



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 11, 2019

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

Councilmember Geislinger was excused at approximately 3:56 PM.

2. Changes to Agenda

There were no changes to the Agenda.

3. Regular Meeting Comments

Councilmember Geislinger requested a correction to item 4B.A City Council Regular Meeting Minutes February 26, 2019 in regards to item 10.C. pertaining to the temporary reduction of City sales tax supporting economic development through public improvement fees for Scheels All Sports, Inc., to include that the attorney who objected on behalf of his clients did not state the basis of his objection. Sarah B. Johnson, City Clerk, stated it will be corrected.

Councilmember Knight, requested item 4B.C. pertaining to Council submission of its Strategic Plan and Annual Report to the Citizens to the Mayor be removed from the March 12, 2019 City Council meeting Consent Calendar.

Consensus of Council agreed to these changes.

4. Review of Previous Meeting Minutes

4.A. [19-163](#) City Council Work Session Minutes February 25, 2019

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [2-25-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the February 25, 2019 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. [19-162](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 3-11-19.pdf](#)

There were no comments on this item.

7. Presentations for General Information

7.A. [19-013](#) Downtown Partnership of Colorado Springs Update

Presenter:

Susan Edmondson, President and CEO, Downtown Partnership of Colorado Springs

Susan Edmondson, President and CEO, Downtown Partnership of Colorado Springs, gave an update of the Downtown Partnership of Colorado Springs and the events that took place in 2018. She gave an overview of the accomplishments of the Downtown Development Authority (DDA) and the Business Improvement District.

Councilmember Murray and Councilmember Strand asked if there was value added due to the increase in foot patrol officers downtown. Ms. Edmondson stated the merchants have indicated it is extremely added value and enhances safety.

Councilmember Strand asked if the events that close streets such as the St. Patrick's Day Parade affect the businesses. Ms. Edmonson stated it does bring people downtown, but can be a challenge to retail businesses

depending on how long the event causes a street to be closed.

President Pro Tem Gaebler asked how the Downtown Partnership is involved with businesses looking to relocate to downtown. Ms. Edmondson explained how the Downtown Partnership acts as a liaison to connect businesses with available downtown locations.

7.B. [19-083](#)

Winter/Spring 2019 Human Relations Commission Update

Presenter:

Courtney Stone, Chairperson, Human Relations Commission
Catherine Duarte, AICP, Community Development Division and Human Relations Commission staff liaison

Courtney Stone, Chairperson, Human Relations Commission (HRC), and Rabbi Jay Sherwood, Vice-Chair, HRC, gave an update of the HRC, stated the primary need of the community that has been identified to the HRC is affordable housing, and they are recommending the creation of a new staff position of a Fair Housing Coordinator.

Councilmember Geislinger requested data regarding the number of complaints that have been received by the Civil Rights Commission. Ms. Stone agreed to provide that information.

Councilmember Strand gave a brief history of the HRC and asked if due to the difficulty in getting a paid position with benefits approved, if they have considered making the Fair Housing Coordinator position a volunteer position. Ms. Stone stated they will explore that option.

Councilmember Avila and President Skorman stated they are in support of the recommendation of the Fair Housing Coordinator as a paid position within the City. Councilmember Knight stated the Budget Committee will carry that request forward, but there will have to be an offset in order for it to work.

8. Items for Introduction

8.A. [19-152](#)

A resolution authorizing the acquisition of properties pursuant to the Federal Emergency Management Agency's Hazard Mitigation Grant Program

Presenter:

Gordon Brenner, City Office of Emergency Management Recovery Coordinator
Darlene Kennedy, City Real Estate Services Manager
Jennifer Vance, City Finance Grants Program Manager

Attachments: [Resolution for Acquisition 2013-2015 FEMA Landslides 20190213](#)
[EXHIBIT-A_904 ZODIAC DR](#)
[EXHIBIT-B_1002 ZODIAC DR](#)
[EXHIBIT-C_315 HAVERSHAM DR](#)

Gordon Brenner, City Office of Emergency Management Recovery Coordinator, presented the Resolution for acquisition from homeowners of three properties damaged by the 2015 landslide. He said funding for the acquisitions will come from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP).

Councilmember Knight asked if there will be additional acquisitions. Mr. Brenner stated they have requested additional funding from the state of Colorado and FEMA and are waiting to hear back regarding approval. Councilmember Knight recommended language be added to the Resolution to include remaining acquisitions under this grant. Mr. Brenner stated the reason they come before City Council is because once the applicants are committed to the program, the property addresses are included in the Resolution.

Councilmember Strand asked how many potentially eligible properties for this grant were still on the waiting list. Mr. Brenner stated there were ten remaining properties.

Councilmember Murray asked if the City was doing enough to warn citizens of this potential hazard. Brett Waters, Deputy Chief of Staff, explained how they disclose landslide issues in land use applications, work with Colorado Geological Survey (CGS), and work with Colorado Springs Utilities to conduct a landslide survey in the area.

8.B. [19-166](#)

A Resolution Approving the "Third Amended and Restated Intergovernmental Agreement Among El Paso County, Colorado, the City of Colorado Springs, the City of Manitou Springs, the Town of Green Mountain Falls, and the Town of Ramah Regarding the Pikes Peak Rural Transportation Authority"

Presenter:

David Geislinger, Councilmember, City Council

Marc Smith, Corporate Division Chief, Office of the City Attorney

Attachments: [PPRTA IGA RES-2019-03-04](#)[Exhibit A - Establishing IGA 3rd Amend and Restate \(02-13-2019](#)[CLEAN Draft\)](#)[Establishing IGA 3rd Amend and Restate \(02-13-2019 REDLINE Draft\)](#)[2017-09-14 Ballot Proof from County](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, presented the Resolution approving the Intergovernmental Agreement (IGA) regarding the Pikes Peak Rural Transportation Authority (PPRTA). He stated the IGA allows for one-percent of sales tax to be used on a voter approved list of capital projects for PPRTA and this amendment would allow for the distribution of \$10 M total over a longer time period than just the two consecutive years that was set forth in the second amendment of the IGA for the I-25 widening project between Monument and the unincorporated El Paso County line.

Councilmember Knight stated this IGA was voter approved prior to voters knowing the third lane is proposed to be a toll lane. Councilmember Geislinger stated the relationship with the Colorado Department of Transportation (CDOT) is not going to be defined and ended by this single project.

Councilmember Murray asked if the ballot language stated a commitment of \$10 M or up to \$10 M. Councilmember Geislinger stated everyone expected there was going to be \$10 M available. Councilmember Bennett stated these dollars will come from capital excess dollars and will have no impact on the approved projects already being funded.

Councilmember Avila stated the issue at hand is the extra time, not whether or not the I-25 expansion will be a toll road.

8.C. [CPC CA
19-00027](#)

An ordinance amending Chapter 7, Planning, Development and Building, of City Code defining and establishing standards for Accessory Dwelling Units.

(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community
Development Department

Peter Wysocki, Planning & Community Development Director

Attachments: [CPC Staff Report - Accessory Dwelling Unit](#)[Figure 1 - ADU Draft Ordinance](#)[Figure 2 - Zone Districts Map](#)[Figure 3 - Comparable Cities](#)[Figure 4 - ADU Citizen Forum Materials](#)[Figure 5 - Citizen Comment](#)[Figure 6 - ADU Existing Vs Proposed Table](#)[Figure 7 - Integrated ADU Illustration](#)[Figure 8 - Detached ADU Illustration](#)[Figure 9 - PlanCOS Resource Sheet](#)[Figure 10 - Mill Street Plan Summary](#)[ORD_AccessoryDwellingUnits](#)[Exhibit 1 Comparable Cities](#)[Exhibit 2 ADU Existing Vs Proposed Table](#)[Exhibit 3 PlanCOS Resource Sheet - ADUs](#)[Exhibit 4 ADU Citizen Forum Materials](#)[Exhibit 5 Citizen Comment](#)

Hannah Van Nimwegen, Senior Planner, presented the Ordinance amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for accessory dwelling units (ADU). She gave a brief overview of the research conducted, the reasons behind the need for change, and the proposed changes to City Code in regards to ADUs.

Councilmember Murray requested an affirmative act be added to the application to ensure applicants have certified they are within their current compliance. Ms. Van Nimwegen stated that language will be included in the declaration of restrictions affidavit recorded against the title.

Councilmember Pico requested there be language added to ensure architectural standards and asked how those standards will be enforced. Jeff Greene, Chief of Staff, stated the problem lies with the building permit process and they will be discussing it with the Regional Building Department.

Councilmember Pico stated he is concerned because this will essentially eliminate single-family residential housing by doubling the occupancy in these areas. Mr. Greene stated this Ordinance will allow elderly citizens to reside with their children on the same property while maintaining a sense of

independence. Councilmember Pico stated this goes well past that by allowing a second rental home on their property.

Councilmember Geislinger asked for the rationale behind the owner-occupied requirement. Ms. Van Nimwegen stated it is to maintain the characteristic of a homeowner on the property and maintaining accountability for who may be renting the other unit.

Councilmember Geislinger requested additional information on the impacts of ADUs that have been implemented in other jurisdictions. Ms. Van Nimwegen said they will provide that information.

President Skorman asked if the owner-occupied requirement would only be mandatory for new ADUs being built. Ms. Van Nimwegen confirmed existing ADUs could be grandfathered in.

Councilmember Knight stated the applicant should have to provide an approval letter from their homeowner's association (HOA) regarding compliance with their covenant and the City should not be getting rid of single-family neighborhoods before the PlanCOS neighborhood plans have been addressed.

Councilmember Knight requested the impact to fire and police services if this is approved. President Pro Tem Gaebler stated this would benefit both younger and older residents. She said this Ordinance supports PlanCOS which states to update the City's zoning code processes and standards to support the construction of additional ADUs. President Pro Tem Gaebler said adding new units and more density of people within the existing infrastructure will result in far less cost for fire and police services than sprawling areas.

Councilmember Avila asked if adding a detached office space of master bedroom to a home would be considered an ADU. Ms. Van Nimwegen stated it would not as long as the space did not meet the definition of dwelling unit which includes a kitchen, bathroom, and sleeping facilities.

President Skorman stated the City has an affordable housing crisis and this is a way to help address it.

Councilmember Pico stated PlanCOS does not state the City will be doing

away with single-family residences and this will create independent rental units which he is adamantly against.

Councilmember Geislinger stated he is in favor of the process, but is concerned with how fast the process is going. He said he is very supportive of intergenerational housing and recommended only moving forward integrated units at this time and then consider detached units as the City Code is reviewed.

Councilmember Murray stated there is room for compromise in this situation regarding detached units.

Peter Wysocki, Director of Planning and Community Development, stated the proposed Ordinance will be presented to the Planning Commission on March 14, 2019 and then will come before City Council for a first reading on March 26, 2019. He said staff has spent a great deal of time considering the pros and cons as well as the impacts to the community regarding ADUs.

Councilmember Geislinger requested the list of cons the Planning Department had considered and a draft Ordinance which reflects only integrated units. Mr. Wysocki agreed to provide that information.

Councilmember Knight stated many of the older neighborhoods are not protected by an HOA. Mr. Wysocki stated those neighborhoods have a resource with the Council of Neighbors and Organizations.

Councilmember Avila stated an ADU should not be used as short-term rental units. Ben Bolinger, Senior Attorney, stated the short-term rental unit Ordinance allows one short-term rental per lawful dwelling unit on the lot. He stated this Ordinance requires one of the units to be owner-occupied so if the owner chooses to live in the ADU, they may then rent two rooms of the house as separate short-term rentals.

8.D. [19-154](#)

Resolution adopting the 2018 City Council Annual Report

Presenter:

Emily Evans, City Council Administrator

Ted Skroback, City Council Communications Specialist

Attachments: [Resolution 2018 City Council Annual Report](#)
[City Council Report to the Citizens](#)
[Council Annual Report 2018 DRAFT](#)

Ted Skroback, City Council Communications Specialist, gave a brief background and the process for creating the 2018 City Council annual report. He identified some of the highlights for 2018 and requested feedback regarding any additions or changes from City Council.

Councilmember Knight stated this report is not only required by Council Rules and Procedures, but by City Charter. He requested the report dates remain from April to April and expand the section for Colorado Springs Utilities.

Councilmember Murray recommended adding City Council support staff to this report.

President Pro Tem Gaebler and President Skorman stated it should be moved forward as is and consider the recommendations made for the 2019 report.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

President Pro Tem Gaebler asked permission to go to Pittsburg, PA for the Regional Leaders trip. Consensus of Council agreed.

President Skorman requested permission for he and President Pro Tem Gaebler to travel to Austin, TX to view their Tiny Home Village. Jeff Greene, Chief of Staff, stated the Administration will cover the cost for the trip due to its impact on affordable housing.

Councilmember Pico stated he did some research on the inflationary rate recently reported for Colorado Springs in regards to Colorado Springs Utilities electric rates increases which may be attributed to the report incorporating wireless phones in the utility category.

Councilmember Bennett stated the City is below the national average in regards to cost of living.

11. Adjourn

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

Sarah B. Johnson, City Clerk