



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

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Monday, March 13, 2017

1:00 PM

Council Chambers

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### 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 requested that item 7.A be moved to before item 4. There will be an Executive Session following that. He also requested item 8.J, 8.D, 8.E and 8.F be taken before returning to the regular order of the meeting.

Consensus of Council agreed to these changes on the agenda.

### 3. Regular Meeting Comments

Eileen Gonzalez, City Council Administrator noted that item 5.B on the March 14, 2017 City Council agenda would be postponed to April 11, 2017.

Councilmember King asked that item 4.B.M be moved from the Consent Calendar.

### 4. Review of Previous Meeting Minutes

4.A. [17-877](#) City Council Work Session Meeting Minutes

Presenter:  
Sarah B. Johnson

**Attachments:** [2-27-2017 Work Session Minutes - Final Amended](#)

Sarah Johnson explained that a change will be made to a comment attributed to Councilmember Knight that was actually Councilmember King's.

The minutes were approved as amended by Consensus of Council.

## **5. Executive Session**

### **5A. Open**

### **5B. Closed**

#### **5B.A. [17-878](#)**

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed include: (1) legal advice and negotiation consultation with the City Attorney to determine positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and instructing negotiators regarding an exchange of real property; and (2) legal advice and negotiation consultation with the City Attorney to determine positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and instructing negotiators regarding the sale or disposition of real property.

Presenter:

Wynetta Massey, City Attorney

Council President Bennett polled Council regarding the desire to proceed with a Closed Session. Consensus of Council agreed to proceed.

## **6. Staff and Appointee Reports**

#### **6.A. [16-685](#) Agenda Planner Review**

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

**Attachments:** [031317 Agenda Planner Review MEMO](#)

Councilmember Knight reminded Council that he had requested a Work Session item on marijuana enforcement. Council President Bennett polled the Council as to if they would appreciate a future Executive Session on the subject. Consensus of Council agree to request the City Attorney to schedule one.

Retirement recognition that was scheduled as item 5.B. on March 14 City Council agenda will be moved to the April 11 City Council meeting.

Councilmember Knight advised that he will not be in attendance for the April 10 Work Session or April 11 Council meetings.

**6.B.**    [17-873](#)            Bancroft Park Update

Presenter:

Kurt Schroeder, Parks Operations Manager

**Attachments:**    [3-13-17 - 20170303 Bancroft Park Timeline](#)

Kurt Schroeder reported on the progress of repairing the bandshell at Bancroft Park after it caught on fire. There have been delays due to Travelers Insurance's requirement that a large loss adjuster look at it, the need to check for asbestos in the building, and the need to involve the State Historic Preservation Office. After learning that there was no asbestos, Traveler's is now waiting for an engineering firm to assess the structural integrity of the building and for the fire report to be returned, which can take 4-6 weeks.

The Parks Department has already been looking into ways to make the park more appropriate for the large events it holds; for example, the restrooms are not accessible according to the ADA. Once we find out the extent of repairs needed for the bandshell, they will make a plan and cost analysis which may include other updates to the structure.

Council President Bennett expressed the desire of Council to keep moving on this matter with urgency, as it impacts summer events, including Council's willingness to hold a special meeting just to approve funding as appropriate, if necessary.

Councilmember Strand asked what our work-around plans would be for the events we are confronted with immediately. Mr. Schroeder indicated that they are being handled individually. Councilmember Strand asked for Council to be updated on the bandshell repairs progress on the 1st and 15th of each month.

President Pro Tem Gaebler noted that if all we will pay to repair the bandshell is our deductible of \$25,000, we will need to look at additional money for any updates not related to the fire, and that it would be a great project for LART funding.

Councilmember Pico inquired as to the cause of the fire. Mr. Schroeder noted no one has been arrested or charged, but it appear to have been man made. We may know more when the fire report is returned.

Councilmember King asked why we are waiting to get repair bids for the bandshell. Victoria McCollum, Director of Risk Management, explained that Risk Management is waiting for Travelers to give them the aforementioned reports to be able to estimate the scope of the work to be done.

Councilmember King indicated Council's great disappointment that we have not expedited this process by getting bids for the work concurrently, and that we have not used the extra costs insurance money available from Traveler's to set up temporary accommodations for the events that use the bandshell, nor looked into loss of business income insurance that might be available.

## **7. Presentations for General Information**

**7.A. [17-867](#)** Pikes Peak Council Boy Scouts of America

Presenter:

Jim Machamer, Scout Executive, Chief Executive Officer, Pikes Peak Council Boy Scouts of America

Jim Machamer gave an overview of the work of the Pikes Peak Council of the Boy Scouts of America, including statistics on local participation and community service hours given by the group and its volunteers.

## **8. Items for Introduction**

**8.A. CPC CA 17-00027** An Ordinance Amending Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards of Chapter 7 (Planning Development and Building) of the Code of the City of Colorado Springs 2001, As Amended, Pertaining to ADA Site Accessibility

(Legislative)

Presenter:

Meggan Herington, Assistant Director of Planning  
Peter Wysocki, Director of Planning and Development

**Attachments:** ADA Accessibility Ordinance\_Final

7.5.603 Criteria for Amendments to Zoning Code

FINAL\_CPC March Minutes - ADA

Meggan Herington presented the ordinance which amends City Code regarding Americans With Disabilities Act accessibility. The amendment gives notice and warning that ADA compliance is the sole responsibility of the property owner. This will go before the City Planning Commission on March 16 and if they have any suggestions, the ordinance will be updated prior to coming before Council at the March 28 meeting.

Councilmember Knight asked who is responsible for inspecting for ADA compliance before we allow occupancy of a building? Ms. Herington explained that it is not a City responsibility, nor do we have staff who is able to verify this.

Councilmember Strand requested that Patricia Yeager, CEO of the Independence Center comment on the ordinance for us. Ms. Yeager said that the Housing and Building Association recommendation was that it be required in the ordinance that development plans illustrate the ADA accessible routes, and are highlighted on the the development application checklist used by the planning department for submittals of land use applications. In this way, the owner has to answer in writing if they are not doing so, it becomes part of the plan and that means it's documented and discoverable in case follow up is needed. It is the Department of Justice that is ultimately responsible for enforcing ADA compliance.

**8.B.**    [17-838](#)            An ordinance creating the Colorado Springs Commission on Aging

Presenter:

Council President Pro Tem Jill Gaebler

**Attachments:**    [031317 Ordinance creating commission on aging DRAFT](#)

[032817 Commission on Aging Ordinance](#)

Claire Anderson, Executive Director of Innovations in Aging Collaborative presented the proposed ordinance to create the Colorado Springs Commission on Aging, which is being established in an effort to integrate seniors into City planning projects.

Councilmember Pico asked why we needed to add another commission rather than simply expanding the existing Area Agency on Aging. Ms. Anderson explained that it was felt there was a need for a group more focused on and embedded in the civic fabric of Colorado Springs.

Councilmember Knight asked whether members of the proposed Commission will be residents of Colorado Springs, which Ms. Anderson confirmed.

**8.C.**    [17-869](#)            A resolution approving and authorizing the mayor to execute and administer the Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) regarding funding of the Cheyenne Cañon Road Bridge Replacements Project.

Presenter:

Aaron Egbert, P.E. Senior Manager

Alex Pellegrino, P.E. Civil Engineer

**Attachments:**    [Resolution - Cheyenne Canon Bridges](#)

[EXHIBIT A--R2-IGA-21129 CO Spgs Cheyenne Canyon Bridge](#)

[IGA Presentation - Cheyenne Canon Bridges](#)

Aaron Egbert presented the resolution for funding of three bridges that are to be designed this fall with construction to begin in 2019.

Councilmember Knight asked that we put in a clause on Section 2 of the resolution that states any change in scope and funding for this IGA come back to Council for approval.

- 8.D. [17-821](#) A resolution reaffirming and clarifying the status of City-sponsored events funded from the Lodgers and Automobile Rental Tax special revenue fund

Presenter:

Fred Veitch, Chair, LART Citizens Advisory Committee

**Attachments:** [031317 LART-CitySponsoredEventRES DRAFT](#)

Fred Veitch presented the proposed resolution to clarify the process and criteria for awarding LART special revenue funds and reaffirm the City's commitment to a specific list of citywide sponsored events that benefit the community. These events would be identified as projects, but funding still must be approved by Council annually.

- 8.E. [16-718](#) Ordinance No. 17-34 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$250,000 for the Colorado Classic Pro Cycling Event project as recommended by the LART Citizen Advisory Committee

Presenter:

Kara Skinner, Chief Financial Officer

**Attachments:** [2017 Attachment A - List of LART recommended projects.pdf](#)  
[Ordinance 17-34 for LART Bike project.docx](#)

Kara Skinner presented an ordinance for a supplemental appropriation to the LART Fund that will be on the City Council agenda for a first reading on March 14 and a second reading on March 28. She explained that the funds will be given to the Convention & Visitor's Bureau as final payment relating to the current contract; and \$250,000 each to the Colorado Classic Pro Cycling Event and the Pikes Peak Summit House project.

Doug Price, CEO of the Convention and Visitor's Bureau answered that the money would mainly be used for advertising. It is also planned to replenish their reserves from the \$500,000 investment in the Olympic Museum, \$35,000 to the bicycle race, \$30,000 to a medical tourism project, and \$85,000 for print, online and airport advertising.

President Pro Tem Gaebler spoke against the funding of the Olympic Museum because there are tourism-related public projects that need the money.

Councilmember Pico requested that an item be added to a future work session for clarification of the impact of TABOR on specific funds.

- 8.F. [17-860](#) Ordinance No. 17-33 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$200,000 for the United States Olympic Museum project recommended by the LART Citizen Advisory Committee

Presenter:

Kara Skinner, Chief Financial Officer

**Attachments:** [2017 Attachment A - List of LART recommended projects.pdf](#)  
[Ordinance for LART USOM project.docx](#)

Kara Skinner presented an ordinance for a supplemental appropriation to the LART Fund that will be on the City Council agenda for a first reading on March 14 and a second reading on March 28. The proposed appropriation for 2017 is \$200,000, with another \$200,000 planned in 2018 and then \$100,000 in 2019 for the United States Olympic Museum project.

Councilmember King asked if money has ever been given by LART to a private entity for a capital project. Mr. Veitch said it has for private events, but he doesn't know about capital projects. Councilmember King asked if there were any bylaws that might prohibit us doing it. Ms. Skinner said no.

Councilmember Murray, Knight, Collins and Gaebler spoke against this ordinance.

Councilmember Murray asked if this \$200,000 is going to be used to secure the bonds that the Olympic Museum. Ms. Skinner replied no.

- 8.G. [17-858](#) Ordinance No. 17-31 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$2,486,100, to the City Funded CIP Fund in the amount of \$1,582,300, to the Patty Jewett Golf Course Fund in the amount of \$41,900, and to the Stetson Hills SIMD Fund in the amount of \$66,780, for repairs related to the 2016 hail storm and the 2017 wind storm

Presenter:

Kara Skinner, Chief Financial Officer

**Attachments:** [Ordinance for GF, CTF, CIP, PJ, Stetson - 02-27-17.docx](#)

Ms. Skinner presented this ordinance for a supplemental appropriation

to the General Fund , the CIP Fund, the Patty Jewett Golf Course Fund and the Stetson Hills SIMD Fund for repairs related to the 2016 hail storm and the 2017 wind storm. The impact of this is largely insurance proceeds, with a small amount for the deductible, so it will be small. The ordinance is supported by the Budget Committee.

- 8.H. [17-859](#) Ordinance No. 17-32 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Conservation Trust Fund (CTF) Fund in the amount of \$570,000 for high-priority projects

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services  
Kurt Schroeder, Parks Operations Manager

**Attachments:** [031317 - Ordinance for CTF projects.docx](#)

[3-13-17 - Conservation Trust Fund Supplemental Appropriation - Powerpoint](#)

Kurt Schroeder presented an ordinance giving a supplemental appropriation to the Conservation Trust Fund for high priority projects identified by Parks, Recreation and Cultural Services which would address immediate health and safety issues at Park facilities.

Councilmember King requested that Bancroft Park be included on this list of high priority projects and that it be addressed ahead of the others. Mr. Schroeder indicated that it was possible that there were funds to do both. Councilmember King said that Bancroft Park should be the number one priority. Councilmember Knight said that when the Budget Committee approved this, it was from a dollars and cents standpoint, not based on what projects were priorities.

Councilmember Strand asked if the Parks Board voted unanimously to fund these projects. Mr. Schroeder said they did.

- 8.I. [17-851](#) A Resolution to approve a land exchange between the City of Colorado Springs and CSJ No. 7, LLC and Urban Enterprises, LLC for the purpose of obtaining needed right of way at Cimarron Street and I-25 for the CDOT I-25 /Cimarron Improvement Project.



Presenter:  
Kathleen Krager, Transportation Planning Manager - Traffic Engineering  
Bob Cope, Manager - Economic Development

**Attachments:** [LandExchange-CityCSJRES-2017-03-08](#)

[Figure 2](#)

[2006 SOI](#)

[2008 SOI](#)

[Table 1](#)

Ms. Krager presented this resolution, which will by approval of a land exchange save the \$904,000 that the City would otherwise have to pay in order to obtain a needed right of way at Cimarron Street for the CDOT I-25 project. In exchange for the property we receive for the trailhead, the City will give two properties that are worth less and have environmental issues needing to be dealt with.

Councilmember Murray asked why we are required to get property to build a trailhead. Ms. Krager replied that the CDOT plan requires it, and also for the safety of people using the bike lane that ends at Tejon.

Councilmember King asked that the language of the resolution be changed to add that the City will be relieved of environmental obligations of the traded City properties. President Bennett indicated that Councilmember King and Wynetta Massey will work on adding the language and inform Councilmembers when it is accomplished.

**8.J.** [17-881](#)

A Resolution expressing City Council's support of issue 2 on the April 4, 2017 municipal ballot, to authorize retaining and spending up to \$6,000,000 of the estimated 2016 fiscal year revenue above the 2016 fiscal year revenue and spending limitations, and a like amount of any excess revenue in fiscal year 2017, as a voter approved revenue change, with any excess revenue in fiscal years 2016 and 2017 beyond this \$6,000,000 revenue change to be refunded to taxpayers.

Presenter:  
Mayor John Suthers  
Jeff H. Green, Chief of Staff

**Attachments:** [Res SupportIssueFINAL](#)

The Mayor spoke in favor of this Resolution, asking Council to support this issue. It is critical for Colorado Springs that in these good economic times to we invest in our storm water system to protect us in our commitments to the Intergovernmental Agreement.

Councilmember Strand asked if there were any changes in the expected excess dollar amount since the last time this was before Council. Kara Skinner said that while the information is still being updated, they are anticipating \$8-9 million.

- 8.K. [17-870](#) A resolution expressing City Council's support for Issue 3 on the April 4, 2017 municipal ballot, exempting Colorado Springs from Senate Bill 152, and reestablishing the city's authority to facilitate, partner, or coordinate with service providers to provide advanced telecommunications services to its citizens, restoring local authority that was taken away by state law

Presenter:  
Councilmember Bill Murray

**Attachments:** [SupportForExemptionSenateBill152RES-2017-03-02](#)

Councilmember Murray spoke in favor of this Resolution.

## **9. Items Under Study**

There were no items under study.

## **10. Councilmember Reports and Open Discussion**

The campsite and trash were removed from Fountain Creek, and the Council thanked the Chief of Staff for making that happen.

The regional leader's trip to Charleston was extremely productive. President Bennett and Councilmember Strand attended workshops on diverse employment needs, transit, increased housing and diversity, and electing forward leaning public officials.

## **11. Adjourn**

The meeting was adjourned.

Sarah B. Johnson