



City of Colorado Springs

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

Meeting Minutes - Draft Council Work Session

*City Council meetings are broadcast live on Channel 18,
beginning at 1:00 p.m.*

Monday, August 25, 2014

1:00 PM

Council Chambers

1. Call to Order

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

2. Changes to Agenda

There were no Changes to the Agenda.

Eileen Gonzalez, City Council Administrator, requested Councilmembers identify items to be called off the Consent Calendar at the Regular meeting during the Work Session to allow staff adequate time to prepare to answer Councilmember questions.

3. Regular Meeting Comments

Councilmember Miller requested names and salaries of individuals being confirmed by Council be provided to Council prior to meetings. Bret Waters, Chief of Staff, explained the confidentiality concerns associated with releasing this information too early. President King stated he believes Council should not confirm appointees on a confidential basis. Councilmember Miller requested Council be provided with the name and salary of the individual to be confirmed at the regular meeting. Ms. Gonzalez stated that the name and salary of the individual will be added to the Council packet for tomorrow. Mr. Waters added that the resolution will be updated to include the name of the candidate and that the salary is within the range approved by Council. Councilmember Collins stated she will not vote to approve the appointment if the salary is in the upper portion of the salary range.

4. Review of Previous Meeting Minutes

4.A. 14-0529

City Council Work Session Meeting Minutes August 11, 2014

The Minutes of the August 11, 2014 Work Session were approved as presented.

5. Executive Session

A) Open

B) Closed

B)A. 14-0526

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 settlement authority for a matter in active litigation; and (2) legal advice and consultation with the City Attorney regarding a pending litigation 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.

David Andrews, Legislative Counsel, stated the items to be discussed in Closed Executive Session include:

1. A litigation matter involving a SDS project site settlement
2. An ongoing PERA litigation matter

President King polled the Councilmembers regarding the Closed Executive Session, consensus of Council agreed to proceed with the discussion in Closed Session. Councilmember Collins voted no on both items. Councilmember Miller voted no on item 1, yes on item 2.

Meeting went into Recess

Meeting Reconvened

6. Staff and Appointee Reports

6.A. 14-0103 Agenda Planner Review

Eileen Gonzalez, City Council Administrator, stated Colorado Springs Utilities is planning to discuss the Electric Gas Cost Adjustment relating to the restoration of Drake Unit 7 on September 9, 2014.

There is an Airport Advisory Commission briefing/update planned for the September 22, 2014 City Council meeting.

City Council will celebrate its 110 year Anniversary this fall, starting with an old fashioned ice cream social at City Hall Saturday September 6, 2014 from 1 - 3 pm.

6.B. 14-0505 Memorial Health System Enterprise Financial Report

There were no questions or discussion on the Memorial Health System Enterprise Update.

6.C. 14-0512 City for Champions Update

Bob Cope, City for Champions Project Manager, provided an update on the C4C project. A draft resolution was presented to the EDC commissioners at the State August 19, 2014. Feedback provided by the EDC was very valuable.

Mr. Cope clarified the amount of funding to go to each project, stating there has only been one change to the allocation of funds which includes a 5% allocation to the AFA Visitors Center and 16% of funds in a flexible account that would be tied to the Olympic Museum completion. Mr. Cope also cleared up some confusion around the AFA Visitors Center, stating this project will be funded. Mr. Cope added that some progress has been made on the infrastructure. Final approval of the project is expected September 11, 2014.

The C4C Informational meeting on August 14th was well attended; the new format allowing citizens to have their questions answered one-on-one, was beneficial. The committee will continue to have public meetings and gather public input.

Councilmember Miller asked if there is additional information available to Council about the finances for the Downtown Stadium and questioned the possible sources of public funding to cover the remaining 85% of the stadium costs. Mr. Cope stated there are no changes to date, but the opinion of the experts hired to assist with this will be shared as available.

Councilmember Miller asked about pre-application expenses being reimbursed if the contract does not go through. Mr. Cope responded that

he does not have any concerns about covering these costs based on other communities' experiences.

President King asked when the funding would begin once the agreement is approved. Mr. Cope stated there would not be any delay and that expenses back dated to December 2013 would be reimbursed.

7. Presentations for General Information

7.A. 14-0415 Go Code Colorado Presentation

Hannah Parsons, Community advocate for Greater Downtown Colorado Springs Business Improvement District, shared her experience working with the Office of the Secretary of State on a competition to develop software programs to help start-up businesses make good business decisions. Colorado Springs will be hosting another event called Startup Week. Councilmembers Martin, Gaebler, King and Bennett expressed appreciation to Ms. Parsons for her work, enthusiasm and leadership in this event.

7.B. 14-0411 Formation, Operation and Renewal of the Pikes Peak Regional Transportation Authority

Rob MacDonald, Executive Director, PPACG and PPRTA Board Secretary, provided an update on the activities of the PPRTA.

President King asked if the process can be changed to eliminate the back-log and get projects done. Mr. MacDonald responded that local resources are limited, creating the back-log. President King asked how much money is available; Mr. MacDonald responded that available funds are in the millions. President King questioned the possibility of using City staff to manage the budget; Mr. MacDonald responded that the Board is firm about limiting administrative costs and using the funds to complete projects.

7.C. 14-0511 Colorado Springs Convention & Visitors Bureau (CVB) - Q2 2014 Performance Measures

Jim Cassidy, CFO Colorado Springs Convention and Visitors Bureau (CSCVB), presented an overview of the activities of the CSCVB.

Councilmember Gaebler expressed appreciation for Colorado Springs involvement in the recent USA Pro Challenge bike race.

Councilmember Martin asked how advertising dollars have been spent. Mr. Cassidy provided the details of spending including grant money that has come in.

Councilmember Miller asked about the failure to meet the social media impressions goal and if there is a plan to meet that goal. Mr. Cassidy explained changes in how social media “hits” are measured by providers and the impact this may have had on reaching the goal. Mr. Cassidy agreed to re-evaluate advertising spending on social media.

Councilmember Knight questioned the decrease in room nights from the previous year. Mr. Cassidy stated this is due to a time lag in the reporting process, explaining this number will increase when the sporting events from this summer are included.

Councilmember Knight questioned the difference in the economic impact of hotel/motel room per night. Mr. Cassidy explained that the calculation model being used now is based on more detailed information and is likely more accurate.

Councilmember Collins stated the technology representative on the LART committee suggested improvements need to be made in the social media advertising.

Councilmember Gaebler requested a breakdown between sporting events and business events associated with room nights and Councilmember Miller requested additional information on the connection between advertising efforts and room nights. Mr. Cassidy state there is a known correlation and he will provide the requested information to Council.

8. Items for Introduction

- 8.A. 14-0406** A resolution adopting final form of Intergovernmental Agreement for the creation of the Pikes Peak Regional Drainage Authority

Eileen Gonzalez, City Council Administrator and David Andrews, Legislative Counsel, clarified which version of the resolution and attachment Council had, reviewed the changes to the document and provided an update on the status of the other parties involved in the IGA.

Councilmember Miller asked where the County is in the process of approving the agreement. Dave Munger, Co-chair of the Stormwater Task Force and Kevin Walker, Consultant, responded they anticipate the County to approve the agreement tomorrow with ballot language to be set next week.

8.B. 14-0522 A resolution confirming recommended expenditures from the Lodgers and Automobile Rental Tax (LART) Special Fund for inclusion in the 2015 budget

Fred Veitch, Chair, LART Citizens Advisory Committee, presented an overview of a plan to revitalize the LART program.

Councilmember Martin expressed appreciation to the LART committee for their hard work over the past year and explained that in two weeks, Council will have the opportunity to approve the proposed budget. Questions can be presented to Councilmembers Collins or Martin.

Councilmember Miller questioned how committee members are selected and replaced. Mr. Veitch provided an explanation of how the membership is handled and Councilmember Martin added clarification that committee membership is defined by an ordinance and that appointees are presented to Council for approval.

Councilmember Knight reiterated concerns about information not being provided to Council in a timely manner and questioned how the public is made aware of this information. Mr. Veitch explained that the information is not made available to the public until after LART and Council have approved the recommendations. Councilmember Collins explained that she specifically requested this information not be shared with the public until after Council had a chance to review the document but before final consideration on September 9, 2014.

Councilmember Miller asked if unused funds set aside for LART go back into the general fund or stay in the LART budget. Mr. Veitch explained that the unused funds stay in the LART special fund.

Councilmember Miller asked about the application process for LART funds. Mr. Veitch replied that many organizations have completed the application and that staff is available to assist with the application process as needed.

Councilmember Knight asked about the percentage of organizations that did not receive funding. Mr. Veitch responded that the majority of organizations receive funding and that denied requests typically did not have good presentations to promote their event.

Meeting went into Recess

Meeting Reconvened

8.C. 14-0403 Draft Park System Master Plan Presentation and Discussion

Karen Palus, Director of Parks, Recreation and Cultural Services, presented an overview of the new Master Plan for the Park System intended to meet present challenges and future needs. Consultants Richard Shaw and Tim Marshall provided additional insight to the process and details of the plan including citizen input and the idea of creating a non-profit Park Foundation.

Councilmember Knight asked how much money the Park Foundation would need to raise annually. Mr. Marshall stated this is unknown since the idea is totally new, and the amount of funding depends on if projects include programs or park development. He offered an estimate of \$2.5 million initially. Ms. Palus went on to explain the plan is to start with some small projects and move forward. Ms. Palus requested individuals continue to send their comments and ideas.

Ms. Palus provided an explanation of the approval process for the Master Plan which includes going to TOPS working committee September 3, 2014, the Parks and Recreation Advisory Board September 11, 2014 and then back to Council September 23, 2014. Once approved, the plan is to develop a two year action item plan to be reviewed annually. Priorities will be addressed in the action item plan.

Councilmember Snider asked if there were any significant surprises in the community feedback, Ms. Palus stated the feedback received confirmed their beliefs.

Councilmember Snider asked what makes people feel "unsafe" in the City parks, Ms. Palus stated this is dictated by individual perception and experience, and that CSPD is helping to manage incidents in certain parks.

Councilmembers Bennett and Pico expressed appreciation for the work on this project and asked about the "Ring the Peak" trail. Ms. Palus stated this trail will be added to the plan.

Councilmember Bennett expressed concerns about tax increases to fund this plan and encouraged caution in increasing taxes. Ms. Palus stated that funding ideas are included as items for future discussion.

Councilmember Knight brought up a disconnect between the importance of parks and the need to increase public awareness of the importance of parks. Ms. Palus reiterated the importance of continuously making people aware of the services and resources available.

Councilmember Knight stated his concerns about this Master Plan include the financial requirements, the tie to C4C, and the proposed tax increase for parks, and added that decreased water rates are not an option due to the effect on CSU bond ratings.

Councilmember Miller addressed concerns about the focus on downtown and in-fill in the plan, the emphasis on using parks to attract sporting events, voters renewing the TOPS tax and the tie to C4C.

Councilmember Collins stated she objects to the increased taxes and asked about the bicycle tax revenue and what those funds go to. Ms. Skinner and Ms. Palus responded to her questions.

Councilmember Gaebler acknowledged the depth of the effort to include the voice of the community in the plan and encouraged the development of a Park Foundation.

President King requested clarification about the park land and park development fees, Ms. Palus will provide a map of the city parks, a breakdown of the fees and a budget analysis of the parks waiting to be developed. President King also asked about parks to be developed and funds to complete the development. Ms. Palus stated that will be included in the action plan.

Councilmember Miller asked for objective criteria to prioritize park development and a resource for citizens to know what can be reasonably expected regarding park development and usage in specific

neighborhoods. Ms. Palus explained the difficulties associated with providing this type of information due to fluctuations in funding.

Councilmember Bennett was excused at approximately 5pm.

- 8.D. 14-0377** An Ordinance Amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the Cemeteries Fund in the Amount of \$73,900 for the Purchase of Vehicles, Equipment and a Computer System Upgrade

Will DeBoer, Cemetery Operations Administrator, presented a request for additional spending authority from the cemetery funds to replace equipment lost in a theft earlier in the year.

Councilmember Pico confirmed the funds are coming from the cemetery fund, Mr. Deboer explained he is requesting authority to spend additional funds.

- 8.E. 14-0502** A Resolution Authorizing Abandonment of the Cottonwood Creek at La Madrina project (\$150,000) and Transfer of \$150,000 to Stormwater Design for High Priority Projects

Tim Mitros, Development Review and Stormwater Manager, provided a brief explanation of this request and how the funds will be used.

Councilmember Miller clarified the problem has been fixed by CSU and therefore is not being "abandoned" but that the funds will go to repay CSU for doing the work.

Councilmember Collins asked how much has been spent on storm water year-to-date; Mr. Mitros estimated that spending on storm water projects this year has topped two million dollars.

- 8.F. 14-0524** A resolution approving the assignment of 2014 Private Activity Bond Volume Cap Allocation to El Paso County

Bob Cope, City for Champions Manager, provided an overview of the private activity bonds and the planned use of these funds.

Councilmember Knight requested clarification on the amount of the allocation that has been used and if there are projects planned that can benefit from these bonds. Mr. Cope provided the requested information.

Councilmember Knight asked why these bonds are not used to benefit first time home buyers and other residential projects. Mr. Cope stated that Aimee Cox, Manager, Community Initiatives, is the contact for these questions.

President King asked how this program attracts organizations to the area. Mr. Cope explained the lower cost of borrowing money without interest can help businesses get started.

8.G. 14-0506 A resolution of the City Council of the City of Colorado Springs concerning the retention of outside legal counsel

President King passed out a copy of a resolution to Councilmembers and initiated the discussion regarding Council's ability to retain outside legal counsel.

David Andrews, Legislative Counsel, stated the City Attorney's office has laid out a detailed opinion on this topic, setting out the articles that apply to this situation and would like for the two entities to work together on this matter to avoid inconsistencies in interpretation.

Councilmember Knight added some history on events leading to this discussion and explained concerns about the powers of the executive and legislative branches of government in the City.

Councilmember Miller added concerns about confidential communication and release of information and inconsistencies in the ability of governmental branches to retain outside counsel.

Discussion between Council and the City Attorney's office about provisions in the City Charter and Code for hiring outside counsel ensued.

Councilmembers agreed documents need to be provided to Council prior to the meeting date to allow Council time to review and consider the information provided prior to meetings.

8.H. 14-0340 A Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at Special Municipal Election as part of a coordinated election to be held on Tuesday, April 7, 2015, the question of whether the City shall authorize, regulate, and license the lawful operation of retail marijuana establishments and retail marijuana-related facilities within the City, and if so,

requiring the City Council to repeal ordinance no. 13-47 pertaining to the growing and selling of retail marijuana, to pass an ordinance establishing a moratorium on the licensing of retail marijuana establishments until October 1, 2016, for the purpose of studying and enacting one or more ordinances authorizing, regulating, and licensing the lawful operation of retail marijuana establishments and retail marijuana-related facilities within the City, and providing for the form of ballot title, providing for certain matters with respect to the election, and providing the effective date of this resolution

David Andrews, Legislative Counsel, introduced a three part discussion about drafting a resolution to include retail cannabis sales on the April 2015 ballot, address cannabis taxation on the ballot and developing local legislation to regulate cannabis sales. The City Attorney's office is recommending, due to TABOR laws, the sales and taxation questions be presented as two separate ballot questions.

Councilmember Gaebler explained that her understanding from the last work session is that Council would like to move forward with placing the retail sale of cannabis on the April 2015 ballot. President King and Councilmember Gaebler met with the City Attorney's office this week to work on moving forward with this plan. President King requested the City Attorney's Office develop a draft resolution for Council to consider in the next work session.

Councilmember Miller requested clarification on the direction this resolution will take moving forward. Councilmember Gaebler shared her thoughts on the best course of action to assure Council makes progress on this resolution. Mr. Andrews explained his plan to prepare documents for Council to consider at the next meeting. Councilmember Snider requested further clarification on the process Council will go through to ensure this resolution moves forward at the next meeting and sought additional information from Mr. Andrews on the legal aspects of creating and making changes to this type of document. Discussion between Council, the Attorney's Office and the Mayor's office continued about this resolution. Councilmembers agreed to postpone discussion on this topic to the work session September 8, 2014.

9. Items Under Study

10. Councilmember Reports and Open Discussion

Councilmember Snider requested Council approval to use his funds to attend the RBA conference in Washington D.C. Consensus of Council approved this expenditure.

Councilmember Snider also requested additional information on the abbreviated comprehensive development plan for infill. Ms. Gonzalez stated she will provide this information to Council.

Councilmember Miller endorsed the Mayor's appointee for Director of Public Works and commented on the selection process and the importance of the position. Ms. Gonzalez, stated she has the updated version of the appointment resolution and will provide this document to Council.

Councilmember Knight approached Council about supporting a group of young business professionals standing up a millennial commission. He will have them present in a future work session.

11. Adjourn

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

Sarah B. Johnson, City Clerk