



# 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. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.*

Monday, October 10, 2016

1:00 PM

Council Chambers

### 1. Call to Order

- Present** 7 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Don Knight, Councilmember Bill Murray, and Councilmember Tom Strand
- Excused** 2 - Councilmember Keith King, and Councilmember Andy Pico

### 2. Changes to Agenda

There were no changes to the agenda.

### 3. Regular Meeting Comments

Councilmember Murray stated he intends to pull agenda items 4.B.E., 4.B.I. and 4.B.J. off Consent Calendar tomorrow.

### 4. Review of Previous Meeting Minutes

- 4.A. [16-576](#) City Council Work Session Meeting Minutes September 26, 2016

Presenter:  
Sarah Johnson, City Clerk

The meeting minutes were approved as presented.

### 5. Executive Session

#### 5A. Open

- 5A.A. [16-582](#) Open Executive Session

Presenter:  
Wynetta Massey, City Attorney

David Andrews, Legislative Counsel, stated the recommendation of the Civil Action Investigation Committee is to authorize the City to represent Officer Sunada as required by the Colorado Governmental Immunity Act and the Peace Officers Liability Act, reserving the right not to pay any

award of punitive damages. Consensus of Council agreed with this recommendation.

## **5B. Closed**

### **5B.A. [16-618](#) Closed Executive Session**

Presenter:

Wynetta Massey, City Attorney

David Andrews, Legislative Counsel, stated the purpose of the Closed Executive Session involves receiving legal advice and consultation with the City Attorney regarding an operating lease matter. Council President Bennett stated the discussion involves Memorial Hospital.

Council President Bennett polled Council regarding the desire to proceed with the discussion in a closed session. Consensus of Council agreed to proceed with the discussion in a Closed Executive Session.

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

### **6.A. [15-00799](#) Agenda Planner Review**

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Eileen Gonzalez, City Council Administrator, stated a recognition by the Colorado Association of Transit Authorities regarding an award received by the Mountain Metropolitan Transit system will be added to the next meeting.

Councilmember Knight stated the November 8, 2016 meeting is missing the first reading of the 2017 City Budget. Ms. Gonzalez will add this item to the agenda.

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

There were no Presentations for General Information.

## **8. Items for Introduction**

### **8.A. [16-530](#) Resolution Approving an Amendment to the Service Plan for the Colorado Crossing Metropolitan District Nos. 1, 2 and 3 Allowing the Operation and Maintenance of a Parking Garage and an Increase in the Maximum Operating Mill Levy from 10.0 to 20.0 Mills**

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Carl Schueler, Comprehensive Planning Manager, presented an overview of the proposed metropolitan district.

Otis Moore with Westside Investment Partners, Inc., the developers, provided a brief history of the property and the need for the amendment to the service plan. Megan Becher with McGeady Becher, representing the applicant, provided additional details about the plans for the development.

Councilmember Murray asked if there will be charges for parking in the proposed parking structure. Mr. Moore stated there will be no charge for parking and outlined the facilities the parking will serve.

Councilmember Knight asked if residents in the development will be paying for the parking structure. Ms. Becher stated the mill levy will not be assessed on district 2 which is the residential area.

Councilmember Knight expressed concern about the debt ratio between the service plan and the operation budget. Mr. Schueler explained the details are included in the current service plan and within acceptable limits.

Councilmember Strand asked how people will be prevented from camping out in the parking area. Mr. Moore stated guidelines will be established to control use of the parking structure, patrols will be performed and vehicles towed as needed.

**8.B.**    [16-549](#)

A Resolution approving and authorizing the Mayor to execute the amendment to the Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) regarding funding of the 31st Street Bridge Project

Presenter:

Mike Chaves, P.E., Engineering Manager

Mike Chaves, Engineering Manager, explained the planned replacement of the culvert initially included in the project is not necessary so the City has requested the funds designated for replacing the culvert be used to amend and improve the scope of this project.

Council President Bennett asked if this will have any negative impact on the West Colorado PPRTA project. Mr. Chaves stated this proposal will not affect that project.

**8.C.**     [16-474](#)

Ordinance No. 16-101 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the Amount of \$300,000 for the Purpose of Supplementing the Parks, Recreation and Cultural Services 2016 Water Budget

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services  
Kurt Schroeder, Park Operations and Development Manager - Parks, Recreation and Cultural Services

Res/Ord Number: 16-101

Kurt Schroeder, Park Operations and Development Manager, provided a summary of the historical and projected water usage plans for the department, including a brief explanation of steps taken to minimize water usage and find funds to cover watering costs for the remainder of the year. Bill Cherrier, Chief Planning and Finance Officer for CSU, provided a summary of the projected water use and associated cost for the City Parks.

Council President Bennett asked if this could be dealt with when the department is finished watering for the year. Mr. Schroeder stated the funds could be transferred and then transferred back if not needed or used.

Councilmember Knight stated TOPS funds have been identified as a source of funding for this need and stated Council has the ultimate authority on how funds can be used. Mr. Schroeder confirmed this is true.

Councilmember Knight asked if funds in the utilities rebate program approved by voters could be a source of funding for this situation. Mr. Cherrier stated the City has completed a rebate request and approved funds will be applied to the City water bill.

Councilmember Knight would like to see if the TOPS Committee can assist with this need and suggested Council delay making a decision until the watering season is over and the final amount due is calculated.

Councilmember Knight asked Kara Skinner, CFO, what the source of funds for the \$300,000 appropriation will be. Ms. Skinner stated they plan to amend the ordinance which could be done at the dais in the meeting tomorrow, or the ordinance could be delayed for two weeks.

Council reviewed possible funding sources with Ms. Skinner and discussed the possibility of requesting a portion of the funds from TOPS. Councilmember Knight stated the budget process will allow time for the City to explore financial options. Mr. Schroeder reviewed the efforts of the Parks Dept. to conserve water and minimize spending.

Mr. Cherrier stressed the importance of planning ahead to avoid this situation in the future.

Councilmember Collins expressed concern about TOPS spending money on property acquisition when funds are needed to care for the currently owned properties.

- 8.D.**     [16-581](#)     A resolution adopting final form of Intergovernmental Agreement for the Exclusion of Certain Property from the Donald Wescott Fire Protection District

Presenter:

David Andrews, Legislative Counsel

Res/Ord Number: 102-16

David Andrews, Legislative Counsel, provided an overview of this proposal and the legal implications and obligations thereof.

Councilmember Knight asked what could happen if the courts do not approve both phases of the plan. Mr. Andrews stated the IGA is included in the plan and will be submitted to the court as a whole agreement. If approved by the Court, it would be approved as a whole.

Councilmember Bagley asked what impact exclusion of a portion of the proposed property would have on the agreement. Mr. Andrews stated the proposal is based on the request of the Donald Wescott Fire Protection District and he does not see this as a probable scenario as the proposed agreement works well for both parties.

- 8.E.**     [16-333](#)     Introduction of the Downtown Development Authority (DDA) Budget, and Business Improvement District (BID) Operating Plans and Budgets for 2017

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

Kara Skinner, Chief Financial Officer

Peter Wysocki, Planning and Development Director

Carl Schueler, Comprehensive Planning Manager, presented a summary of the twelve items that Council will hear on October 25, 2016 regarding the annual approval of budgets and operating plans for the special improvement districts in the City.

Council President Pro Tem Gaebler asked if merchants within a PIF are required to inform consumers purchases will be subject to higher taxes. Mr. Andrews stated requiring consumer notification would be best handled when the BID operators are requesting to establish or make changes to the BID.

Councilmember Knight asked what restrictions were placed on the Creekwalk district by Council and requested these details along with information about their approved debt service and operational mill levy cap be provided to Council. Mr. Schueler will research this and have the developer provide the requested information.

Councilmember Knight requested additional information about the developer advance referenced in a few of the budgets. Mr. Schueler stated this is not a way to go over the debt limit, this is an accounting method to allow developers to be reimbursed for work after it is completed.

Councilmember Knight asked if developers can return to Council in the future to request a bond issue to cover expenses. Mr. Schueler stated developers can return to Council to request a bond issue and added the advance and the eligible expenses do not guarantee reimbursement.

Councilmember Knight identified inconsistencies in the proposed budget and operating plan for the First and Main North BID. Mr. Schueler stated this error has been identified and will be corrected prior to the next meeting, indicating the mill levy will be 34 mills.

Councilmember Knight stated it appears the Interquest North district is exceeding they authorized 51 mill limit. Mr. Schueler will check on this and provide updated information to Council.

Councilmember Murray questioned the high interest rate on the bonds in First and Main District number 2 and asked if there are plans to attempt to obtain a lower interest rate. Mr. Schueler stated this is a question to ask the developers.

Susan Edmondson, CEO Downtown Partnership, provided a summary of the DDA and BID activities and services.

Councilmember Collins asked if they have worked with the City's special events coordinator to maximize efficiencies. Ms. Edmondson stated they work closely with the committee.

Councilmember Murray expressed concern about inadequate police patrols and safety in the downtown area and asked about efforts to increase patrols. Ms. Edmondson stated providing police protection in the downtown area is a complex situation. The Private Security Officers hired to provide a security presence have been helpful and are included in the 2017 budget.

Councilmember Strand asked what percentage of the Public Space Management and Security budget goes to providing security. Ms. Edmondson stated about ten percent of that budget goes toward security officers. Councilmember Strand stated he is committed to finding funds to increase security in the downtown area.

## **9. Items Under Study**

There were no Items Under Study.

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

Councilmember Strand paid tribute to Charles Guy who passed September 30, 2016.

Councilmember Strand and Council President Pro Tem Gaebler attended the City of the Future event in Denver. He also attended the Digital Summit at the Colorado Convention Center and the URA Executive Director Summit.

Councilmember Bagley stated he attended the #RideonResearch Community Bike Ride on Saturday along with Councilmembers Gaebler and Strand.

Councilmember Knight stated the Mayor released his proposed 2017

budget; there are budget work sessions scheduled for October 17th and 18th. A budget public hearing is scheduled for October 20th. Any questions regarding the budget can be given to Councilmember Knight. An Energy Resiliency Summit is scheduled this Wednesday and Thursday.

Council President Bennett stated he will be out of the country and President Pro Tem Gaebler will be running the budget meeting on Monday.

Ms. Gonzalez stated the following changes can be anticipated regarding the agenda for the meeting tomorrow. Agenda item 4.B.E. will be moved to Items Pulled Off the Consent Calendar. Agenda items 4.B.I and 4.B.J. will be included under Public Hearings along with agenda items 4.B.N. through 4.B.Q.

## **11. Adjourn**

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

Sarah Johnson, City Clerk