



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 7, 2019

10:00 AM

Council Chambers

1. Call to Order

Present 9 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

Councilmember Pico arrived at approximately 10:38 AM.

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated item 5.B.A. Closed Executive Session will be moved to the end of the meeting. Consensus of City Council agreed to this change on the agenda.

3. Regular Meeting Comments

Dave Padgett, Chief Environmental Services Officer, Colorado Springs Utilities, requested item 4B.I. be removed from the October 8, 2019 City Council meeting Consent Calendar. Consensus of City Council agreed to this change on the agenda.

Councilmember Knight asked if City Council was involved in the selection process for the appointment to the Briargate Special Maintenance Improvement District (SMID) Advisory Committee. Councilmember Geislinger stated he was not involved with the selection process, but has met and recommended the candidate. Councilmember Knight requested language be included in the Appointments to Boards and Commissions document if there has been an interview conducted by a City Councilmember.

4. Review of Previous Meeting Minutes

4.A. [19-612](#) City Council Work Session Meeting Minutes September 23, 2019

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [9-23-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the September 23, 2019 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

5B.A. [19-570](#)

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a),(b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve: (1) legal advice and consultation with the City Attorney regarding pending litigation; and (2) consultation with the City Attorney; determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding a land acquisition matter.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney

Attachments: [10072019ClosedSession](#)

Wynetta Massey, City Attorney, Office of the City Attorney, stated that 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 issues to be discussed involve: (1) legal advice and consultation with the City Attorney regarding pending litigation; and (2) consultation with the City Attorney; determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding a land acquisition matter.

President Skorman polled City Council regarding the desire to proceed

with a Closed Executive Session. At least two-thirds of City Council agreed to proceed in Closed Executive Session.

6. Staff and Appointee Reports

6.A. [19-609](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 10-7-19.pdf](#)

Councilmember Geislinger stated the Briargate Special Maintenance Improvement District (SMID) Advisory Committee has been working diligently to get the financing issues addressed, but it may take approximately a year or more to complete.

Sarah B. Johnson, City Clerk, stated the first Entertainment District Resolution will be presented at the October 21, 2019 Work Session meeting and due to the Veteran's Day holiday, the City Council Work Session meeting will be held on November 7, 2019.

7. Presentations for General Information

7.A. [19-622](#) Pikes Peak United Way and the City of Colorado Springs Annual Give Campaign

Presenter:

Cindy Aubrey, Pikes Peak United Way

Renai Albaugh, Pikes Peak United Way

Cindy Aubrey, Pikes Peak United Way, gave an overview of Pikes Peak United Way and the City of Colorado Springs' annual Employee Giving Campaign.

Councilmember Murray requested additional information regarding the three hundred computers donated to students of School District 11. Ms. Aubrey agreed to provide that information.

7.B. [19-640](#) Section RBC112 of the Pikes Peak Regional Building Code, 2017 Edition, as amended (Code)

Presenter:

Roger N. Lovell, Regional Building Official, Pikes Peak Regional Building Department

Attachments: [RBC112 Dangerous Buildings](#)

Roger Lovell, Building Official, Pikes Peak Regional Building Department (PPRBD), explained Section RBC112 of the currently adopted 2017 Edition of the PPRBD Code as it pertains to uncompleted construction and dangerous buildings. Mr. Lovell gave an overview of the process, evaluation, and options available to the member jurisdictions.

Councilmember Williams asked if the reference to damage in the PPRBD Code includes economic damage to surrounding properties. Mr. Lovell stated the intent is physical damage.

Councilmember Pico stated this Code does not address the issues with the dilapidated structures located within the City and he does not understand how these deteriorated buildings would not meet the inspection criteria of a structural failure. He stated he has been asking for years how a building which has a roof that is falling in, walls which have been boarded up, and has holes in it due to missing sections, does not meet the requirements of a dilapidated building or structural failure. Mr. Lovell stated the Code addresses the criteria related to the structural integrity of the buildings and staff will continue to evaluate them. Councilmember Pico stated there needs to be additional strength in enforcement actions. Jeff Greene, Chief of Staff, stated the City will be working with PPRBD's legal counsel to make a determination regarding enforcement authority and permit compliance going forward.

Councilmember Geislinger stated there needs to be a presentation from City Attorneys regarding public enforcement of private nuisance law.

President Pro Tem Strand asked how the City Code Enforcement Department addresses issues with dangerous buildings. Mitch Hammes, Neighborhood Services Manager, stated a majority of time when they receive a complaint regarding dilapidated buildings, they work with the property owners to remedy the situation, but in certain cases, it may be a personal property right issue.

Councilmember Avila asked why it is more difficult to enforce projects which have not obtained a permit. Mr. Lovell stated when an owner acquires a permit, the PPRBD has the opportunity to review development plans prior to the project being constructed versus unpermitted projects which they attempt to bring into compliance.

Councilmember Knight asked why the analysis of the subject property Councilmember Pico referenced has not justified enforcement. Mr. Lovell stated the property in question has not presented just cause.

8. Items for Introduction

8.A. [19-599](#) An Amended 2019 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

Attachments: [USAFA BID - 2019 AMENDED Operating Plan - Final II - Oct 15 2019](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development gave an overview of the United States Air Force Academy Visitors Center BID amended 2019 and 2020 operating plan and budget. He presented the Ordinances including and excluding certain property into the USAFA Visitor's Center Business Improvement District (BID). He presented a map of the existing BID boundary and a vicinity map of the parcels petitioned for inclusion and exclusion. Mr. Schueler gave an overview of the project proposal, the background of the property, the inclusion Ordinance contingency provision, staff recommendation, and next step. He presented the Resolution authorizing the USAFA Visitors Center Business Improvement District (BID) to issue debt in the form of Series 2019A Special Revenue Bonds, Taxable Series 2019B Special Revenue Bonds, and Series 2019C Subordinate Special Revenue Bonds. He provided a summary of the debt issuance, the project proposal, background of the BID, distinctions among bonds, interest rates, and terms

Councilmember Murray asked why the USAFA has not signed the lease agreement yet. Bob Cope, Economic Development Manager, stated this is a very complex project with a very detailed schedule, but they anticipate they will receive a signed development lease by October 15, 2019.

Councilmember Geislinger asked if there will be an impact if City Council approves the issuances of debt prior to the lease agreement being signed. Mr. Schueler stated the debt cannot be issued until the master lease is executed. Mr. Cope stated the approval of the commencement of substantial work requires the effort of bond issuance to be moving towards the target date.

Councilmember Murray asked how a tax-exempt entity can have a payment in lieu of taxes. Mr. Schueler stated even though they are not legally required to pay taxes, if they benefit from public improvements, there is an agreement made where they make a payment in lieu of taxes. Councilmember Murray requested the amount of the payment. Mr. Schueler

stated he will ask the petitioner to provide that information.

Councilmember Knight requested language be added to the Ordinance and bond covenant which reflect the sources of revenue from the Urban Renewal Authority (URA) will only be used for public improvement infrastructure and not for the Series B bonds.

Councilmember Geislinger asked if the payment in lieu of taxes agreement had any limitations. Mr. Schueler stated the only limitations are that it would have to be proportional and agreed upon. Dee Wisor, Butler Snow Law Firm, representing the applicant, stated it is common for this agreement to occur when the property is transferred to a tax exempt entity and will no longer be subject to taxes.

Councilmember Knight asked where the \$87M maximum debt authorization amount originated from since in August of 2018, City Council only approved \$22M. Michael Persichitte, RBC Capital Markets, representing the applicant, explained the \$87M is a not-to-exceed number and they only anticipate a bond issuance of approximately \$71M, but due to the lag time of the capitalized interest, the debt service reserve fund, and the general cost of issuing bonds, it is a higher amount. Councilmember Knight stated if there is a debt service ceiling change from what City Council previously approved, it should be highlighted in the plan. Mr. Schueler stated there was no intent to omit, staff was not able to find the \$22M representation in previous documents. Councilmember Knight stated it is in the 2018 operating plan.

Councilmember Knight stated the 2019 debt service plan should be corrected to reflect the carryover balance of \$16.3 million. Don Hunt, Blue and Silver Development Partners, LLC, representing the applicant, stated they follow up with that.

Councilmember Pico requested clarification regarding language in the operating plan which stated "without further City Council input". Mr. Hunt confirmed City Council will authorize all debt for the BID.

8.B. [19-446](#)

A proposed 2020 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [Revised USAFA BID - 2020 Operating Plan - Final II - Oct 15 2019](#)

Please see comments in Agenda item 8.A.

- 8.C. [19-289](#) Ordinance No. 19-70 including certain property into the USAFA Visitor's Center Business Improvement District.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [Ordinance- USAFA Visitors Center BID Inclusions10-8-19clean](#)

[Exhibit A- Signed Petition of Inclusion](#)

[Exhibit B- Notice of Inclusion \(2\)](#)

[Attachment 1- 2019-10-8 Affidavit of Publication - Ntc of Inclusion - USAFA BID](#)

[PowerPoint USAFABID Inclusions-Exclusion](#)

Please see comments in Agenda item 8.A.

- 8.D. [19-288](#) Ordinance No. 19-71 excluding certain property from the USAFA Visitor's Center Business Improvement District.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [USAFA BID - Exclusion Ordinance - 10-8-19](#)

[Exhibit A- Signed Petition for Exclusion-USAFA VC EUL](#)

[Exhibit B- Notice of Exclusion](#)

[Attachment 1 2019-10-8 Affidavit of Publication - Ntc of Exclusion - USAFA BID](#)

Please see comments in Agenda item 8.A.

- 8.E. [19-598](#) A Resolution authorizing the USAFA Visitors Center Business Improvement District to issue debt in the form of Series 2019A Special Revenue Bonds, Taxable Series 2019B Special Revenue Bonds, and Series 2019C Subordinate Special Revenue Bonds.

(Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development
Bob Cope, Economic Development Officer

Attachments: [resolution](#)

[Attachment 2- District Bond Resolution](#)

[Attachment 3- Indenture \(Senior\) -9.25.19](#)

[Attachment 4- Indenture \(Subordinate\) - 9.25.2019](#)

[Attachment 5- Pledge Agreement between BID and CSURA 9-25-19\)](#)

[Attachment 6- General Counsel Opinion](#)

[Attachment 7- Description of BID Improvements - Uses of Funds](#)

[Attachment 8- Market and Revenue Study 9-18-19](#)

[PowerPoint USAFABID Debt Issuance](#)

Please see comments in Agenda item 8.A.

- 8.F.** [19-584](#) Resolution of Support for the City of Colorado Springs Sponsorship of the Local Government Parks and Recreation Mini-Grant to Great Outdoors Colorado on Behalf of Concrete Couch

Presenter:

Karen Palus, Director, Parks, Recreation and Cultural Services

Tilah Larson, Senior Analyst, Parks, Recreation and Cultural Services

Attachments: [10-7-19 - City Council Resolution CC and GOCO](#)

[10-7-19 - Concrete Couch Powerpoint](#)

Tilah Larson, Senior Analyst, Parks, Recreation and Cultural Services, presented the Resolution for sponsorship of the local government parks and recreation mini-grant of \$45,000 to Great Outdoors Colorado (GOCO) on behalf of Concrete Couch. She presented a map of the Concrete Couch property and gave an overview of GOCO, the grant application, and the Concrete Couch project known as Concrete Coyote.

There were no comments on this item.

- 8.G.** [19-615](#) A Resolution authorizing the acceptance of a donation of certain property which shall serve as the future site for parks, open space, roadway improvements, retaining walls, and utilities

Presenter:

Robin Allen, P.E., Civil Engineer

Attachments: [Resolution 30th 2019](#)
[Mesa 30th parcel v2](#)
[Exhibit A and B 9-4-19 for CC memo and resolution](#)

Robin Allen, Civil Engineer, presented the Resolution authorizing the acceptance of a donation of property which shall serve as the future site for parks, open space, roadway improvements, retaining walls, and utilities. She identified the property location at Mesa Road and 30th Street.

There were no comments on this item.

- 8.H. [19-614](#) A Resolution Authorizing the Use of City Right of Way Known as Tejon Street and Costilla Street for Underground Public Parking.

Presenter:

Bob Cope, Economic Development Officer

Darlene Kennedy, Real Estate Services Manager

Attachments: [Resolution Marriott URA](#)
[Exhibit A](#)
[Marriott URA PowerPoint](#)

Bob Cope, Economic Development Officer, A Resolution authorizing the use of City right of way known located at Tejon and Costilla Street for underground public parking for the Downtown Marriott Hotel. He gave an overview of the proposed area of redevelopment, project, economic development purposes, and public purpose.

Councilmember Pico asked if below the grade of the street is considered right of way. James DiBiase, Olive Real Estate Group, representing the managing partner constructing the hotel, stated it would be excavated underneath the sidewalk which is City right of way, but will not interfere with any utilities.

Councilmember Williams requested the lease contract include language for the options available for this property at the end of the 99-year lease. Jeff Greene, Chief of Staff, stated staff will ensure the City has those protections in place.

Councilmember Knight asked if this is City-owned land. Darlene Kennedy, Real Estate Services Manager, stated the City owns the right of way which does not have a tax schedule number and they are recommending a 99-year lease for a nominal amount for public purpose and economic

development for the area beneath the right of way. Councilmember Knight stated this property is already receiving tax relief benefits for being located in an urban renewal area and recommended they pay fair market value for the parking enterprise. Mr. Greene stated because this is a public benefit to address the parking needs of the area, they feel comfortable with the nominal lease amount. Councilmember Knight requested language be added to the contract which reflects if the public parking benefit is changed to private parking, the lease will be null and void. Ms. Kennedy stated she will include that language in the contract.

Councilmember Murray asked what the liability will be between the two entities for the area. Ms. Kennedy stated City is indemnified in the contract.

8.I. [19-414](#) Proposed 2020 Budget for the Colorado Springs Downtown Development Authority

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [DDA 2020 Budget](#)
 [DDA 2020 Scope of Work](#)
 [10-7-19 BIDpresentation-Final](#)

President Skorman recused himself for items 8.I. and 8.J.

Carl Schueler, Planning Manager, Comprehensive Planning presented the proposed 2020 budget for the Colorado Springs Downtown Development Authority (DDA) and the proposed 2020 operating plans and budgets for the fourteen Business Improvement Districts (BID). He explained annual budget and mill levy approval is required for the DDA and annual budget and operating plan approvals are required for BIDs. Mr. Schueler identified the downtown districts, list of BIDs, proposed mill levy changes, requests for debt issuance, developer advances, public improvement fees (PIFs), boundary changes, and districts which have less than full boards.

Councilmember Knight requested the SW Downtown Colorado Springs Business Improvement District operating plan be modified to reflect City Council only approved \$105M in maximum debt authorization on October 24, 2017. He stated these boards also should not be eliminating terms. Mr. Schueler stated they will look into that.

8.J. [19-422](#) A proposed 2020 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 General Fund Summary](#)

[2020 Operating Plan](#)

Please see comments in Agenda item 8.I.

- 8.K. [19-445](#) Approval of the Proposed 2020 Operating Plan and Budget for the SW Downtown Colorado Springs Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [Revised 2020 Operating Plan and Budget - SW Downtown BID](#)

Please see comments in Agenda item 8.I.

- 8.L. [19-417](#) Approval of the Proposed 2020 Operating Plan and Budget for the Briargate Center Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [Revised Final 2020 Operating Plan and Budget\(00712869_xAF7F5\)\)_Briargate](#)

Please see comments in Agenda item 8.I.

- 8.M. [19-415](#) Approval of the Proposed 2020 Operating Plan and Budget for the Barnes & Powers North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 Operating Plan and Budget - Barnes & Powers North BID](#)

Please see comments in Agenda item 8.I.

- 8.N. [19-416](#) Approval of the Proposed 2020 Operating Plan and Budget for the Barnes & Powers South Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 Operating Plan and Budget - Barnes & Powers South BID](#)

Please see comments in Agenda item 8.I.

- 8.O. [19-418](#) Approval of the Proposed 2020 Operating Plan and Budget for the

Creekwalk Marketplace Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [Revised 2020 Operating Plan and Budget - Creekwalk Marketplace BID](#)

Please see comments in Agenda item 8.I.

- 8.P.** [19-419](#) Approval of the Proposed 2020 Operating Plan and Budget for the First and Main Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 Operating Plan and Budget - First and Main BID](#)

Please see comments in Agenda item 8.I.

- 8.Q.** [19-420](#) Approval of the Proposed 2020 Operating Plan and Budget for the First and Main Business Improvement District No. 2

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 Operating Plan and Budget - First and Main BID No. 2](#)

Please see comments in Agenda item 8.I.

- 8.R.** [19-421](#) Approval of the Proposed 2020 Operating Plan and Budget for the First and Main North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 Operating Plan and Budget - First and Main North BID](#)

Please see comments in Agenda item 8.I.

- 8.S.** [19-423](#) Approval of the Proposed 2020 Operating Plan and Budget for the Interquest North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 Operating Plan and Budget - Interquest North BID](#)

Please see comments in Agenda item 8.I.

- 8.T.** [19-424](#) Approval of the Proposed 2020 Operating Plan and Budget for the

Interquest South Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 Operating Plan and Budget - Interquest South BID](#)

Please see comments in Agenda item 8.I.

- 8.U. [19-443](#) Approval of the Proposed 2020 Operating Plan and Budget for the Interquest Town Center Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 Operating Plan and Budget - Interquest Town Center BID](#)

Please see comments in Agenda item 8.I.

- 8.V. [19-444](#) Approval of the Proposed 2020 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [2020 Operating Plan and Budget - Powers Woodmen Commercial BID](#)

Please see comments in Agenda item 8.I.

- 8.W. [19-529](#) A resolution approving the issuance of debt in the form of Limited Tax General Obligation Bonds not to exceed \$2,300,000 for the Upper Cottonwood Creek Metropolitan District No. 2

Presenter

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [Resolution_UpperCottonwoodCreekMetroDistNo2](#)[Attachment 1- UCC No. 2 - Bond Submittal Cover Letter](#)[Attachment 2- UCC No. 2 - Resolution and Form of Bond](#)[Attachment 3- UCC No. 2 - General Counsel Letter](#)[Attachment 4- UCC No. 2 - Bond Counsel Letter](#)[Attachment 5- UCC No. 2 - RBC Letter](#)[Attachment 6- 2018 Cost Certification](#)[Attachment 7- 2018 Cost Certification Breakout](#)[presentation](#)

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 and No. 3. 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.

President Pro Strand asked what the current amount of debt is. Mr. Schueler stated it is approximately \$10M for District No. 2.

- 8.X. [19-530](#) A resolution approving the issuance of debt in the form of Limited Tax General Obligation Bonds not to exceed \$7,200,000 for the Upper Cottonwood Creek Metropolitan District No. 3

Presenter

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [Resolution UpperCottonwoodCreekMetroDistNo3](#)

[Attachment 1- UCC No. 3 - Bond Submittal Cover Letter](#)

[Attachment 2-UCC No. 3 - Resolution and Form of Bond](#)

[Attachment 3- UCC No. 3 - General Counsel Letter](#)

[Attachment 4- UCC No. 3 - Bond Counsel Letter](#)

[Attachment 5- UCC No. 3 - RBC Letter](#)

Please see comments in Agenda item 8.W.

- 8.Y. [19-425](#) An ordinance amending Chapter 7 of the Code of the City of Colorado Springs pertaining to the occupancy and density of short term rental units

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD ShortTermRentalOccupancy](#)

[CC Presentation - STR Ords 10-22-19](#)

[EXHIBIT 1 - 500' Cheyenne Blvd](#)

[EXHIBIT 2 - 500' Broadmoor Bluffs](#)

[EXHIBIT 3 - 500' Holland Park](#)

[EXHIBIT 4 - 5 Lot Separation Scenario](#)

[Plan_Dev-STR-5LotSpaces-2019-10-09](#)

[Plan_Dev-STR-500ftSpacing-2019-10-09](#)

Morgan Hester, Principal Planner, Planning and Community Development,

presented an ordinance amending Chapter 7 of City Code pertaining to the occupancy and density of short term vacation home rental (STR) units. She gave an overview of the occupancy requirement, permit density cap, and definition of the term "owner occupied".

Councilmember Pico stated he believes the maximum of sixteen people per unit is too restrictive.

Councilmember Knight stated this is more lenient than the current code which only allows five non-related individuals.

Councilmember Gaebler stated any occupancy restrictions which are implemented should be consistent across all housing uses.

Councilmember Geislinger stated there is a distinct difference between people residing long term in a primary residence versus people who are just visiting so he thinks having an occupancy limit is a good idea.

Councilmember Williams stated he feels it is not appropriate for dozens of non-familial relations to be in a single unit.

Peter Wysocki, stated there would need to be a reasonable means of verifying familial relationship in order to be enforceable which is why they approached it with the Fire Marshal's recommendation of the sixteen people occupancy limit per residence.

Councilmember Murray stated he does not think this would be enforceable.

Councilmember Gaebler stated she feels this would create an over regulated environment based on a few irresponsible STR owners.

Councilmember Williams stated this regulation would only affect those who break the rules and this would provide an enforcement tool.

Councilmember Geislinger stated the City is growing and needs to be proactive before the issues with STRs get out of control.

Councilmember Knight stated this is a complaint based Ordinance so if a STR owner is following the rules, this will not affect them.

President Pro Tem Strand asked if an owner representative could fulfill the owner-occupied requirement. Ms. Hester stated that is an option that can be discussed.

Councilmember Williams asked if there is a density cap required for owner-occupied STRs in this proposed Ordinance. Ms. Hester stated there is not.

Jeff Greene stated the Mayor's preference is a density cap of a maximum of one STR per every sixth lot per block-face. Councilmember Knight stated the block-face restriction would not affect units located across or behind properties.

Councilmember Murray asked if a long-term rental would fall into a STR classification if a renter leaves in less than 30 days. Ms. Hester stated it would not require a permit if it was a one-time type of situation.

Councilmember Williams stated the date as to when STRs will be grandfathered in needs to be established and does not believe the 500 foot separation will work in all neighborhoods due to lot size. He stated he would prefer a limit which scales with density.

Councilmember Pico stated he does not support density regulation, but he would rather see a 500 foot separation than another type of limit.

Councilmember Knight stated he supports the 500 foot separation requirement versus block-face due to limiting STRs located adjacent to properties.

President Skorman stated they need to be lenient with people who have already invested in STRs and supports incentivizing owner-occupied STRs.

Councilmember Murray stated the 500 foot buffer could be amended to include the circumference surrounding a unit.

Councilmember Geislinger stated he would support a 500 foot buffer and a six month owner occupancy requirement due to all the military residing in the City's demographics. Mr. Greene stated he is also concerned with an owner-occupied requirement due to citizens who only spend part of the year in the City. Councilmember Pico and Councilmember Knight stated

military members are usually absent more than six months at a time.

Councilmember Williams asked if the density restriction be limited to one in five or six lots in all directions of the circumference of a property in accord with the El Paso County's Assessor Office.

President Pro Tem Strand there is no perfect solution to this, but there needs to be at least some regulation.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Avila stated she, Councilmember Knight, and Councilmember Pico attended the Change of Command Ceremony for the 4th Infantry Division at Fort Carson.

Councilmember Geislinger stated the Briargate Special Maintenance Improvement District (SMID) Town Hall meeting will be held on October 10, 2019 at Library 21c.

Councilmember Williams stated he attended the Solid Waste Management annual meeting, the Pikes Peak Association Realtors selection of new officers, and the Life Network dinner. He stated he also met with the Director General of Taiwan.

Councilmember Pico stated he and Councilmember Avila attended Governor Polis' Hispanic Heritage Month reception at the Governor's Mansion.

President Pro Tem Strand stated he attended a community Foster Care luncheon.

11. Adjourn

Upon completion of the Closed Executive Session, there being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk