



City of Colorado Springs

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

Meeting Minutes - Final Council Work Session

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

Monday, September 8, 2014

1:30 PM

Council Chambers

Meeting will begin at 1:30 p.m. or upon conclusion of Colorado Springs Utilities Board of Directors Special Meeting

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.

3. Regular Meeting Comments

President King requested to postpone item 12.A., the resolution regarding Council retaining outside counsel, on the agenda for the City Council meeting September 9, 2014 and requested Council waive attorney client privilege allowing the release of information to the public prior to the discussion. Consensus of Council approved waiver of privilege.

President King also suggested Council delay the Jones Park discussion on the agenda for September 9, 2014 due to the need for additional information about marketing activity requirements. David Andrews, Legislative Counsel, provided some details about selling public property.

Councilmember Pico asked if Colorado Springs Utilities (CSU) has started to do the Cultural Services study. Jerry Forte, CEO, CSU, responded that they have not started to process.

Councilmember Miller stated the current process has a deadline, which; if not met will require this process to start over. Mr. Forte recommended Council move forward with this item.

Councilmembers Bennett and Gaebler would like to move forward with

this due to the potential loss of funds and the delay in developing the land. The consensus of Council was to keep this issue on the agenda for the meeting tomorrow.

Later in the meeting, David Andrews, Legislative Counsel provided a copy of the section of code dealing with property and provided information on the laws governing the sell of City owned property. Ronn Carlentine, Office of Real Estate Services, provided additional information on the required process for selling City Owned property.

Councilmember Pico stated John Whitten, member of the City Investment Advisory Committee recently passed away and acknowledged his service to the City.

4. Review of Previous Meeting Minutes

4.A. [14-0550](#) City Council Work Session Meeting Minutes, August 25, 2014

Councilmember Knight requested his inability to support the Parks Master Plan due to financial concerns be added to the minutes.

Councilmember Collins requested her acknowledgement of Park staff working to lower costs by planting different grass and changing the pool to a water park at a lower maintenance cost be added. Councilmember Collins also requested agenda item 8.B. be amended to state she wanted to make sure Council and the public had the information, not Council had the information prior to public, as this is a public process.

5. Executive Session

A) Open

B) Closed

B)A. [14-0547](#) 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 issue to be discussed involves 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 purpose of the Closed Executive Session was an update on a PERA litigation matter.

President King polled Council. Consensus of Council approved the Closed Executive Session. Councilmembers Collins and Miller voted no.

6. Staff and Appointee Reports

6.A. [14-0104](#) Agenda Planner Review

Ms. Gonzalez announced the Fountain Creek Watershed Flood Control and Greenway District will be added to the Recognition section of the September 23, 2014 agenda to recognize Creek Week.

7. Presentations for General Information

7.A. [14-0556](#) 2015 Colorado Springs Utilities & City Budget Timeline

Councilmember Knight provided an update on the timeline for Council adoption of 2015 City and Utilities budgets noting that all budgets will be voted on before Thanksgiving.

Kara Skinner, Chief Financial Officer (CFO), explained the plan for this year is to have each department head explain changes to their budget for 2015. Councilmember Miller asked if the IT Department would present a budget, Councilmember Knight said he did not know what level of detail the budgets would include.

8. Items for Introduction

8.A. [14-0497](#) Briargate General Improvement District Refunding Bonds, Series 2014

Kara Skinner, CFO, presented an overview of the Briargate GID, requesting this issue be presented for first reading on September 23, 2014.

Councilmember Knight asked for additional information on this item requiring a two-thirds majority vote and the history of this issue. Ms. Skinner deferred to the City Attorney's Office who responded to the question.

Councilmember Pico asked why this is referred to as refunding bonds when it appears to be refinancing. Ms. Skinner responded that this is common terminology used with bonds.

Councilmember Miller asked questions about the reasons for this action, the percentage rate and the Mill Levy. Ms. Skinner stated this will avoid the need to make a payment in December which would be difficult because expected revenue has not been met, and added that this plan will lower the overall amount of combined debt and interest to be repaid. Councilmember Miller also confirmed this Mill Levy is on top of taxes paid by homeowners in Briargate.

President King asked about the scheduled amortization. Jill Jaworski, Financial Advisor with George K. Baum, explained how this restructuring will allow the bonds to be paid off sooner and at a reduced overall cost to taxpayers. Councilmember Miller asked if, as the board, Council can dictate expediting paying off these bonds. Tom Florczak, Financial Advisor, stated this would require a review of the original documents.

- 8.B.** [14-0516](#) An ordinance amending Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the definition of a trailer and towing of the same

Chief Peter Carey, CSPD, provided an overview of this proposed ordinance change, stating the definition of a “trailer” is now included in the code. Councilmember Knight asked how this ordinance interacts with HOA requirements. Chief Carey stated HOA rules relate to different situations than what this ordinance is addressing. Frederick Stein, City Attorney’s Office, clarified that this ordinance applies to utility trailers and that Recreational Vehicles are addressed in a different section of City Code.

Councilmember Miller asked how citizens would be informed their trailer was going to be towed. Chief Carey stated the owner will have 72 hours notice to move the vehicle and clarified that per City Code, all vehicles parked on city streets must be moved every 72 hours.

- 8.C.** [14-0517](#) An ordinance amending Section 401 (Shoplifting Prohibited) of Part 4 (Shoplifting) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to theft

Chief Peter Carey, CSPD, explained that this ordinance will bring the City in line with State law. Councilmember Miller brought up that the budget last year included an initiative to remove certain cases from the municipal court. Chief Carey explained the effect this will have on the judicial system.

- 8.D.** [14-0518](#) An ordinance amending Section 218 (Signal Lamps and Devices; Street Rod Vehicles and Custom Motor Vehicles) of Part 2 (Vehicle Equipment and Inspection) of Article 22 (Vehicle Equipment and Inspection); Section 101 (Obstruction of View or Driving Mechanism) of Article 23 (Miscellaneous Rules of the Road); and Section 101 (Compulsory Vehicle Insurance) of Article 28 (Compulsory Insurance) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to motor vehicles and traffic

Chief Peter Carey, CSPD, explained this ordinance will bring Colorado Springs into alignment with State Law. Councilmember Pico asked about insurance requirements. Chief Carey responded that insurance is still compulsory but vehicle registrations no longer require signatures to be valid.

- 8.E.** [14-0519](#) An ordinance amending Section 207 (Perishable or Hazardous Property) of Part 2 (Custody of Property and Weapons) of Article 1 (Administration and Enforcement) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to destruction of perishable and hazardous property

Chief Peter Carey, CSPD, explained that CSPD does not have room to store perishable personal items that require refrigeration; this ordinance will allow CSPD to destroy perishable items that are not considered evidence.

Councilmember Miller asked how items are determined to be evidence. Chief Carey explained the process for determining items to be considered evidence. Councilmember Miller asked about marijuana-infused edible products. Chief Carey stated this would be handled through the same process as other items.

- 8.F.** [14-0532](#) Proposed Rate Schedules and Utilities Rules and Regulation tariff changes for Colorado Springs Utilities' 2015 Fall Rate Filing

Chris Bidlack, CSU Attorney, presented a summary of the requested changes.

President King asked if the collection of previously due balances would apply to residential and commercial customers. Mr. Bidlack responded that this would apply to all customers.

President King asked how much money this change would potentially bring in. Kathleen Solano, General Manager- Customer Service at CSU, explained many customers go through this process repeatedly with CSU so the program has the potential to bring in a large amount of money.

Councilmember Knight asked when the pilot program and the regular community rates will be included on Council documents. Ms. Solano explained this rate will be calculated and supplied at the time of the filing.

Councilmember Miller asked about the X's on the document. Ken Burgess, Chief Regulatory Counsel, explained how organizations are included in rate classes according to a calculation.

Councilmember Miller asked if customers with outstanding balances will be required to pay off the entire bill prior to starting a new account. Mr. Bidlack explained managerial discretion can be applied to each situation.

Councilmembers Miller, Collins and King asked how customers with outstanding balances within the statute of limitations can get utility service started without having to pay the entire outstanding balance. Ms. Solano reiterated the statistics on default rates and stated CSU works with these customers to try to collect the money and provide service.

- 8.G.** [14-0537](#) A Resolution of Acceptance Supporting the Agreement Between the City of Colorado Springs and the State Board of the Great Outdoors Colorado Trust Fund for the Harlan Wolfe Park Flood Restoration and Park Improvement Project

Chris Lieber, Park Development Manager, presented a summary of the resolution. President King asked how the land for this park was acquired. Mr. Lieber stated the land was a donated by the family.

- 8.H.** [14-0548](#) A Resolution of Approval Regarding the Proposed Velodrome Roof Enclosure at Memorial Park

Chris Lieber, Parks Development Manager and Aaron McGuire from the USOC provided an overview of the proposal to cover the Velodrome in Memorial Park.

Councilmember Miller asked if Parks funds are required to support this. Mr. Lieber responded that the project will be funded through US Cycling and USOC.

Councilmember Pico asked is this structure would be seasonal. Mr. McGuire stated is would be up about 180 days per year.

- 8.I.** [14-0549](#) A Resolution to approve an economic development agreement between the city of Colorado Springs and Colorado Interstate Gas Company, LLC and New Colorado Square, LLC

Bret Waters, Chief of Staff introduced the discussion about an economic development agreement with Kinder Morgan. Bill Cherrier, CFO, CSU spoke about the potential benefits of the agreement. Bob Cope, City for Champions Program Manager, provided an overview of the agreement and details about the economic impact of this agreement.

Councilmember Bennett asked what criteria are used to determine the investment potential of an entity. Mr. Cope stated there are standard criteria used to evaluate organizations and the all organizations are welcome to request agreements.

Councilmember Martin commented on the impact Kinder Morgan has had on our community and stated she supports this agreement.

Councilmember Miller addressed his concerns about fairness and the ability of all organizations to enter into similar agreements. Mr. Cope assured Council information about this program is available to all prospective businesses. Councilmember Pico commented on the economic benefits this program could offer this community.

President King added that Council should be more involved in this program to discuss and set this policy moving forward.

- 8.J.** [14-0527](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving revisions to the Articles of Incorporation and Bylaws of the Foundation and approving the investment and grantmaking policies developed by the Board of Trustees of the Colorado Springs Health Foundation.

Jon Medved, Chairman - Colorado Springs Health Foundation (CSHF) Board of Trustees, reviewed changes made to the CSHF bylaws based

on Council feedback. Britt Haley with the City Attorney's Office provided additional information about the changes made to the document.

Councilmember Miller voiced his concerns about Council having the ability to recommend and interview Board appointees and asked if the conflict of interest report will be readily accessible. Mr. Medved stated this information would be available in the Website when it is created. Ms. Haley stated the bylaws need to be kept concise and readable by the average citizen.

Councilmember Miller reiterated his desire to keep things transparent and brought up several other concerns about the document, Mr. Medved responded to his questions and concerns, made note of requested changes and stated he will follow up with Councilmember Miller at a later date.

Councilmembers Bennett and Gaebler thanked Mr. Medved and the Board for the work done.

8.K. [14-0555](#) A resolution expressing City Council's support for funding a full Comprehensive Plan update in 2015

Councilmember Snider stated the intent of this resolution is to initiate a discussion about Council's preferences regarding whether the City engages in a project to complete a Comprehensive Plan revision.

Councilmember Pico acknowledged that Council had agreed to take incremental steps toward completing a Comprehensive Plan revision, and that city staff had begun the first step, but added that he was concerned that the executive branch did not intend to go beyond the first step. He stated that he believes additional funding should be included in the upcoming budget process.

Councilmember Gaebler stated she agrees with the need to have a comprehensive plan but sees the difficulty in budgeting funds due to unforeseen changes that may occur.

Councilmember Bennett reiterated that the lack of comprehensive plan revision may cause Council to make critical land use decisions without full information.

Councilmember Knight stated he supports the completion of a comprehensive plan revision but he does not think a resolution is the right path due to lack of funding which will create a non-binding resolution or an unfunded mandate.

Councilmember Miller voiced his concerns about the failure of Council to formally abandon the project to hire a consultant included in the 2014 budget which was not done. Mr. Andrews stated he will follow-up on this.

Discussion ensued between Council, Mr. Waters, Mr. Wysocki and Mr. Andrews about the relevance and disadvantages of a comprehensive plan. Several Councilmembers expressed concern about making sure progress continues with development in the City.

Mr. Waters stated the plan is to use the 2014 funds budgeted to hire a consulting firm to assist with a developing a plan to work on the highest priority projects from the existing comprehensive plan and from the Mayor's perspective, there will not be a designation in the 2015 budget for a comprehensive plan consultant.

Mr. Wysocki stated that a steering committee is being formed to lead land use analysis and development and that a new chapter to the plan will address infill and redevelopment. He also outlined the plan to use the funds from the 2014 budget.

President King asked if the 2015 plan revision will include other areas like Banning Lewis Ranch. Mr. Wysocki responded that the land use analysis will incorporate the area but there are some other plans in the works for that land.

Councilmember Snider suggested Council direct staff to establish, as a land use policy, a revision of the comprehensive plan, in lieu of an abbreviated plan revision, to address infill and redevelopment and use that to guide future Council decisions. President King polled Council to determine how the body wants to proceed and consensus of Council was to do so, but without adopting the resolution presented under this item.

Mr. Wysocki stated the Planning Department will develop a revised project plan based on the highest priority elements and return to Council. Mr. Andrews stated the question of abandonment of a project

will be evaluated on a legal basis; any necessary changes will be brought to Council.

This issue will return to a future work session for additional discussion.

- 8.L.** [14-0340](#) Consideration of alternative resolutions pertaining to allowing a vote of the citizens of Colorado Springs on retail marijuana establishments within the City of Colorado Springs

David Andrews, Legislative Counsel, read a statement about the two different approaches to this resolution, and provided clarification on the terms used in the document. A copy of a draft resolution with suggested changes made by the City Clerk was provided to Council.

Councilmember Gaebler stated she and President King agree with these changes and pointed out that the main difference between the two drafts is that one includes a tax.

President King explained his view on the importance of including the tax on the ballot.

Councilmember Snider asked if the Attorney's office had investigated the TABOR ballot restrictions. Mr. Andrews described the efforts of the Attorney's office to develop ballot language that incorporates the retail marijuana question and complies with TABOR law and clarified that the best way to proceed will include the use of two separate ballot questions.

After much discussion, Councilmember Gaebler removed her resolution from consideration.

Consensus of Council agreed to postpone the remainder of this discussion until the regular Council meeting Tuesday, September 9, 2014. Ms. Gonzalez provided clarification on the version of the draft resolution Council would consider for discussion tomorrow would be President King's version containing a retail marijuana question and a tax question.

- 8.M.** [14-0557](#) An ordinance submitting a Charter amendment to the electors of the City of Colorado Springs for the general municipal election to be held April 7, 2015 relating to voting requirements for planning, building, funding or financing a stadium and event center

Councilmember Miller provided an overview of his proposed ballot item relating to a charter amendment.

President King asked about the impact of this initiative on City for Champions. Councilmember Miller stated voters could potentially lose a percentage of the stadium cost provided by the State if this did not pass.

Councilmember Knight asked about the required timeframe of this initiative. Councilmember Miller stated there are legal requirements about placing this on the ballot and outlined the timeframe to avoid triggering a special election.

Council discussed the process of bringing this initiative to the ballot with the City Clerk, Mr. Andrews and Mr. Cope.

Consensus of Council agreed to move forward with this discussion at the September 23, 2014 City Council meeting.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Bennett participated in the CSU water tour and encouraged Councilmembers to attend it next year.

Councilmember Gaebler visited Meadows Park Community Center and encouraged Council to support this center and endorsed the positive impact it makes in kids' lives.

Councilmember Miller asked if Mr. Lethbridge is still employed by the City since his interim role was filled by Mr. Easton, Mr. Waters will discuss this with the HR Director and respond back to Council via email.

Councilmember Miller brought up concerns about political comments included in City social media accounts with the stormwater ballot language, requesting that social media generated from the City represent both branches of City government.

Councilmember Miller requested access to the Stadium Feasibility Study results, and requested an executive session to discuss the results of this study. Consensus of Council agreed to this request.

Councilmember Miller also requested an executive session to discuss

the Hogan Lovells Work Product on Stadium Authorities. Consensus of Council agreed to this request.

11. Adjourn

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

Sarah B. Johnson, City Clerk