 2018 City Council meeting in consideration of time. Sarah B. Johnson, City Clerk, stated staff does not anticipate items 12.A. and 12.B., the public hearing pertaining to the Tuscan Foothills Village zoning, will be lengthy and requested they be heard before item 11.C. pertaining to the proposed short term rental Ordinance and Resolution.

Consensus of Council agreed to this change on the agenda.

4. Review of Previous Meeting Minutes

4.A. [18-0538](#) City Council Work Session Meeting Minutes October 8, 2018

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [10-8-18 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the October 8, 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. [18-0481](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 10-22-18.pdf](#)

Sarah B. Johnson, City Clerk, stated items 2-8 listed on the Agenda Planner for the November 26, 2018 Work Session meeting should be on the November 27, 2018 regular City Council meeting.

Councilmember Murray asked when the City for Champions item will be presented to City Council. Councilmember Geislinger said he thought it would be presented at the December 10, 2018 meeting. Bret Waters, Deputy Chief of Staff, said he will follow up on that item.

7. Presentations for General Information

There were no Presentations for General Information.

8. Items for Introduction**8.A. [18-0318](#) A Resolution Approving the 2019 Budget for the Pikes Peak Regional Building Department**

Presenter:

Charae McDaniel, Chief Financial Officer

Roger Lovell, Building Official, Pikes Peak Regional Building Department

Virginia Koultschitzka, Regional Building Counsel, Pikes Peak Regional Building Department

Ryan Johanson, CPA, Finance Director, Pikes Peak Regional Building Department

Attachments: [2018 PPRBD Budget Resolution-10.31.17](#)

[2019 RBD Budget - Final.pdf](#)

[Exhibit A: 2018 Budget -RBD](#)

[2019 Budget - Final CS.pptx](#)

Roger Lovell, Building Official, Pikes Peak Regional Building Department, presented the Resolution approving the 2019 budget for the Pikes Peak

Regional Building Department (RBD). He gave a brief overview of the data and accomplishments for 2018, strategic goals, and summary of projected revenue and expenditures for 2019.

Councilmember Knight, Chair of the Budget Committee, stated the Budget Committee does not anticipate there will be a surplus which would require the PPRBD to lower their revenue and they were in support of the proposed budget.

Councilmember Geislinger asked if any efforts have been made to incentivize affordable housing. Mr. Lovell said the Letter of Map Revision (LOMR) process would be the most significant impact for affordable housing and as they work through the adoption of new codes, they will be considering the cost of construction. Councilmember Geislinger asked if other jurisdictions have tiered fees in regards to affordable housing. Mr. Lovell stated several of them had additional impact fees for affordable housing and he will provide that information to City Council.

Councilmember Geislinger requested a joint meeting with El Paso County for review of the 2020 proposed budget. Consensus of Council agreed to Councilmember's Geislinger's request.

8.B. [18-0549](#)

An ordinance amending Sections 102 (Code Adopted by Reference) and 103 (Penalty Provisions, Additions, and Modifications) of Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to amending provisions of the Pikes Peak Regional Building Code, 2017 Edition, formerly adopted by Ordinance No. 18-15 and reinstating the penalties for the violation thereof

(Legislative)

Presenter:

Roger Lovell, Building Official, Pikes Peak Regional Development Department

Keith Curtis, Floodplain Administrator, Pikes Peak Regional Building Department

Jina Koulchitzka, Regional Building Counsel, Pikes Peak Regional Building Department

Attachments: [RBC-AmendmentORD-2018-10-16-clean.docx](#)
[2017 PPRBC V1.0 2nd PrintingFINAL.pdf](#)
[RBD CODE UPDATE- New FIRM.pptx](#)
[fema_495.pdf](#)
[ColoradoSprings_CO.pdf](#)
[12-7-2018.Consolidated.pdf](#)

Roger Lovell, Building Official, Pikes Peak Regional Building Department (PPRBD), presented the proposed revisions to the currently adopted 2017 Edition of the Pikes Peak Regional Building Code (PPRBC). He explained the recommended amendments to the PPRBC include the recently adopted 2017 National Electrical Code (NEC) and the Federal Emergency Management Agency's (FEMA) adoption of amendments to the existing floodplain management regulations.

Keith Curtis, Floodplain Administrator, PPRBD, explained the update to the Flood Insurance Rate Maps (FIRM).

Councilmember Strand asked if this will benefit citizens in regards to flood plain insurance. Mr. Curtis confirmed it would result in a reduction in cost to residents who do not live in a floodplain.

Councilmember Knight asked if there were any changes to the penalty provisions. Mr. Curtis stated there were not.

Councilmember Bennett asked for a recommendation from the Colorado Springs Utilities staff regarding the adoption of the NEC. Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities, stated he will provide that information.

- 8.C.** [18-0527](#) A Resolution Authorizing the Partial Abandonment of the Following Tops Trails Category CIP Projects: \$172,162-Sinton Trail at Chestnut, \$111,694-Sand Creek at Hancock Crossing, the Full Abandonment of \$100,000-Chamberlain Trail-Zoo Segment and Transferring the Remaining Balance of \$16,144 from Skyline Trail for a Total Transfer of \$400,000 to the Foothills and Gateway Trail Projects at the Garden of the Gods Regional Park

Presenter:

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

Attachments: [TOPS Trail CIP Amendment Council Presentation](#)
[Resolution TOPS CIP](#)
[Signed Resolution 114-18](#)

Britt Haley, Design and Development Manager, Trails, Open Space and Parks (TOPS) Program Manager, presented the Resolution authorizing the partial abandonment of three TOPS trails category capital improvement projects for a total transfer of \$400,000 to the Foothills and Gateway Trail projects at the Garden of the Gods (GOG) Regional Park. She stated the reason for this transfer was due to a much lower cost for colored concrete. Ms. Haley presented a map of the proposed trail improvements and photos of the progress on Gateway Trail. She said the proposal was unanimously recommended by the TOPS Working Committee and the Parks, Recreation and Cultural Services Advisory Board.

Councilmember Knight, Chair of the Budget Committee, stated this was approved by the Budget Committee.

Councilmember Avila asked if the property owner of the easement for the Sand Creek at Hancock Crossing had been contacted. Ms. Haley stated it has been a very complicated process in regards to ownership of the property, but they are making progress on it and the fund has \$322,000 remaining to acquire the easement and complete the project.

- 8.D. [18-0513](#) A Resolution Supporting the City of Colorado Springs Sponsorship of a School Yard Initiative Grant Application to Great Outdoors Colorado on Behalf of Atlas Preparatory School

Presenter:

Tilah Larson, Senior Grants Analyst

Karen Palus, Director of Parks, Recreation and Cultural Services

Attachments: [10-22-18 - AtlasPrepSponsorshipSupportRES](#)
[10-22-18 - Atlas GOCO IGA](#)

Tilah Larson, Parks, Recreation and Cultural Services Senior Grants Analyst, stated eligible local schools can apply for a grant from Great Outdoors Colorado (GOCO) for funding for their school grounds or outside educational opportunities. The three schools requesting sponsorship from the City for these grants are Atlas Preparatory School, Colorado Early Colleges, and Colorado Springs Charter Academy.

There were no comments on this item.

- 8.E. [18-0514](#) A Resolution Supporting the City of Colorado Springs Sponsorship a a School Yard Initiative Grant Application to Great Outdoors Colorado on Behalf of Colorado Early Colleges

Presenter:

Tilah Larson, Senior Grants Analyst

Karen Palus, Director of Parks, Recreation and Cultural Services

Attachments: [10-22-18 - CECSponsorshipSupportRES](#)

[10-22-18 - IGA - CEC](#)

Please see comments in Agenda item 8.D.

- 8.F. [18-0515](#) A Resolution Supporting the City of Colorado Springs Sponsorship of a School Yard Initiative Grant Application to Great Outdoors Colorado on Behalf of Colorado Springs Charter Academy

Presenter:

Tilah Larson, Senior Grants Analyst

Karen Palus, Director of Parks, Recreation and Cultural Services

Attachments: [10-22-18 - CSCASponsorshipSupportRES](#)

[10-22-18 - IGA - CSCA](#)

Please see comments in Agenda item 8.D.

- 8.G. [18-0525](#) An Ordinance amending Section 102 and creating new Section 121 (Limitations on Feeding of Wildlife) of Article 7 (Regulations 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 the feeding wildlife and providing penalties for the violation thereof.

Presenter:

Bret Waters, Deputy Chief of Staff

Attachments: [FeedingWildlifeCh6ORD-2018-09-19-Draft.docx](#)

[Wildlife Feeding Ordinance Oct22.pptx](#)

Bret Waters, Deputy Chief of Staff, presented the Ordinance pertaining to the feeding wildlife and providing penalties for the violation thereof. He explained this proposed Ordinance reinforces the State law banning the feeding of wildlife and several City Councilmembers requested this change as part of an ongoing effort to reduce the illegal feeding of wildlife within the City limits.

Frank McGee, Area Wildlife Manager, Colorado Parks and Wildlife, gave an overview of the situation.

Mr. Waters explained the definition of feeding and wildlife and related penalties.

Councilmember Murray asked if bird feeders would be legal. Mr. Waters confirmed they would be.

President Pro Tem Gaebler asked if feeding squirrels would be illegal. Marc Smith, Corporate Division Chief, Office of the City Attorney, confirmed it would be.

Councilmember Strand asked how the Ordinance will be enforced. Mitch Hammes, Neighborhood Services Manager, stated education will solve a large portion of this issue.

- 8.H.** [18-0536](#) An Ordinance amending Section 104 (Right to Trial by Jury; Jail; Exceptions) of Part 1 (Trial by Jury) of Article 4 (Jury Provision) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to jury trial eligibility regarding Limitations on Feeding of Wildlife

Presenter:

Bret Waters, Deputy Chief of Staff

Attachments: [FeedingWildlife-PenaltiesCh11ORD-2018-10-15](#)

Please see comments in Agenda item 8.G.

- 8.I.** [18-0548](#) An Ordinance adopting a plan for the defeasance and payment of the City of Colorado Springs Airport System Revenue Refunding Bonds, Series 2014, issued by the City of Colorado Springs, Colorado, acting by and through its Airport Enterprise; and authorizing and approving related documents and actions in connection therewith

Presenter:

Charae McDaniel, Chief Financial Officer

Tom Florczak, Deputy City Attorney

Greg Phillips, Director of Aviation

Charae McDaniel, Chief Financial Officer, presented the Ordinance adopting a plan for the defeasance and payment of the City of Colorado Springs Airport System Revenue Refunding Bonds, Series 2014. She stated this would reduce the cost for airlines to fly in and out of the

Colorado Springs Airport. Ms. McDaniel stated the 2014 Bonds are presently non-callable and the City intends to purchase escrow securities to lawfully defease the bonds and payments would thereafter be made from the escrow until they are paid off in 2023. Ms. McDaniel said supplemental appropriations will be made to the Airport Bond Fund for \$2.25 million and the Airport Gross Revenue Fund for \$4.56 million for the funding of the escrow account.

Councilmember Knight, Chair of the Budget Committee, stated this item was approved by the Budget Committee.

- 8.J. [18-0530](#) An Ordinance repealing Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to business license fees

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Clerk-BusinessLicenseResolutionSettingAndRepealORD-2018-10-16.docx](#)

Sarah B. Johnson, City Clerk, presented the proposed Ordinance to move setting general business license fees from an Ordinance to a Resolution process to make the fees consistent with how liquor and medical marijuana fees are established. She stated the Resolution would set the fees for most of the general business licenses which have not been increased since 2014. Ms. Johnson stated the proposed 2019 fee schedule would change the business license fee, with the exception of sexually oriented business and escort bureau licenses, from \$90 to \$110 which reflects a ninety percent cost recovery. She stated these items were approved by the Budget Committee on September 11, 2018 and would be effective January 1, 2019.

There were no comments on this item.

- 8.K. [18-0531](#) A Resolution setting the fees for the general business licenses issued by the city clerk's office

Presenter:

Chris Wheeler, Budget Manager

Sarah B. Johnson, City Clerk

Attachments: [Clerk-BusinessLicenseFeesRES-2018-10-16.docx](#)

Please see comments in Agenda item 8.J.

- 8.L. [CPC CA 18-00063](#) An ordinance amending Chapter 7 (Planning, Development and 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_STR_WorksessionCC](#)

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.

Peter Wysocki, Director of Planning and Community Development, stated the proposed Ordinance has been revised to include City Council's recommended alternative language.

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 the alternative language in response to Council comments made during the presentation at the September 24, 2018 City Council Work Session meeting.

Councilmember Knight stated he is comfortable with removing the recommended language that was added regarding the term of rental for more than fourteen days in any calendar year. Consensus of Council agreed to Councilmember Knight's recommendation.

Councilmember Murray asked about property owners obtaining a permit within a Homeowner's Association (HOA). Marc Smith, Corporate Division Chief, Office of the City Attorney, stated more restrictive private convents will supersede the requirements of this City Code. Councilmember Murray asked for the compliance with convent requirements be included on the permit application. Ms. Herington confirmed it will be.

Councilmember Knight stated the Planning Department and Neighborhood Services will be issuing the permits with the addition of two employees with the sources of funds coming from the revenue generated from the permit fee.

Councilmember Geislinger requested the language "unless it is renewed" to be removed from the Ordinance. Consensus of Council agreed with Councilmember Geislinger's request.

Councilmember Pico stated he is opposed to putting a cap on the number of permits issued.

Councilmember Geislinger stated he believes the cap should be placed at 100 percent of permits issued on July 1, 2019 instead of 125 percent and then can be revisited at a later time. He also requested the number of the different types of short term owners such as residents, part- time residents, or out-of-state investors are identified because they each affect the neighborhoods differently.

President Pro Tem Gaebler stated she is opposed to a percentage being identified in the cap until the data is more complete. President Pro Tem Gaebler, President Skorman and Councilmember Pico said they are opposed to identifying the types of short term owner.

Councilmember Knight stated he is in favor of the cap as it is written.

Councilmembers Murray and Pico stated it is not in the community's best interest to arbitrarily cap it without all the information.

Bret Waters, Deputy Chief of Staff, stated the City needs to be cautious due to the ramifications of over-regulation and a placing a cap on the number of permits.

Councilmember Avila stated she is concerned about the integrity of neighborhoods with out-of-state investors adding short term rentals. Ben Bolinger, Attorney, Office of the City Attorney, stated residential requirements for investment properties would not be permissible, but there could be an in-home, owner-occupied residency requirement.

Councilmember Pico stated a cap would be interfering with the free market and owners should not be distinguished as to whether or not they are out-of-state investors.

Councilmember Strand asked if other communities have capped permits. Ms. Herington stated several other Colorado jurisdictions do not have caps, but they have owner-occupied residency and location requirements.

President Pro Tem Gaebler stated she does not want to detrimentally affect citizen's investment rights and most of these property owners are local residents.

Councilmember Geislinger stated this will affect the affordable housing market which is why there needs to be cap. He stated City Council has an obligation to protect the communities that do not have neighborhood convents.

Council President Skorman polled Council regarding their position in regards to placing a cap on the number of permits issued and revisiting the issue in six months. Councilmember Pico, President Skorman, President Pro Tem Gaebler and Councilmember Murray stated they oppose the cap. Councilmember Avila, Councilmember Knight, Councilmember Geislinger, and Councilmember Strand stated they are in favor of the cap.

President Skorman requested two Ordinances be presented at the October 23, 2018 City Council meeting, one with a cap and one without. Councilmember Geislinger also requested language be added to include the data collection for the types of owners for short term rentals, residents, part-time residents, and out-of-state investors.

Councilmember Knight asked for language to be included concerning trash containers being picked up by end of collection day. President Pro Tem Gaebler and Councilmember Pico stated the regulation for short term

rentals should be the same as long term properties. Consensus of Council agreed to remove the language regarding the requirement of garbage/refuse containers being picked up within twenty-four hours after collection.

Councilmember Knight stated he is comfortable referring to City Code Chapter 7 in regards to permit suspension or revocation. Mr. Bolinger stated the hearing for revocation or suspension of a permit provision for a repeat offender or a chronic repeat offender is included in City Code Chapter 7. He also identified the definition of a rooming house.

President Pro Tem Gaebler asked what the response would be if an unfounded complaint was made by a neighbor who does not want a short term rental in their neighborhood. Mr. Smith stated there would have to be proof of the validity of the complaint before any action is taken.

Councilmember Murray asked if neighbors will be notified of the number to call if there is a legitimate issue or complaint. Ms. Herington stated in order to protect the privacy of the short term rental owners, there will be a website available for neighbors to log a complaint and contact the owner or property manager.

Councilmember Geislinger asked why multiple properties could not be linked and permits revoked with the one property owner who is a chronic offender. Mr. Bolinger said it would have to apply universally to Chapter 7, so in order to link those properties to the one owner an additional Ordinance would have to be created. Mr. Smith said because it is a zoning Ordinance, it would only apply to the property in violation, not the owner. Ms. Herington stated with the renewal aspect of the permit, if someone is in not in compliance with the notice and order, their permit will not be renewed or the Planning Commission may hold a show cause hearing.

Councilmember Knight stated he would like to see the Ordinance for Chapter 7 created to mirror Chapter 6. President Skorman stated the effect could be financially devastating to the property owner. Mr. Wysocki recommended that issue be discussed at a separate Work Session.

Councilmember Geislinger asked what the Taxpayer Bill of Rights (TABOR) implications will be from the sales tax collected from short term rentals. Charae McDaniel, Chief Financial Officer, stated because of the way sales tax and Lodgers and Automobile Rental Tax (LART) is collected

and how it goes into the general fund, it would be very difficult tell what the impact would be to the TABOR calculation.

- 8.M.** [18-0440](#) A Resolution rescinding resolution number 12-17 and establishing development application fees for the Land Use Review Division of the Planning and Development Department specifically adding a fee for short term vacation home rental permit.

(Legislative)

Presenter:

Meggan Herington, Assistant Planning Director

Peter Wysocki, Director of Planning and Community Development

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

[Exhibit A Fee Resolution B](#)

[Signed Resolution 117-18](#)

Please see comments in Agenda item 8.L.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Knight stated after speaking with the other members of Council, there were no recommended changes for the budget and he recommends cancelling the currently scheduled budget markup meeting. He reviewed some administrative changes that he will discuss with staff. Councilmember Geislinger asked if there was excess revenue from 2018 that will be placed in the reserves for 2019. Charae McDaniel, Chief Financial Officer, explained the initial budget included funding for an American with Disabilities Act (ADA) facilities improvement project, holiday pay for the Colorado Springs Fire Department, management of the fleet department, small business development support, and the process for lease purchases in regards to fleet replacement.

Councilmember Avila stated a connectivity Town Hall meeting will be held tonight for the Southeast with updates from the Public Works Department, Transit Department, and Opportunity Zones. She said Transforming Safety recently issued \$650,000 in grants.

11. Adjourn

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

adjourned.

Sarah B. Johnson, City Clerk