



**TOPS Working Committee Meeting
Meeting Minutes
Wednesday, May 4, 2016**

Members Present: Jason Alwine, Lee Milner, Cathy Grossman, Becky Wegner, Sarah Blakeslee, Nancy Hobbs, Joe Lavorini, Sarah Musick

Members Absent: Jeff Mohrmann

Alternates Present: Jim Klever

Alternates Absent: N/A

Parks Board Liaisons Present: Jackie Hilaire, Jason Rupinski

Parks Board Liaisons Absent: Scot Hume

Staff Present: Chris Lieber, Christi Mehew, Kurt Schroeder

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Jason Alwine brought the meeting to order at 7:33 a.m.

Agenda Preview

Announcements

Chris Lieber The Red Rock Canyon Revegetation Project is underway which addresses the repairs due to past flooding events. Tuesday, May 17th at Centennial Hall the El Paso County Board of Commissioners will be holding a public hearing regarding the designation of Corral Bluffs as a Colorado Natural Area. Please consider attending the hearing and/or sending an email in support.

Citizen Comments

Bill Koerner (Trails and Open Space Coalition) Thanked Park Staff for their letter of support regarding Ring the Peak. A project has started with city officials in Denver and on May 21st they will be receiving input on where they would like to put the trails in Colorado Springs. The City's website is not providing detailed information with the TOPS Working Committee agenda. Christi Mehew, TOPS Working Committee Assistant, will work with Bill Koerner and Susan Davies to make sure the website page is accurate.

Susan Davies (Trails and Open Space Coalition) TOSC is co-sponsoring an event with El Pomar as part of the Heritage Series on Friday, May 13th at 3:00 p.m. at the Penrose House. Governor John Hickenlooper and Lise Aangeenbrug are special guest speakers. This is a free event, however, registration is required.

Richard Skorman – Thanked the TOPS Working Committee for encouraging the Parks and Recreation Advisory Board to delay action on the Proposed Land Exchange with the Broadmoor.

City Council will be voting on this item on May 24th. This should go to the vote of the people and if so it would be a whole year until the election. The Broadmoor is not a willing seller yet, however the TOPS Working Committee should be a part of this matter.

Kent Obee – Thanked the TOPS Working Committee for their courage and commitment in regards to recommending to the Parks and Recreation Advisory Board to delay action on the Proposed Land Exchange with the Broadmoor. The TOPS Working Committee should have been a part of this process from the beginning. There has not been due diligence with this land swap. He read from the TOPS Policy and Procedure Manual a policy that states each member should visit each open space acquisition parcel that is being considered for acquisition.

Mike Dorsey – (Citizen and Real Estate Broker) Thanked the TOPS Working Committee for their decision to recommend to the Parks and Recreation Advisory Board to delay action on the Proposed Land Exchange with the Broadmoor. The process should have started with the TOPS Working Committee. Please look at the applications for funding that Richard Skorman submitted as this is a bad deal. There is a \$10-12 million dollar difference in valuation of the appraisals.

Approval of Minutes

1st – Sarah Blakeslee, 2nd – Cathy Grossman, Approved - Unanimous

Action Items

1. TOPS Policies and Procedures Manual Update (Presented by Chris Lieber – Parks Development Manager/TOPS Manager)

- Change the timeline for new appointees to the Committee so it aligns with the budget process. New committee members will start in the Fall.
- This will be on the Parks and Recreation Advisory Board agenda for May as a discussion item and as an action item in June.
- Discussion included: TOPS Working Committee not formally recognized in the City Code; TOPS members and TOPS liaisons and city limit requirements; liaisons as non-voting participants; TOPS Working Committee consisting of a 9 member citizen committee.
- City Code 4.1.104 and 4.6.103 describes the role of the Parks and Recreation Advisory Board and the Citizen Advisory Committee. 4.1.104. states the Board can appoint temporary committees to review and advise the Board on various matters that may require additional citizen input or ongoing study, including assisting the Board in making recommendations to the City Council pursuant to the provisions of article 6 of this chapter. ([Please see attachment below](#)).
- Amendments: 1) Park Advisory Board liaisons are non-voting 2) TOPS Working Committee is a nine member citizens committee.

Motion: A motion recommending the proposed update and revisions to the TOPS Policies and Procedures Manual with the amendments added above.

1st – Cathy Grossman, 2nd – Becky Wegner, Approved – Unanimous

Presentations

2. Update on TOPS Stewardship Program (Presented by Melissa McCormick – Park Ranger)

- Three full-time seasonal rangers have been hired for the summer along with a full-time Ranger Supervisor. Duties include hiking open spaces, educating people about park policies and answering questions in regards to the natural resources in open spaces.
- Three seasonal conservation technicians have been hired and will focus on trail maintenance along with resource management, weed management and trail assessment.
- Contracted crews have begun work on noxious weeds.
- Volunteers for Outdoor Colorado have organized three projects on TOPS properties in Red Rock Canyon and University Park.
- Matt Mayberry will be providing an interpretative on TOPS properties which will give tools to volunteers and maintenance crews.
- Support supplies include purchasing one to two vehicles, backpack sprayers for herbicide use, computers for GIS work and uniforms.

Discussion included: stewardship budget; dog leash concerns; bark ranger program; better signage and communication with citizens regarding dog policies; involvement of friends groups and stewardship focused areas (resource management, land management, education and the ranger program).

3. Preliminary 2017 TOPS CIP Budget (Presented by Chris Lieber – Parks Development Manager/TOPS Manager)

Link to the [2017 TOPS CIP Budget Power Point Presentation](#)

The presentation included: the approval timeline; funding sources; informing the budget process; 2017 TOPS revenue estimates; recommended trail projects (Cottonwood Trail at Academy Underpass, Sinton Trail at Chestnut Underpass, Midland Trail South, Shooks Run Trail South; Cottonwood Trail - Austin Bluffs Underpass); recommended park projects (park maintenance, emergency repair, playground renovation and replacement, North Cheyenne Canon Master Plan Update and Austin Bluffs Open Space Master Plan)and recommended Open Space projects (Red Rock Canyon Open Space payment, Open Space acquisition account, Ute Valley Master Plan implementation, stewardship).

- May 12th the Parks, Recreation and Advisory Board will have a presentation.
- June 1st the TOPS Working Committee will vote on the budget as an action item.
- June 9th the Parks, Recreation and Advisory Board will vote on the budget as an action item.
- The advancement of these projects will provide an approximate fund balance for the TOPS program of \$8 million; however, 90% will be in the open space category. The Watkins

- property expenditure has been accounted for prior to the advancement of these projects.
- Stratton, Sinton, Bluestem and University Park Open Space Management Plans have been accounted for in the budget.

Discussion included: Percentage of the open space budget goes to stewardship; \$6.5 million is currently available in the open space budget; parking concerns at Red Rock Canyon and providing possible overflow parking; Bristol Mesa Open Space general fund consideration and homeless concerns with freeway underpass trails.

Adjournment

- Motion to adjourn at 10:43 a.m. – 1st – Nancy Hobbs, 2nd – Sarah Musick, Approved - Unanimous
- Motion to enter a Closed Executive Session – 1st – Nancy Hobbs, 2nd – Beck Wegner, Approved - Unanimous

4. Closed Executive Session: Discussion pertaining to a property matter

PART 1 GENERAL PROVISIONS

4.6.101: PURPOSE:

4.6.102: DEFINITIONS:

4.6.103: CITIZENS ADVISORY COMMITTEE:

4.6.101: PURPOSE:

The general purposes of this article are as follows:

- A. To establish a trails, open space and parks program to acquire real property in the City and El Paso County by various types of transactions when determined by the City Council, acting pursuant to authority set forth in this article, to be necessary to preserve the area.
- B. To acquire water rights and water storage rights for use in preserving fragile ecosystems, natural areas, scenic vistas and areas, fish and wildlife habitats and corridors, or important areas that support biodiversity, natural resources and landmarks, and cultural, historical and archeological areas.
- C. To acquire mineral and fuel resource rights in order to protect the visual, geological and biological surface features of open space lands and trails.
- D. To acquire rights of way and easements for access to open space lands and for trails and to build and improve the accessways and trails.
- E. To acquire options related to these acquisitions.
- F. Conservation of new open space lands shall be related to resource management including, but not limited to, water improvements (irrigation, domestic use and recreational use), preservation enhancements (fences, wetlands and wildlife habitat improvements), and passive recreational uses, such as trail, trailhead parking and other access improvements, and restrooms.
- G. To manage, patrol, improve and maintain all new open space lands and trails acquired with revenues generated by a sales and use tax approved by the electorate pursuant to this article, in accord with the purposes set forth in this article.
- H. To improve new park lands acquired with revenues generated by a sales and use tax approved by the electorate pursuant to this article, in accord with this article.

- I. To permit the use of the funds generated by the approved sales and use tax for the joint acquisition of new open space lands between the City and the County of El Paso and neighboring counties, recreational districts or with other governmental entities or land trusts, or with private individuals, corporations or entities, as would benefit the citizens of the City.
- J. To permit the use of the funds generated by the approved sales and use tax for repaying bonds issued for trails, open space and park capital purchases.
- K. Open space lands, for the purposes of this article, are generally described as those lands that are, or which may be in the future, in the public interest to protect and preserve, and which fulfill one or more of the functions described in this article. The interest acquired may include fee simple ownership, leases, easements, including conservation easements, or development rights. All open space land purchases in fee simple shall require the payment of fair market value as just compensation. The City shall be authorized, but shall not be obligated, to accept lands donated as trails, open space or park lands which are consistent with the functions or which fulfill the purposes described herein.
- L. Open space lands shall serve one or more of the following functions:
1. Linkages and trails, access to public lakes, streams, and other suitable open space lands, stream corridors and scenic corridors along existing highways;
 2. Preservation of fragile ecosystems, natural areas, scenic vistas and areas, fish and wildlife habitats and corridors, or important areas that support biodiversity, natural resources, significant land formations and landmarks, and cultural, historical and archeological areas;
 3. Creating spatial definition of and between urban areas;
 4. Areas of environmental preservation, designated as areas of concern, generally in multiple ownership, where several different preservation methods (including other governmental bodies' participation or private ownership) may need to be used;
 5. Conservation of natural and visual resources, including, but not limited to, forest lands, range lands, agricultural land, aquifer recharge areas, and surface water;
 6. Lands within or adjacent to a park or public open lands whose development potential is clearly incompatible with those lands; and
 7. Preservation of land for educational opportunities and outdoor recreation areas limited to passive recreational use, including, but not limited to, hiking, photography or nature studies, and if specifically designated, bicycling, horseback riding, or fishing.
- M. Park lands shall serve one or more of the following functions:
1. Irrigated multipurpose turf playing areas for both youth and adult baseball, softball, soccer, football, etc.;
 2. New neighborhood parks;
 3. Individual picnic areas and group picnic pavilions;

4. Playgrounds;
5. On site parking; and
6. Restrooms, drinking water fountains and storage areas.

N. "Trails" are defined as public thoroughfares within and connecting open space lands and greenways for nonmotorized use, often located in or near natural waterways, and which shall serve one or more of the following functions:

1. Hiking, walking or jogging;
2. Recreational or commuter bicycling; and
3. Horseback riding.

O. No motorized vehicles, other than those necessary for maintenance, emergencies or safety, shall be permitted on trails, open space or parks supported by this article. No right of way for new roadways or utility corridors shall be assumed in areas obtained pursuant to this article.

P. When public improvements are located in urban trail corridors, maximum effort will be undertaken to restore the land to its natural state while also providing for efficient maintenance of the constructed facilities. (Ord. 97-96; Ord. 01-42; Ord. 03-69)

4.6.102: DEFINITIONS:

A. City Code Definitions Incorporated: For purposes of this article, the definitions of the words contained herein shall be as defined in chapter 2 of this Code concerning sales and use taxes. (Ord. 97-96; Ord. 01-42)

4.6.103: CITIZENS ADVISORY COMMITTEE:

A. The City Council shall establish and appoint a Trails, Open Space and Parks Advisory Committee which shall be charged with the following duties and responsibilities:

1. To make recommendations to the City Council regarding disbursements of funds from the Colorado Springs trails, open space and parks fund, and the selection of open space land to be acquired, maintained, developed or preserved, and establishment of priorities therefor; and may by separate and additional resolutions promulgate the rules and regulations as may be required to implement this proposal for the best interests and preservation of the public peace, health, safety and welfare of the citizens of the City, including, without limiting the generality of the foregoing, all rules and

regulations designed to assure that all proceeds from the taxes and other revenue sources, reimbursements, rebates or refunds thereof shall be used for the purposes set forth herein.

2. To make recommendation to the City Council concerning the trails, open space and parks program, to periodically review the open space elements of the comprehensive land use plans for both the City and the County of El Paso, to review the Mayor's budget as it relates to open space matters and to submit its recommendations concerning this budget to the City Council, and it may prepare and submit to the City Council, the Mayor, the Parks Department, the Utility Department or any other City department, recommendations on any other matter relating to or affecting the trails, open space and parks program, and it may request and obtain from the Mayor, the Parks Department, the Utility Department or any other City department, information relating thereto.

- B. To assist the advisory committee in carrying out its functions in an efficient manner, the advisory committee shall be authorized to recommend to City Council the expenditure of up to two percent (2%) of the revenues collected by the City to retain outside professional services to the extent necessary or appropriate. The expenses shall be considered part of and count against the administration expenses described in subsection 4.6.202A of this article, and subject to the limitations set forth therein.
- C. The members of the advisory committee shall all be residents of the City, shall not hold elected public office, shall serve without pay and shall be appointed by the City Council. At a minimum, the advisory committee shall include at least one member from each of the following:
 1. One representative appointed at large selected from lists of nominees submitted by nonprofit groups whose mission includes promoting and protecting open space lands;
 2. One representative appointed at large selected from lists of nominees submitted by nonprofit neighborhood groups; and
 3. One representative appointed at large selected from lists of nominees submitted by nonprofit groups whose mission includes promoting and protecting trails.
- D. No later than the year 2025, the advisory committee shall draft language for and recommend to the City Council a ballot measure which shall be referred to the electors of the City concerning renewal of this article. (Ord. 97-96; Ord. 01-42; Ord. 03-69; Ord. 11-19)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: This article was previously adopted by ordinance 97-96 in accordance with City Charter subsection 12-10(d).

Article 1

ADMINISTRATION

4.1.101: DEFINITIONS:

4.1.102: ENFORCEMENT OF CHAPTER:

4.1.103: BOARD CREATED; APPOINTMENTS:

4.1.104: POWERS AND DUTIES:

4.1.105: COORDINATE WITH PLANNING COMMISSION:

4.1.101: DEFINITIONS:

As used in this chapter, the following terms shall have the meanings designated unless the context specifically indicates otherwise or unless the meanings are excluded by express provision:

ALCOHOL BEVERAGE: Fermented malt beverage or malt, vinous or spirituous liquors, except that "alcohol beverage" shall not include confectionery containing alcohol within the limits prescribed by Colorado Revised Statutes section 25-5-410(1)(i)(II).

CITY FORESTER: A professional forester appointed by the Manager to manage the urban forest and supervise the City's professional forestry and arboricultural staff, or the City Forester's designated representative.

DEPARTMENT: The administrative group or department of the City responsible for parks, recreation and cultural services.

MANAGER: The person, appointed by and reporting directly to the Mayor, charged with administrative responsibility for parks, recreation and cultural services, or the Manager's designated representative.

OPEN SPACE: A parcel of public park land set aside to retain land, water, flora, fauna, historic or aesthetic features in their natural state; scenic or open condition; parcel size to be based on the surface area necessary to maintain the integrity of the unique site characteristics. Public use to be based on the preservation of the unique site characteristics and the scope of facility development to be based on the evaluated carrying capacity of the site. Open space shall also have the meaning defined in section [4.6.101](#) of this chapter.

PARK AND RECREATION MASTER PLAN: Land use and operational plan for Citywide park and recreation system.

PARK; PARK LAND: Those areas, structures or facilities which are parks, parkways and recreation facilities owned by the City and which are under the control, management and supervision of the Department. Park and park land shall also have the meaning defined in section [4.6.101](#) of this chapter.

PARK PROPERTY: Any real or personal property, or improvements of or relating to parks, open space, trails or park facilities belonging to the City. Park property shall include all trees, plants, shrubs and vegetation, all natural terrain formations, all rocks, stones and boulders, and all improvements to the park areas such as tables, benches, railings, fountains, canopies, roads, sidewalks, fireplaces, buildings, bridges, stands and equipped play areas.

PARK ROADS: Roads and drives in and upon the parks of the City which are intended for public use only for the purpose of enjoyment of the parks for recreational and open space purposes and are not intended to be used for any public purpose normally and usually associated with and incidental to public streets

and thoroughfares. Park roads shall not be used for purely private purposes, such as access to private property adjoining park property, except with express permission of the City Council.

PLAN REVIEW PROCESS: A park and/or recreation facility development process which involves design input from the Department, other municipal departments or enterprises, Utilities and residents of the City of Colorado Springs.

TRAILS: A defined path for designated nonmotorized use (hiker, jogger, biker, equestrian), or where specifically designated for motorized use. Trails are generally constructed of compacted soil, gravel, asphalt or concrete material, and are located on dedicated park property, trail easements or within the established multiuse trail corridors. Trails shall also have the meaning defined in section 4.6.101 of this chapter.

VOLUNTEER: Any person who has registered with the volunteers in parks program, has been accepted by the Manager as an authorized volunteer and who is performing volunteer duties.

WATERCRAFT: Every type of vessel used or capable of being used as a means of transportation on water. Watercraft may include hand propelled boats, belly boats, motorized boats and wind vessels. (Ord. 4716; 1968 Code §10-2; Ord. 88-65; Ord. 88-265; Ord. 01-42; Ord. 11-19)

4.1.102: ENFORCEMENT OF CHAPTER:

The Manager shall enforce the provisions of this chapter and shall have specific authority to:

- A. Eject any person from any park, park land or park property acting in violation of this chapter;
- B. Seize and confiscate any property, thing or device in any park, park land or park property used in violation of any of the provisions of this chapter;
- C. Determine appropriate uses of parks, park land and park property and manage those uses through a permitting process in accord with City Charter section 10-100. (Ord. 4716; 1968 Code §10-38; Ord. 01-42)

4.1.103: BOARD CREATED; APPOINTMENTS:

- A. There is hereby created a Parks and Recreation Advisory Board (the "Board"), to be composed of nine (9) members appointed by City Council from residents of the general area or community who are interested in the development of the park, trail, open space, recreation, resources and facilities of the community.
- B. At a minimum, the Board shall include at least one member from each of the following:

1. One representative appointed at large, selected from lists of nominees submitted by nonprofit groups whose mission includes promoting and protecting open space lands;
 2. One representative appointed at large, selected from lists of nominees submitted by nonprofit neighborhood groups; and
 3. One representative appointed at large, selected from lists of nominees submitted by nonprofit groups whose mission includes promoting and protecting trails.
- C. Appointments to the Board shall be made to achieve staggered three (3) year terms. Vacancies owing to death or resignation shall be filled by appointment for the unexpired term.
- D. City Council may appoint a nonvoting alternate to the Board to serve a one year renewable term.
- E. Board members and alternates shall comply with the provisions of City Charter section 9-10 and subsection 3-60(d), this Code and the rules and procedures of Council. (Ord. 1757; 1968 Code §1-157; 1980 Code; Ord. 88-265; Ord. 97-99; Ord. 01-42)

4.1.104: POWERS AND DUTIES:

The Board shall act in an advisory capacity to the Department and City Council in all matters pertaining to the planning, development, improvement, beautification, equipping and maintaining of the public parks, trails, open space, playgrounds, programs, the urban forest, recreation facilities, resources, and historic medians of the City, both within and without the corporate limits, including the municipal cemeteries, golf courses and related facilities. The Board shall have the following duties:

- A. Hold periodic meetings at which all interest groups and organizations have an opportunity to appear and be heard with reference to particular objectives, programs or developments.
- B. Review the capital budget prepared for the Department by the Manager and submit to the Manager and Mayor suggestions and recommendations for expenditures for the maintenance and development of the parks, trails, open space and recreational facilities of the City for the ensuing fiscal year. Review and recommendations shall be submitted in time for inclusion in the Mayor's annual budget, but shall be advisory only.
- C. Prepare and submit to the Manager and City Council plans and recommendations for the development of the park, trail, open space and recreation facilities of the City, together with recommendations for the amounts to be expended each year for those purposes.
- D. Prepare and submit to the Manager a general overall program of park, trail, open space and recreational developments contemplating the progressive maximum development of the recreational

facilities, landscaping and beautification of the City, keeping in mind the enjoyment and use of the facilities by the greatest number of persons and the general benefits to the City and its citizens as a whole rather than the special benefits to particular groups and interests. Plans shall list projects in the order of preference or priority of accomplishment.

- E. Recommend to the City Council the adoption of rules, regulations and ordinances for the use of park, trail, open space and recreation facilities of the City, and the names for City parks and charges relating to park and facility use.

- F. Serve as the Trails, Open Space and Parks Advisory Committee¹ to City Council and implement the provisions of [article 6 of this chapter](#), by separate and additional resolutions, rules and regulations, for the best interests and preservation of the public peace, health, safety and welfare of the citizens of the City, including, without limitation, all rules and regulations designed to assure that all proceeds from the Colorado Springs trails, open space and parks fund shall be used for the purposes set forth in [article 6 of this chapter](#).

- G. Review at public hearing and make recommendations on all development activities associated with a park, trail, or open space through a master plan.

- H. Review and recommend approval or denial or requests for easements or rights of way, either aboveground or underground, across City owned property under the management of the department.

- I. Appoint temporary committees to review and advise the Board on various matters that may require additional citizen input or ongoing study, including assisting the Board in making recommendations to the City Council pursuant to the provisions of [article 6 of this chapter](#).

- J. Adopt rules for its own organization and procedure. (Ord. 1757; Ord. 2130; 1968 Code §1-158; Ord. 76-152; Ord. 88-265; Ord. 01-42; Ord. 11-19)

4.1.105: COORDINATE WITH PLANNING COMMISSION:

The Board shall coordinate its work with that of the Colorado Springs Planning Commission so that both shall be working for the accomplishment of the same general purposes with reference to park, trail, open space and recreation development. The Board shall review and approve all park master plans, subject to appeal to City Council, in accord with the City Comprehensive Plan and Zoning Code. (Ord. 1757; 1968 Code §1-159; Ord. 88-265; Ord. 97-99; Ord. 01-42)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See section 4.6.103 of this chapter.