



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.

Monday, May 11, 2015

1:00 PM

Council Chambers

1. Call to Order

Present 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

2. Changes to Agenda

Council President Bennett recommended the Executive Session be moved to follow agenda item 8.F. and stated agenda item 7.D. will be delayed to a future meeting. Consensus of Council agreed to these changes.

Councilmember Pico stated CSU will present an update on issues related to the recent storms following item 3. Regular Meeting Comments.

3. Regular Meeting Comments

Council President Bennett stated the following changes will be made to the regular City Council meeting tomorrow: agenda item 4.B.B. will be pulled from the Consent Calendar in order to make changes to the Boards and Commission appointments and agenda item 4.B.F. will be postponed to a later date.

Councilmember Knight asked about the requested follow-up from Aimee Cox on her presentation of the 2015-2019 Consolidated Plan, 2015 Annual Action Plan and the Citizen Participation Plan. Bret Waters, Deputy Chief of Staff, stated Ms. Cox provided the requested information to Council via email earlier today.

Gary Bostrom, Chief Water Services Officer, CSU, provided an update on recent extreme weather events in the area and how they affected the community, including system issues and updates on how well improvements performed. Councilmember Pico expressed appreciation to CSU employees who worked over the weekend to keep things under control.

4. Review of Previous Meeting Minutes

4.A. [15-00283](#) City Council Work Session Meeting Minutes April 27, 2015

Councilmember Pico requested the word **or** be inserted between open and concealed in the second paragraph of agenda item 8.F. The Meeting Minutes were approved as amended.

5. Executive Session

A) Open

There was not an Open Executive Session.

B) Closed

David Andrews, Legislative Counsel, stated the purpose of the Closed Executive Session is to discuss (1) legal advice and negotiation strategy consultation with the City Attorney regarding a land acquisition matter for Woodmen Road Expansion Phase II, and (2) legal advice and consultation with the City Attorney regarding a lease matter related to Memorial Health System.

Council President Bennett polled Council regarding the desire to proceed with the Closed Executive Session, consensus of Council agreed to proceed with the Closed Executive Session by a vote of 8-1-0 on both discussion items with Councilmember Collins voting no on both items.

B)A. [15-00288](#) Proposed Closed Executive Session

6. Staff and Appointee Reports

6.A. [15-00236](#) Agenda Planner Review

Eileen Gonzalez, City Council Administrator, provided a summary of the items on the Agenda Planner Review, which was included in the Council packets for this meeting.

Council President Bennett reminded everyone that both the Work Session and Regular Meeting will be held on Tuesday May 26th due to the Memorial Day Holiday. The Work Session will be at 9:00 am and the Regular Meeting will be at 1:00pm.

7. Presentations for General Information

7.A. [15-00261](#) Human Relations Commission Annual Report and Briefing

Anja Wynne, Human Relations Commission Chair, provided an update of the activities of the Human Relations Commission (HRC) over the past year.

Councilmember Strand commented on the work done by the HRC in the past few years and asked what City Council can do to best assist the HRC. Ms. Wynne stated scheduling meetings between Council members and the HRC would assist the HRC with learning about and responding to citizen concerns.

Councilmember Murray asked about the relationship between the HRC and the CSPD, referring to recent stories about police videos. Ms. Wynne stated they are working to educate youth on how to interact with the police force.

7.B. [14-0274](#) Briefing on Renewal of the Cable Television Franchise being Operated by Comcast of Colorado/Pennsylvania/West Virginia, LLC (locally known as Comcast)

Ken Fellman, Special Counsel, provided an update on the franchise renewal process with Comcast to provide cable services to the City.

Councilmember Pico asked how this nonexclusive franchise works with competing companies. Mr. Fellman stated Federal law prohibits franchises from being exclusive, adding that Comcast is obligated to build to every home in the city consistent with the franchise's plant extension provisions. Councilmember Pico asked if Century Link is required to build to all areas of the City, Mr. Fellman stated they are similarly required to build to all areas, but not to service every home. Councilmember Pico asked if the FCC complicates regulation of the internet. Mr. Fellman stated yes, that municipalities may not regulate the internet under federal law. He also stated that he sees the industry changing over the next ten years away from discrete services such as phone and cable to companies providing broadband service which will facilitates services provided over the broadband.

Councilmember Murray requested a copy of the franchise agreement referred to by Mr. Fellman and that public input be included in the renewal process. Mr. Fellman stated a copy of the model agreement will

be provided to Council and that public input can be obtained through several venues, adding the public often requests things not allowed by the FCC. Mr. Fellman requested Council's feedback on how public input should be obtained.

Councilmember Knight requested a summary of customer complaints and suggested public input be gathered through as many venues as possible. Councilmember Knight also asked how franchise fees affect customer rates. Mr. Fellman stated he will obtain and provide a range of subscribers franchise fees from local communities and added the FCC allows cable companies to pass franchise fee charges on to the customers. Councilmember Knight expressed concern about franchise fees becoming a major source of revenue for the City. Councilmember Knight expressed his opinion that he is willing to consider changing the methodology for computing franchise fees and an increase of around five to ten percent over existing fees.

Council President Bennett requested information about the stakeholder process be put out to the public and asked when the current franchise term expires. Mr. Fellman stated the current contract expires in November. Council President Bennett requested the final agreement proposal be presented a month prior to the expiration date.

7.C. [15-00259](#) I-25/Cimarron Interchange Design-Build Project Update

Doug Lollar, CDOT Program Engineer, provided an overview of the project and responded to Councilmember questions.

Councilmember Knight asked how this interfaces with the Construction work being done at Fillmore and I-25. Mr. Lollar stated the Phase 1 construction which affects traffic begins close to the time the Fillmore construction will be completed. Traffic will be slowed down to 55 miles per hour through town for a short period of time to accommodate median and other work.

Council President Pro Tem Gaebler asked if there will be access to Colorado Avenue from Eighth Street south of Highway 24. Mr. Lollar explained how that access will be configured. Council President Pro Tem Gaebler asked if the hiking trails in the vicinity will be accessible during construction. Mr. Lollar stated the plan includes provisions to maintain pedestrian trails throughout the construction process.

Mr. Lollar stated there will be an Open House for this project Tuesday, May 26th from 5 to 7pm at the City Auditorium which will include a presentation by the contractor and the opportunity for citizens to ask questions and get answers about the project. The Ground breaking ceremony will be Wednesday, May 27th at 10am at the North West corner of the interchange. Mr. Waller recognized members of the community who participated in the planning of this project.

- 7.D. [15-00196](#) Colorado military economic impact study presented by Colorado Springs Regional Business Alliance

This agenda item was postponed to a future date.

- 7.E. [15-00159](#) 2014 Financial Update and 2016 Budget Outlook

Kara Skinner, Chief Financial Officer, presented the preliminary 2014 financial update and proposed 2016 budget.

Bret Waters, Deputy Chief of Staff, explained Mayor Bach is deferring the recommendation of disposition of the 2014 TABOR excess revenue to the next Mayor.

Council President Bennett recommended a couple of Councilmembers from the budget committee be appointed to represent Council in discussions with the new Mayor regarding recommendation for disposition of the 2014 TABOR reserve.

Councilmember King commented on the five year fund balance being reduced to almost nothing and asked how much the TABOR surplus is projected to be over the next five years. Ms. Skinner stated they do not anticipate a TABOR surplus and explained that the 2014 TABOR surplus was in part or largely due to State grants received.

Councilmember King asked what the 3.5% projected expenditure increase is based on. Ms. Skinner stated those are estimates based on historical trends.

Councilmember Collins asked what projects the TABOR refund funds were previously used for. Ms. Skinner stated the finance department will provide Council with specific dates and projects excess funds were used for.

Councilmember Strand asked how much the average citizen could expect to receive if the funds are refunded. Ms. Skinner stated, based

on the previous refund, about \$10 per rate payer. Councilmember Strand clarified that projected expenditures increase at a greater rate than projected revenue decreasing the general fund balance over the next five years. Ms. Skinner stated this is correct and the City will likely have to make some hard choices to ensure future revenue matches expenditures.

Councilmember Collins urged citizens and mayoral candidates to look at the overall picture, not just the general fund when considering the City's financial status.

Councilmember Murray suggested the general fund and designated funds included in the City budget create a distorted financial picture. Ms. Skinner explained the City has the most discretion over the use of the general fund while every other fund has a very specific designated use.

Councilmember Knight pointed out the term unrestricted fund balance is misleading, adding the actual figure is lower and represents a false indicator on the trend chart. Councilmember Knight asked if there is a way to add fidelity to the fund balance to truly present the available funds. Ms. Skinner explained the government requirements she must meet and the difference between assigned and unassigned fund balances, adding the unassigned fund balance is the amount that is truly available.

Councilmember Pico added that the total city budget includes all City Enterprises which further limits available funds.

Councilmember Collins asked what the unassigned fund balance is. Ms. Skinner stated she will provide that figure to Council.

Councilmember Murray asked how the budget information can be presented to the public in an easy access, easy to understand format. Ms. Skinner agreed there is room for improvement and stated the financial office is open to suggestions for improvement and added the financial office will seek guidance from the new mayor on the public presentation of financial information.

8. Items for Introduction

- 8.A.** [15-00281](#) A Resolution Authorizing the Acceptance of a Donation to the City of Colorado Springs of a 9.46 Acre Parcel of Property from

FirstBank

Chris Lieber, Parks Development Manager, presented an overview of the proposed acceptance of a land donation from FirstBank.

Councilmember King asked about liabilities associated with the Conservation Easement and the endangered species inhabiting the land. Mr. Lieber explained the requirements of the conservation easement which will be included in the development of this property.

- 8.B.** [15-00276](#) A resolution authorizing the acquisition of a portion of property owned by The Springs Community Church, a Colorado non-profit corporation to be used for the Woodmen Road Corridor Improvements Project (Phase 2).

Mike Chaves, Engineering Manager, provided an overview of the agreement to accept a land donation by Springs Community Church to be used for the Woodmen Road expansion project.

Councilmember Bennett asked how close the City is to obtaining all of the required land parcels to complete the expansion. Mr. Chaves stated the City is very close to obtaining all of the needed land.

- 8.C.** [15-00257](#) A resolution approving amendments to the rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Forces.

Chief Christopher Riley, CSFD, explained the proposed changes to the rules of the Colorado Springs Civil Service Commission are needed to update the document to reflect the current roles and structure of the Fire Department.

Council President Bennett asked if the changes have been approved by the Civil Service Commission, Chief Riley stated they have.

Councilmember Knight asked if the IAFF Local 5 and the PPA have seen and agree with the proposed changes. Chief Riley stated both organizations have seen and approve of the proposed changes.

- 8.D.** [15-00174](#) A Resolution Supporting the Acceptance of a Grant from the Colorado Department of Transportation for the Sand Creek Trail from Palmer Park Boulevard to Constitution Avenue Project

Councilmember Murray asked where the trail will pass under Powers Boulevard. Mr. Lieber stated the “underpass” will be with the existing bridge that accommodates Sand Creek.

Council President Pro Tem Gaebler asked if the trail will require travel on the frontage street west of Powers and suggested additional signage to identify the trail be included. Mr. Lieber stated the trail will run adjacent to Victor Place and agreed to provide additional signs.

Councilmember Pico asked if flooding is a concern with the trail being adjacent to the creek. Mr. Lieber stated there will be gates to close the trail, which will be managed by staff, as needed.

- 8.E.** [15-00175](#) A Resolution Supporting the Acceptance of a Grant from the Colorado Department of Transportation for the Rock Island Trail from Sand Creek Trail to Constitution Avenue Project

Please see comments in agenda item 8.D.

- 8.F.** [15-00279](#) A resolution endorsing and supporting the nomination of Colorado Springs City Council President Pro Tem Jill Gaebler to the Colorado Municipal League Executive Board

Eileen Gonzalez, City Council Administrator, explained the Colorado Municipal League Executive Board has added new positions for larger municipalities to be represented on the Board. Ms. Gabeler was encouraged to apply for the position.

Councilmember Knight requested clarification on the number of seats available and the number of communities that qualify to be represented. Ms. Gonzalez stated there are three communities that qualify and two seats available.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Council President Bennett requested permission from Council to use a portion of his Council funds to attend the Colorado Springs Regional Business Alliance's upcoming regional leader's trip in Chattanooga, TN. Councilmembers Murray and Bagley would also like to attend a portion of the trip. Consensus of Council agreed to these expenditures.

Councilmember King stated he attended a meeting on Saturday to discuss post fire mitigation with State Senators and the National Forest Service. Councilmember King also announced he is hosting a townhall

meeting Tuesday night.

Councilmember Knight requested a meeting with Aimee Cox be scheduled prior to the May 26, 2015 meeting to discuss the consolidated plan. Mr. Waters will schedule a meeting as requested.

Councilmember Bagley reported that a group from Colorado Springs went to Phoenix, Arizona to learn more about homeless initiatives, economic development, metro transit, and sports and tourism from a city with a similar economic structure to Colorado Springs which is recovering from the recession faster than Colorado Springs is. The trip was funded by the Pikes Peak Regional Building Department and sponsored by El Paso County.

11. Adjourn

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

Sarah Johnson
City Clerk