



City of Colorado Springs

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

Meeting Minutes - Final-revised Council Work Session

Monday, June 9, 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

Consensus of Council approved Girls of the West, Agenda Item 7.A., to be presented at this time.

7.A. [14-0207](#) Girls of the West, Pikes Peak Range Riders and Pikes Peak or Bust Rodeo Days

Ron Brown, President of Pikes Peak Range Riders, described the history of the annual Range Ride and their schedule for the 2014.

Ralph Braden, Board Member of Pikes Peak or Bust Rodeo and also a member of the Range Riders, described the new format for this year's rodeo celebrating its 75th year anniversary.

Corliss Palmer, Board Member of Pikes Peak or Bust Rodeo and Director of Girls of the West, described the history, mission, and 2014 schedule for the Girls of the West program. She reviewed the background and talents for both the Girl of the West, Kate Watson, and the Aide to Girl of the West, Rachael Braaten, who entertained Council with a synchronized presentation of this year's Pikes Peak or Bust Rodeo program and schedule.

3. Regular Meeting Comments

Councilmember Miller recognized Governor Hickenlooper's request to have the flags lowered to half-staff to honor a 21 year old Thornton soldier from Ft. Carson, Jacob Wykstra, who was killed in Kandahar Province, Afghanistan, in an aircraft accident on May 28th.

4. Review of Previous Meeting Minutes

4.A. [14-0291](#) Approval of the Minutes of the May 27, 2014, Work Session

Consensus of Council approved the May 27, 2014 Work Session Minutes.

5. Executive Session

A) Open

There were no Open Executive Session items presented.

B) Closed

- B)A.** [14-0284](#) 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), (c), (d), 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 a pending litigation matter, and (2) matters required to be kept confidential by federal or state law or rules and regulations and related to specialized details of security arrangements or investigations regarding IT matters.

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.

A poll of Council to enter into Closed Executive Session on two separate topics was conducted. The individual votes per topic are tallied below:

- 1) legal advise and negotiation consultation with the City Attorney regarding a pending litigation matter: Vote: 9-0-0 - unanimously approved;
 - 2) matters required to be kept confidential by federal or state law or rules and regulations and related to specialized details of security arrangements or investigations regarding IT matters: Vote: 7-2-0; Collins and Miller - No.
- Consensus of Council approved the Closed Executive Session.

Meeting went into Recess - Meeting Reconvened

6. Staff and Appointee Reports

6.A. [14-0098](#) Agenda Planner Review

Dave Padgett, Colorado Springs Utilities, requested withdrawal of a Utilities Business item, the donation of Jones Park, scheduled for June 24th, until a future meeting in July, a specific meeting date to be determined.

6.B. [14-0290](#) City for Champions Project Update

Bob Cope, Project Manager for City for Champions, provided a brief project update. He described OEDIT's staff continues to work with their attorneys on preparing a revised draft of the resolution submitted by the City on April 1st. The City is expecting written feedback or a revised draft by June 12th at the next EDC meeting. He also provided an update on the RTA Advisory Board for

which an orientation meeting was held on May 12th. Mr. Cope clarified they are waiting on the resolution to formally convene the group.

Mr. Cope announced that the next public meeting on City for Champions, in collaboration with the City, El Paso County, and the Project Partners, is scheduled for June 17th, currently scheduled from 4:00 - 6:00 p.m. at the Regional Building Department. However, he stated the start time is subject to change to accommodate a meeting later in the evening to allow more individuals to attend outside of their regular work schedules.

Councilmember Miller commented that he was still waiting for the details supporting the underlying numbers projected for the attendance at the sports and event center. Mr. Cope was prepared to verbally present that information to Councilmember Miller, and indicated that Summit Economics was currently preparing a written summary of those statistics for him as well.

7. Presentations for General Information

7.B. [14-0244](#) Colorado Springs Convention & Visitors Bureau (CVB) - Q1 2014 Performance Measures

Doug Price, President and CEO of the Colorado Springs Convention and Visitor's Bureau, presented the 1st QTR 2014 Performance Report describing multiple favorable indicators of growth in tourism for the City.

7.C. [14-0286](#) Stormwater Task Force Update and Briefing on Draft Intergovernmental Agreement regarding the Pikes Peak Regional Drainage Authority.

Councilmember Snider provided opening comments for the presentation of the draft IGA for regional management of stormwater. Dave Munger, volunteer co-chair for the Stormwater Task Force, briefed Council on recent activities for the submission of ballot language for the November election to address funding for stormwater infrastructure. He explained underlying details of the draft IGA relating to the creation of the Pikes Peak Regional Drainage Authority.

Councilmember Knight requested a cleanup in the IGA language to define more specifically the return of the investment based on a five year rolling average. He also asked to clarify the exclusions included in the administrative 1% cap. Mr. Munger assured that they will work to clearly define those references as requested by Councilmember Knight.

Council President King provided a handout that detailed his review of the IGA and described critical components needing clarification in the IGA. Mr. Munger responded to each of the points presented by President King.

At the request of Councilmember Martin, Mr. Munger explained why it is important to have the IGA finalized prior to preparing the ballot language to meet the mandatory ballot language deadline of July 25, 2014.

City Attorney Massey explained, at the request of City Council, that five

attorneys from the City Attorney's Office the Stormwater draft - they sent their analysis to Council for consideration. She indicated the next step necessary was to have the public discussion among the jurisdictions and make their policy decisions after which the attorneys will be able to draft the document according to their direction.

Chief of Staff Cox indicated that the Executive Branch had some concerns relative to the draft IGA.

Meeting went into Recess - Meeting Reconvened

8. Items for Introduction

8.A. [14-0293](#) Unfunded Capital Improvement Program (CIP) Needs

Mr. Cox read the Mayor's vision and mission statements for the City and compared it's relevance to the infrastructure needs of the City. He described that the Mayor is not opposed to the regional approach to address stormwater issues, but would like to see a one-step, holistic approach to deal with the issues of the community as a whole. He provided a presentation outlining the City's additional, non-stormwater capital improvement needs and requested the Executive Branch and Councilmembers meet to have a conversation towards a solution with a one-step approach to address all CIP needs.

8.B. [14-0248](#) A Resolution Authorizing the Mayor to Execute and Administer the Agreement Between the City of Colorado Springs and the Colorado Department of Transportation for the I-25 / Cimarron Interchange Reconstruction Project

Kathleen Krager, Transportation Manager, described the resolution for the ramp funding at the Cimarron interchange.

Councilmember Knight commented that he would like to see all three of the CDOT resolutions, Agenda Items 8.B., 8.C., and 8.D., include language that define if there are any changes to the scope or price, the item must come back to Council for consideration. Ms. Krager responded this may be difficult to get through CDOT since at least two are design/build projects so the specific scope is not known at this time since the contractor has not yet been selected. She quantified that the dollar values stated in the resolutions are specifically set for "not to exceed" values.

8.C. [14-0249](#) A Resolution Authorizing the Mayor to Execute and Administer the Agreement Between the City of Colorado Springs and the Colorado Department of Transportation for I-25 / Fillmore Street Reconstruction Project

See comments on 8.B.

8.D. [14-0250](#) A Resolution Authorizing the Mayor to Execute and Administer the Agreement Between the City of Colorado Springs and the

Colorado Department of Transportation for the Old Ranch Road
and Powers Interchange Project

See comments on 8.B.

- 8.E.** [14-0263](#) A resolution approving the City of Colorado Springs 2014 annual Action Plan for the use of federal block grant funds (CDBG, HOME, ESG) provided through the U.S. Department of Housing and Urban Development

Aimee Cox, Community Initiatives Manager, presented the 2014 Annual Action Plan which is a required step in the process to receive an annual allocation of funding from the Department of Housing and Urban Development which are intended to benefit low and moderate income people in the community. She provided an overview of the block grant program, the program that delivers the funds, and the 2014 priority list.

Councilmember Miller asked about the targeted zones, whether they were discretionary, and what drove the focus of the resources to those areas, whether driven by economic development or based on housing needs. Ms. Cox responded yes, they are discretionary and they do have the opportunity to look at those opportunity zones referencing the SWAT analysis that had been performed, that they are trying to build the capacity, looking at what the impact would be and the costs.

Councilmember Bennett described appreciation for the focus on the South Academy economic opportunity zone with 70,000 families living in that area of the community that has enormous needs.

Councilmember Knight had multiple questions and concerns. He asked about the North Nevada \$125K allocation and requested to receive the cross streets on that; he inquired about the public comment process and felt that there was a discrepancy on what was reported and what had not been reported as to the number of public responses received and from how many people. He requested they receive the additional information prior to the final presentation to Council on June 24th. He also asked about the carryover being reported at this time yet having not been reported during the budget cycle in October 2013. He further expressed concerns on the allocation of administrative costs calculated at approximately 8% of the annual budget.

Ms. Cox responded to Councilmember Knight's questions identifying the requirements of the Citizen Participation Plan are currently inadequate and that they are rewriting the plan and will have that for Council. She stated they are still waiting for public comment; with three comments received thus far. She spoke to the carryover describing that in the past, the carryover had never been shown but that she had specifically requested this information be included in the report presented. She described that each plan clearly articulates all the projects included are with current and previously appropriated funds and that is why there was \$0.00 rollover. Ms. Cox then addressed the administrative costs indicating that these are very labor intensive programs that require monitoring for many years but she will compare to other HUD programs to ensure an appropriate allocation. She then stated that they are not shifting

emphasis to economic opportunity, but more to infrastructure improvement which is a small part of the overall needs of the community.

- 8.F.** [14-0266](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of a Subordinate Taxable Limited Tax General Obligation and Public Improvement Fee Loan 2014A by the Copper Ridge Metropolitan District.

Carl Schueler, Senior Comprehensive Planner, described the details of the request for a second debt issuance which is required for Council approval. He stated it is a taxable, \$3 million commercial bank loan agreement, the standard of which is in compliance with the service plan and policy.

Alex Brown, Financial Advisor to the Metropolitan District, responded to questions from Council relative to the inclusion of the Public Improvement Fee (PIF) which is strictly a private covenant.

- 8.G.** [14-0274](#) A Resolution for the Solicitation of Public Comment as Part of the Ascertainment Phase Concerning Renewal of the Cable Television Franchise being Operated by Comcast of Colorado/Pennsylvania/West Virginia, LLC (locally known as Comcast), Soliciting Public Comment, and Scheduling an Initial Public Hearing for the Purposes of Identifying the City of Colorado Springs' Future Cable-Related Community Needs and Interests and Reviewing the Cable Operator's Past Performance under the Franchise.

Tom Florczak, Deputy City Attorney, briefed Council on the Comcast Cable Franchise resolution to set a public hearing date of August 12, 2014, to receive public comment for the renewal of the franchise agreement that is set to expire on November 7, 2015. He explained the requirement for a formal renewal process that involves three phases, the first phase of which is the Ascertainment Phase when the franchising authority must seek and obtain public input. Mr. Florczak explained the additional phases that would be performed prior to renewing the agreement, as well as additional information about the other cities' cable franchise arrangements and options. He indicated one of the biggest complaints from the public is typically over the franchise rates for which City Council has no control.

Councilmembers Martin, Miller, and Collins also expressed concerns about the potential increased franchise fees and the need to inform the public of the potential cable rate increase.

Deputy Chief of Staff Brett Waters stated that any recommendation to increase franchise fees would be the Mayor's decision which has not yet been determined. He described that the Executive Branch will work with Council on this issue prior to the item coming back for a vote.

Councilmember Miller asked for clarification on the requirement to exclude communication relative to a quasi judicial hearing and was concerned about an inconsistency compared with land use quasi judicial matters. Mr. Waters

requested the City Attorney's office provide a follow-up to clarify the management of ex parte communications for all quasi judicial hearings.

Councilmember Knight expressed a concern and wanted to understand why the Comcast and Falcon franchise fees go into a Special Revenue Fund and the Century Link fees go into the General Fund. He requested that Mr. Waters meet with the City's CFO for clarification and report back.

Meeting went into Recess - Meeting Reconvened

- 8.H.** [14-0281](#) Ordinance No. 14-35 approving a supplemental appropriation for Colorado Springs Utilities for the year ending December 31, 2014 for the purpose of funding external economic development organizations

Cindy Newsome, Manager of Colorado Springs Utilities' Office of Economic Development, described their request for approval of the supplemental appropriation for year ending December 31, 2014 for the purpose of funding external economic development organizations. With Council's approval at the following Regular meeting on Tuesday, June 10th, they would finalize the draft agreements to fund Colorado Springs Regional Business Alliance (RBA) in the amount of \$225,000; Colorado Springs Technology Incubator in the amount of \$50,000; and, Colorado Procurement Technical Assistance Center (PTAC) in the amount of \$5,000.

PTAC Executive Director, Gary L. Henry, provided a presentation illustrating the program's success over their four years of operations (2009-2013), their programs to support business development throughout the region, their budget, and data describing activities for 2014.

Technology Incubator CEO, Dr. Ric Denton, described a current economic development lag for Colorado Springs compared to other cities. He emphasized a need for entrepreneurial start-up activity in Colorado Springs in order to be competitive in attracting businesses. He highlighted the work of Technology Incubator to mentor technological business development and indicated that they have been underfunded resulting in a deficit for the outreach necessary to build the successes essential to the community.

Joe Raso, President and CEO of the Regional Business Alliance, provided a presentation to illustrate RBA's actionable 3rd QTR deliverables, their work to retain and help the existing industry base through partnership and outreach, a brand recognition campaign, and the return on investment of their partnership agreement aligning with Utilities' focus on core areas of increased revenues, load balancing, and best use of infrastructure. He described ways to engage Council inviting them to join in an annual Washington, DC trip, to participate in recommending solutions to partner with the state aerospace and defense sector, and work with them in efforts to retain the military missions in Colorado Springs.

Councilmember Knight commented that he would like to have quarterly updates provided to Council and for the public's benefit; he also requested that there be some help with identifying the specific individual events and activities

in which they should participate.

Councilmember Miller expressed his concerns relative to the RBA's political endorsements and, thus, stated he will not support the appropriation that includes the RBA.

Councilmember Bennett described that Council would not mind if Mr. Raso were to be direct with them on when and what meetings they should attend and confirmed there can be some spontaneity to allow their attendance to an event with short notice.

Councilmember Knight expressed concerns with a range of funds and requested a specific dollar amount be listed. President Pro Tem Bennett responded that they can include that specification in the motion at the Regular Council meeting when presented at the Regular meeting tomorrow.

8.I. [14-0252](#) Proposed ordinances relating to the elimination of certain business licensing fees, including excavation & concrete contractors' licenses and sales tax licenses.

Councilmember Collins presented her draft ordinance to eliminate business license fees, except for those related to medical marijuana and liquor licensing.. Extensive discussion ensued among the Councilmembers as to the pros and cons of approving the removal of the fees. At the end of the dicussion, Councilmember Knight stated he would be interested in keeping the escort and sexually oriented business fees intact due to the nature of those businesses.

Councilmember Snider recommended researching the topic further to adequately evaluate the underlying work and costs involved that originally created the need for the fees.

Councilmember Bennett agreed that they need to consider what the long-term implications would be. He recalled that the original, underlying need of the licenses was for public safety assurance.

Councilmember Martin explained that the fees are directly related to the costs. That should this ordinance pass, there would be no less work, still as much staff time and as many costs, and those costs would then be absorbed by the taxpayers.

Councilmembers Miller and Knight appreciated the effort to reduce the cost of doing business in Colorado Springs and stated they support the Councilmember Collin's work to produce the ordinance. Councilmember Knight stated there may be a need to tweak it slightly to adjust relative to the background check costs.

City Clerk Johnson described that as part of her department's 2014 break-through strategy, she has been conducting a thorough review of all business license types and requirements to ensure they are relevant and meeting the needs of the City. And also, in response to President King's suggestion for an electronic portal by which businesses could register, Ms.

Johnson stated that has been one of her desired implementations, however, at this time, there has not been financial resources to pursue the option.

President King stated he perceived this as the first of a three step approach to the issue, the next step being the City Clerk's initiated thorough review of all licensing types and fees, then thirdly, for the ones left, implementation of an electronic portal for on-line application and registration filings.

In closing, Councilmember Collins described this as an opportunity to think "*outside of the box*" and build a more business friendly environment for Colorado Springs.

- 8.J.** [14-0288](#) A resolution designating an independent auditor as required under section 3-160 of the Charter of the City of Colorado Springs

Denny Nester, City Auditor, described the resolution that will be brought before Council in two weeks for an independent auditor. He explained the history including the submission of the RFP, the audit committee review of the responses, and the top candidate. He indicated the contract has not been negotiated at this time, but would like to do so in order to bring the contract back with the resolution.

- 8.K.** [14-0294](#) A resolution abandoning, partially abandoning and transferring \$2,000,000 in funds from various General Fund accounts/projects and Capital Improvement Fund projects to the Information Technology operating department for remediation

Chief of Staff Cox described an immediate need for remediation for IT services to ensure a safe, efficient work environment including network redesign, backup recovery, archive, virtual services, and MS Office 365 implementation. To accomplish this, he described that a draw from the unrestricted fund balance is not preferred by the Executive Branch. They will be asking Council to approve, on June 24th, the redirection of funds through abandonment of some pre-approved, 2014 budgeted projects.

Councilmembers Miller and Knight requested to see to and from which of the 12 approved budgetary departments the funds would be transferred.

9. Items Under Study

10. Councilmember Reports and Open Discussion

President King questioned whether a Councilmember could introduce a ballot measure individually, or whether it required the approval by a majority vote of Council to do so. Clarification on the subject was provided by both Legislative Counsel Andrews and City Attorney Massey referring to City Code and Council Rules of Procedure. The subject related to a request by Councilmember Gaebler for the City Attorney's Office to draft a question to be placed on the November ballot concerning regulations for recreational marijuana sales in the City.

Councilmember Miller described a need to review the Council Rules and Procedures for any discrepancies that need to be fixed.

Ms Massey asked for clarification on what Council wanted the City Attorney's office to provide for consideration - a proposed regulatory scheme to put on the ballot, or the simple question. Consensus of Council agreed the simple question would be adequate. Ms. Massey stated they would bring that forward for consideration along with the ballot language for City Council's ability to directly hire and manage it's own staff.

Councilmember Knight described that the budget committee had met and discussed ways to address the Mayor's letter relative to the Electrical Cost Adjustment increase. He requested an opportunity to discuss at tomorrow's staff planning session. Consensus of Council approved the request.

11. Adjourn