



City of Colorado Springs

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

Meeting Minutes - Final Council Work Session

Monday, May 12, 2014

1:00 PM

Council Chambers

1. Call to Order

Present 9 - President Pro Tem Merv Bennett, Helen Collins, Jill Gaebler, President Keith King, Don Knight, Jan Martin, Joel Miller, Andy Pico, and Val Snider

2. Changes to Agenda

Councilmember Knight requested that the Utilities staff be able to present letters of recognition to the first responders to the recent fire at the Drake Power Plant immediately following the Closed Executive Session. Consensus of Council approved.

3. Regular Meeting Comments

There were no Regular Council Meeting comments.

4. Review of Previous Meeting Minutes

Councilmember Knight requested that the Minutes of the April 21, 2014, Work Session provide more description as to the direction given by Council for Agenda Item 7.C - Comprehensive Plan Status Update. The Minutes will be updated as requested.

This was received.

4.A. [14-0218](#) April 21, 2014 Work Session Minutes

These Minutes were approved as amended.

5. Executive Session

A) Open

There were no items presented for Open Executive Session.

B) Closed

B)A. [14-0217](#) 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 negotiation consultation with the City Attorney regarding a pending litigation matter, and (2) legal advice and negotiation consultation with the City Attorney regarding a lease

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 If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Councilmember Miller asked if it were possible to get a one sentence description in the Public Notice for the items that are to be discussed during Closed Executive Session so the Public would be able to know ahead of time. Legislative Counsel Andrews cautioned that even a once sentence description could have a negative impact on the outcome of the items for discussion. City Attorney/Chief Legal Officer Massey provided that the two items for discussion related to Memorial Hospital, both the lease and litigation matters.

President King polled Council. The individual votes are tallied below per topic:
1) legal advice and negotiation consultation with the City Attorney regarding a pending litigation matter: Vote: 8-1-0: Collins - No
2) legal advice and negotiation consultation with the City Attorney regarding a lease matter: Vote: 6-3-0: Collins, Knight, Miller - No.

Consensus of Council approved the Closed Executive Session.

Council reconvened the Regular Council Session.

This Informational Report was received.

6. Staff and Appointee Reports

7. Presentations for General Information

6.A. [14-0096](#) Agenda Planner Review

At this time, Colorado Springs Utilities' CEO, Jerry Forte, provided recognition to Police and Fire first responders for their incredibly heroic, rapid response, and efficient coordination that resulted in the successful intervention of the recent fire at the Martin Drake Power Plant. Fire Chief Riley added that the preplanning exercises by the facility saved lives and that the performance illustrated what world-class fire and rescue services look like.

Returning to Agenda Planner comments, Councilmember Miller mentioned there was potentially a planned Electric Cost Adjustment (ECA) to be presented at the May 27th meeting. He also asked about the May 27th Work Session item relative to the composition of Public Safety Sales Tax Oversight. Ms. Gonzalez explained that the ordinance change is to align the district representation on that Committee with the current City Council district representation. Councilmember Knight stated he and Councilmember Pico worked on this item.

Councilmember Knight noted there were three Woodmen Road items scheduled for tomorrow's Regular Session that had not been brought to

Council before and requested staff provide input. Deputy Chief of Staff Waters responded that staff would be present to provide that input.

This Informational Report was received.

6.B. [14-0124](#) City for Champions Project Update

Bob Cope, Senior Business Climate Specialist, updated Council on *City for Champions'* activities. He stated the RTA Advisory Board had an origination meeting earlier in the morning and acknowledged Ms. Massey's and President Pro Tem Bennett's contributions at the meeting. He described the status of the EDC resolution stating there has been only general verbal feedback from OEDIT staff to this point, anticipating written feedback by Friday, May 16th and no later than May 23rd. He stated they hoped to have the resolution formally discussed at the EDC State meeting on June 12th. He announced the next Public update meeting is scheduled for May 20th, which occurs the third Tuesday each month in collaboration with the City, El Paso County, and the project partners. These meetings are held at the Pikes Peak Regional Development Center from 4:00 - 6:00 p.m. He added that the project partners continue to make progress on the predevelopment activity.

Councilmember Miller described his efforts over the course of the last four months to receive the underlying information for the projected numbers for the stadium attendance. Mr. Cope explained that the event center was always intended to be a multi-purpose event center; however, as the concept moved more towards an Olympic-themed venue, it created an involved process that was not convoluted but complicated. He expressed a willingness to facilitate Councilmember Miller's request to receive the answers to his questions.

This Informational Report was received.

7.A. [14-0208](#) Colorado National Defense Support Council Briefing on Base Realignment and Closure (BRAC) Process

Retired Army Lt. General Ed Anderson III briefed Council on the anticipated 2017 BRAC and the mission of the Colorado Defense Council to engage City, County, State, and National Government officials to protect and expand military opportunities in Colorado.

The Committee previously inquired about LART funding. Councilmember Martin stated that the \$100K request was denied since it does not fall under the purview for LART's "Tourism" funding. Councilmembers discussed options for the City to contribute funds to the purpose. Councilmember Miller asked if someone from Economic Vitality was working on this issue as it should be a top priority for the City; Mr. Cope responded not at this time, but they were receiving briefs on it; Mr. Waters added that it is a priority for the Administration; Councilmember Martin suggested someone from the County be included on the committee; Councilmember Miller recommended that someone from City Council also be included.

Senator Bernie Herpin reported on two pieces of legislation for economic development: 1) Senate Bill 157, which will create the study that will examine the economic impact to Colorado for not only the military installations, but also

to the secondary, related industries; the Senate appropriated \$300K to fund that study; and, 2) he then described the legislative declaration he co-sponsored relative to the Office of Economic Development Information Technology remain focused on the military activities in Colorado. This action resulted in \$150K to be reallocated within the Department's budget for the purpose.

Senator Herpin also reported that the Navy is building a new submarine which will be named "USS Colorado."

This Informational Report was received.

7.B. [14-0229](#) Pikes Peak Area Council of Governments Briefing on Regional Project Prioritization Process

Robert MacDonald, Executive Director of the Pikes Peak Area Council of Governments (PPACG) briefed Council and provided a presentation on the regional processes of project selection, PPACG's long-range transportation plan (2040 Plan), short-range plan (2008-2003 TIP) and the prioritization of certain specific projects.

Councilmember Miller expressed appreciation for the briefing. He suggested also a PPRTA briefing during another Work Session, perhaps PPRTA 1 and PPRTA 2 sessions.

This Informational Report was received.

7.C. [14-0234](#) Briefing on May 5, 2014 Martin Drake Fire

CEO Jerry Forte introduced Dan Higgins, Interim GM for the Energy Supply Division, who provided a condition update and reported on the recovery plan for the damage created by the fire at Drake.

Councilmember Martin asked Mr. Forte about lessons learned. Mr. Forte responded that due to emergency response training and plans being in place, the safety of staff and citizens was maximized. He emphasized the continual need to train for these type of scenarios to keep the public and employees as safe as possible.

President King asked about a sprinkler system being in the area of the turbines and also asked about insurance coverage restoring or perhaps upgrading to meet current standards and technologies. Mr. Higgins stated he will have to report back on this.

Councilmember Snider asked about asbestos contamination. Mr. Higgins responded that, based on the results of the sampling thus far, that has not been a concern.

Mr. Forte stated that there has been a rigorous maintenance record over time and that the safety record has been very good for the last 90 years of service.

Meeting went into Recess.

Meeting Reconvened.

This Informational Report was received.

8. Items for Introduction

- 8.A.** [14-0030](#) Ordinance No. 14-30 amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the Bike Tax Fund in the amount of \$70,669 for the Purpose of Bike Trail Improvements

Tim Roberts, Transportation Program Manager, provided explanation for the requested Bike Tax Fund appropriation and reviewed the plans for the bike infrastructure improvements.

Councilmember Gaebler asked about the Bike Master Plan and whether it would be wise to wait until that is finalized. Mr. Roberts responded they do have a Bike Plan in place, that there are projects already in the design and other plans that have already gone through the public process that they would like to go ahead and use the monies for because there is an expectation from the public that the City follows-through on these; and, then in 2015 they will take the recommendations from the non-motorized study and implement them when the plan is actually adopted.

Councilmember Miller asked about projects on the horizon for the North part of town. Mr. Roberts answered they were proceeding with the bike lanes project for Chapel Hills Boulevard but had received complaint since it lacked the public process. Therefore they plan to do the public, educational component, but are looking at Voyager and Research Parkway connecting to Pine Creek then going under the freeway to Pikes Peak Greenway. Kathleen Krager, Transportation Manager, also described the opportunities provided by the increasing development occurring in the area.

Councilmember Knight asked for clarification on the funding source. Ms. Krager explained the savings resulted from streamlining staffing needs and coordinating the bike lane striping assignments resulting in more efficient bike lane alignment and money for projects.

Councilmember Bennett acknowledged the benefits of the project and the effects on the active health and fitness friendly perception of our community .

Councilmember Miller asked to confirm to which budgetary Department the appropriation was going, and whether the Executive Branch was acknowledging that there is a Parks, Public Works, and Planning, or if it was the "by law" departments? Kara Skinner, CFO, responded this is not a General Fund appropriation it is just a Bike Tax fund. Councilmember Knight added that, regardless of the number of departments, departments are all General Fund even under the older ordinances of 2012 and 2013, all special funds are their own department.

This Ordinance was referred to the City Council due back on 5/27/2014.

- 8.B. [14-0091](#) Ordinance No. 14-31 creating a new Part 11 (Funeral Escorts) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to funeral escorts

Sponsors: Martin

Councilmember Martin explained the background for the request to bring forward an ordinance for Council's consideration of a funeral escort service licensing program.

Corporate Division Chief - Attorney Haley described the collaborative effort to produce an ordinance that would provide a clear distinction for law enforcement purposes, one that would strike a balance, but seek to keep the funeral escort functions separate and discernible from those of certified Police Officers.

Chief Carey stated he was generally satisfied with the ordinance as it had been prepared; however, expressed a concern for the liability to the City, especially if the escort vehicles look like Police vehicles, and also for the liability of directing traffic in intersections. Chief Carey indicated the vehicles should not allow for red and blue lights on the escort vehicles; and that the funeral procession signs should have three inch lettering to inform the public that these are not Police Department personnel. The requirement would be at least three officers and more if needed based on the size.

This Ordinance was referred to the City Council due back on 5/27/2014

- 8.C. [14-0113](#) A Resolution Approving the City Council's 2015 Strategic Plan Pursuant to City Charter Section 3-10(c) to Provide for the Future of the City and for the Mayor's Consideration in the Development of the 2015 Municipal Administrative Budget

Councilmember Gaebler provided an overview of the resolution approving City Council's 2015 Strategic Plan. She described that they now have included measurable outcomes, that it was a collaborative effort, and that they worked very hard to align with the Executive Branch's theme and objectives as much as they could.

Ms. Gonzalez indicated that she had distributed the Mayor's 14-18 Strategic Plan with requests for comments, so if Council could discuss those and provide feedback it would be helpful. The decision was to discuss during the Council Staff Planning meeting prior to the Regular Council meeting with the goal of having the item ready for a vote at the May 27th meeting.

Mr. Waters stated that the Council's Strategic Plan included a notation to build regional partnerships, but there was no mention relative to Executive Branch partnerships and encouraged that be noted in the plan.

Councilmember Miller stated he did not think "...encourage responsible innovative land use..." was appropriate to include unless it is city-owned

property; he would like to remove the reference to the priority for the West Colorado economic opportunity zone statement and end it with "...job creation policies." Then, for "Exercise Sound Financial Stewardship," he asked they include a reference to the preparation of the budget ordinance and how Council goes about that, as a measurable outcome. He also described the need to promote citizen engagement and a measurable outcome for that.

Councilmember Knight encouraged that all of Council's input be provided no later than Friday so that the item can be finalized and presented for a vote on May 27th.

This Resolution was referred to the City Council due back on 5/27/2014

- 8.D.** [14-0159](#) A resolution of the City Council of the City of Colorado Springs, Colorado, approving an extension of time for the Woodmen Heights Metropolitan District No. 1 to issue second subordinate tax-supported revenue refunding bonds, originally referred to as Series 2012C, with the related bond documents

Carl Schueler, Comprehensive Planning Manager, explained the details underlying the request for an extension of the one-year debt limit and answered various Councilmember questions relative to the intent and terms of the request.

This Resolution was referred to the City Council due back on 5/27/2014

- 8.E.** [14-0165](#) A Resolution adopting Volume 1 and 2 of the City of Colorado Springs Drainage Criteria Manual

Tim Mitros, Subdivision Engineering Review Manager, and Steve Gardner, Engineering Programs Manager, provided an overview of the background and the work performed to update the City's Drainage Criteria Manual. The current Volume 1 of the City/County Drainage Criteria Manual was adopted in 1987 with revisions in 1991 and the current Volume 2 of the DCM was adopted in 2001 with periodic amendments. They described the project process and stakeholder input. They indicated they reviewed, responded to, and incorporated over 500 comments on Volume 1 and over 100 comments on Volume 2 of the DCM.

This Resolution was referred to the City Council due back on 5/27/2014

- 8.F.** [14-0221](#) Ordinance No. 14-33 approving salary of the City Auditor

Councilmember Martin provided an overview of the Salary increase ordinance recommendation which is based on the Auditor's Performance Evaluation Score and the City's 2014 Salary Schedule.

This Informational Report was referred to the City Council due back on 5/27/2014

9. Items Under Study

- 9.A.** [14-0209](#) A Resolution Authorizing Abandonment of the Cascade Avenue over Cheyenne Run Bridge Replacement Project (\$50,000) and Transfer of \$38,000 into the Downtown Transit Station Relocation Study Project

Craig Blewitt, Transit Services Manager, described the background for the request to abandon the *"Cascade Avenue over Cheyenne Run Bridge Replacement Project."*

Councilmember Miller asked if in 2008 and 2009, the Sierra Madre plan was already established and whether that plan could be utilized and save \$200K on a new study. Mr. Blewitt responded that the vision at that time was a fairly robust transportation station, including rail access, a large scale plan, with \$13 million in grant funding which had to be returned since we could not afford the match. At this point in time, we'd have to take a new look at the plan because the location is fairly remote from where the current activity is.

Councilmember Miller also asked about the economic opportunity notation that the current bus terminal site could be better suited for and if there were anything planned for that site at this time. Mr. Blewitt responded nothing is planned at this time, but other considerations include businesses better suited to street level activities. He also described the practical, operational considerations for a bus terminal that are not part of the existing facility. He indicated there could be much more accommodating design features for the passengers and for the ingress and egress of the buses themselves to and from the terminal.

Stuart King, Capital Program Manager, responded to Councilmember Pico's question as to whether the Cascade bridge project would be a study, a design build, or other status. Mr. King responded the design was funded in 2014; and the construction is shown in the capital program in 2015.

This Informational Report was referred to the City Council due back on 5/27/2014

- 9.B.** [14-0201](#) Discussion and direction to City Attorney's Office relating to possible ballot items relating to Charter amendments and associated City Code changes on the subject of City Council staff for the November 2014 election.

Mr. Andrews overviewed the process and timeline for proposed general election ballot items and requested direction for what items Council wants the City Attorney's office to draft within the required timeline.

- Final passage for the items to be on the November ballot must be completed by July 25th;
- Provide Work Session item for discussion on June 9th;
- First reading on June 24th at Regular Meeting;
- Second reading on July 22nd at Regular Meeting.

Mr. Andrews listed the items of which he was aware that may be possible options for the ballot:

- Council oversight of audit and legislative employees
 - a) establish Council oversight for Auditor and Audit employees
 - b) Create appointed position for Legislative Department Head and Council oversight over Legislative employees
- Council legal representation
- Mayoral signature on utility contracts
- Number of Appropriation Departments
- Eminent Domain

Councilmember Knight stated he recollected there would be no City Attorney Charter changes for the November election, that he and Councilmember Miller would be working on that. For the November election the only question they really wanted to get answered was relative to Council staff. He also stated that they did not want to have a ballot issue relative to the signing of Utilities' bond contracts until the April election.

Councilmember Miller responded he thought they did not want to take the City Attorney completely out of consideration but agreed to try to tackle it first with an ordinance, yet still left it on the table for the ballot consideration. As to the Budgetary Departments, he stated that had probably been accomplished with the prior ordinance, but the need is to make sure the Charter is in alignment.

Mr. Andrews recapped his understanding of the direction given:

- go forward with audit and legislative employees
- Attorney ordinance is on hold but need to look at an Attorney Charter change
- Not going to address signature of Mayor at the November election, but later during the April election

Councilmember Knight responded to the issue for an Attorney Charter change that we do need to make some ordinance changes relative to the City Attorney, the powers of duties, incorporate the ethics policy and to keep this on a reasonable track, yet still as a top priority.

Deputy Chief of Staff Brett Waters stated that the Mayor is not supportive of the referenced Charter amendments. He has spoken to President King and Councilmember Bennett about community leadership participating in a comprehensive review of the Charter. President King confirmed he had a conversation with the Mayor about this with some discussion about who would fit on the committee and whether or not this can be done with an MOU or not an MOU. He directed staff to proceed on parallel paths and see if we can do something with the Mayor at the same time.

City Attorney Massey suggested the focus should be towards standards of conduct and suggested getting Ms. Gonzalez, Tracy Lessig, Employment Division Chief, and Michael Sullivan, Human Resource Director to coordinate relative to those activities as they impact municipal operations.

Councilmember Pico perceived this to be more an issue of lines of authority rather than standards of conduct.

Councilmember Bennett stated that those being considered in a comprehensive review of the Charter include himself, local citizens Kathy Loo and Phil Lane, as well as the Mayor and President King who are recommending a Charter review process that would be a-political. President King stated he is also looking at names that would balance out the committee's representation.

10. Councilmember Reports and Open Discussion

Councilmember Bennett stated that he had been asked by the Mayor to attend the Ancient Olympia, Sister City / State Department ceremony in Athens, Greece, in June due to the Mayor's and President King's inability to attend. Ms. Gonzalez confirmed with the Mayor's office that the travel would be funded through the Mayor's budget.

Councilmember Knight acknowledged to Brett Waters, as Director of the Office of Emergency Management, how well coordinated and valuable the mass casualty "Skyfall" emergency training exercise went last week. He also described his work with Mr. Curtis Olsen's "Blight-to-Bright" concerns and engaging the input of Aimee Cox to work through the issue.

Councilmembers Gaebler, Martin, and Snider recently attended a Regional Leaders Trip to Salt Lake City. Their "take-aways" included the value of collaboration, long-term planning that crosses multiple administrations and elected officials' terms in office, successes based on a culture of planning, a tie of transportation to economic development, state engagement, and shared-vision communicated well and collaboratively.

Councilmember Miller presented several requests: 1) he described a need that was identified during the Airport and City facility ordinance discussions relative to possession of marijuana and an issue remaining that there may be administrative rules that make certain activities illegal with a general penalty of up to six months. He would like to get a list of those or scrub something in the general penalty so people are not getting put away potentially for six months for things such as littering in a park; 2) also, regarding Council Rules, modifying them to allow telephonic, internet participation to increase engagement in Boards and Commissions which aligns with strategic goals - consensus of Council approved the feasibility review; 3) he requested a consideration of a standard, like "Roberts Rules," to increase participation to allow the public to know by what rules Council is guided; and, 4) he requested that Council receive a full briefing on the status of the IT department situation from both the security and personnel side. Councilmember Knight and Pico agreed that it would be good to have a briefing on the technical risks. Mr. Waters responded he will take the request back to Chief of Staff Cox and get back with Council.

11. Adjourn