



## Meeting Minutes Council Work Session

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Monday, April 7, 2014

1:00 PM

Council Chambers

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1. Call to Order

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

2. Changes to Agenda

3. Regular Meeting Comments

4. Review of Previous Meeting Minutes

**4.A. 14-0125** March 24, 2014 Work Session Minutes

*Councilmember Knight requested that the Minutes of the March 24, 2014 Work Session be revised to note that he responded "no" to the first two items scheduled for Closed Executive Session and "yes" for the second two.*

5. Executive Session

A) Open

**5A.1. 14-0131** Ryan Stefan v. Charles Hackmeister [sic] Hachmeister,  
Case No. 1 4-c-535, County Court of El Paso County

*As recommended by the Civil Action Investigation Committee and pursuant to the Colorado Governmental Immunity Act and the Peace Officers Liability Act, consensus of Council approved the representation of Officer Lieutenant Hachmeister.*

B) Closed

**5B.1. 14-0126** 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 negotiation consultation with the City Attorney regarding a pending litigation matter.

*President King requested that City Attorney Massey work to ensure the topics identified in Closed Executive Session legal notices be as clear as possible for the public's consideration.*

*Consensus of Council approved entering into Closed Executive Session by of a vote of 7-2. Councilmembers Miller and Collins voted no.*

## 6. Staff and Appointee Reports

### 6.A. 14-0094 Agenda Planner Review - Eileen Lynch Gonzalez, City Council Administrator

*Councilmember Knight asked Kara Skinner, CFO, for further explanation of the \$70,669 appropriation request for the Bike Tax Fund scheduled for presentation at the April 21st Work Session. He recalled that there was an end of year balance of \$14,000 in the reserve and asked if we have received more money than expected. Ms. Skinner stated she will need to verify the information and get back to him.*

## 7. Presentations for General Information

### 7.A. 14-0124 City for Champions Project Update - Bob Cope, Principal Analyst

*Bob Cope, Senior Business Climate Specialist, provided an update on City for Champions and the supplemental information that was sent to the Colorado Economic Development Commission on March 28, 2014. (A copy of the supplemental information sent to CEDC was given to Council.) Mr. Cope and Legislative Counsel Andrews responded to questions presented.*

## 8. Items for Introduction

### 8.A. 14-0023 A Resolution Approving the Intergovernmental Agreement of the Colorado Information Sharing Consortium between the City of Colorado Springs and the Adams County Sheriff's Office, the Arapahoe County Sheriff's Office, the City of Aurora, the Colorado Department of Public Safety of the State of Colorado, the City of Commerce City, the City and County of Denver, the Douglas County Sheriff's Office, the City of Grand Junction, the Board of County Commissioners of the County of Jefferson, and the Board of County Commissioners of the County of Mesa, Colorado - Peter Carey, Police Chief

*Colorado Springs Police Chief Pete Carey overviewed the IGA. He described there was no financial commitment involved and the IGA sets up an agreement to have someone oversee the information sharing system. In response to Councilmember Knight's inquiry as to any future financial commitment, Chief Carey responded if needed they would work it into their budget, but acknowledged there may be other outside resources available they could first consider.*

**This Resolution was referred to City Council for April 22, 2014.**

### 8.B. 14-0032 An Ordinance Adding New Sections to the Code of the City of Colorado Springs Pertaining to Exercise of and Restrictions Upon the Use of the Power of Eminent Domain to Acquire Property - Councilmember Miller

Sponsors: Miller

*Councilmember Miller gave an overview of the proposed ordinance describing he had worked with the City Attorneys' Office, the Institute for Justice, outside counsel, and other groups to research and draft the proposed ordinance. He stated one new*

*inclusion in this draft is intended to tighten down the definition of "blight" as a factor in an eminent domain action. Councilmember Bennett asked if there were examples of eminent domain having been used in Colorado Springs for economic development. Councilmember Miller responded he is not aware of an example of eminent domain having been used in the city for economic development, but stated the ordinance is important since even the threat of use is not compatible with strong property rights. There was extensive discussion among Councilmembers and many requested a delay, for at least for two weeks, to further review, gain additional input, and research the topic. Councilmember Miller expressed it was his desire to have the first vote at the Regular Session, tomorrow, and emphasized there was a need to accelerate the approval on the matter due to impending activity of which he had been informed.*

- 8.C. 14-0068** A resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of Series 2014B limited tax general obligation bonds by the Banning Lewis Ranch Metropolitan District No. 2. (Planning & Development - Carl Schueler)

*Carl Schueler, Comprehensive Planning Manager, provided an overview of the item stating it will be brought forward under "New Business" for the April 22, 2014, Regular Council meeting. In response to Councilmember Martin's question, Mr. Schueler stated that this request acknowledges the maximum debt service on the property and stated that it does not increase taxes on the properties as they are right now. Councilmember Knight expressed concern about the statement under Section 5 of the Resolution and asked that the term "...District 2 shall not be obligated under any circumstances..." be changed to read "... District 2 shall not be allowed under any circumstances..." Mr. Schueler agreed to the change.*

*Matt Dalton, Attorney for the Applicant, answered further questions from Council as they related to the mill cap, developer investment and bank loan background.*

*Councilmember Bennett left the meeting at 3:47p.m.*

**This Resolution was referred to City Council for April 22, 2014.**

- 8.D. 14-0078** Ordinance No. 14-24 amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$2,000,000 for the purpose of roadway repairs.

*Chief of Staff Steve Cox introduced the request for a supplemental appropriation. Kathleen Krager, Transportation Planning Manager, explained the funding and accounting processes for PPRTA projects. She stated PPRTA funds are used for the local match for grants and explained on-going maintenance programs happen every year describing guard rail replacement as an example. A PowerPoint slide was provided that illustrated the encumbrance system of the 2013 carryover funds for maintenance projects. Corey Farkas, Streets Division Manager, overviewed how the Streets Division uses PPRTA money for street repair. Ms. Skinner explained the funding breakdown of the request. Joel Miller inquired to which department the funding would be appropriated. Ms. Skinner and Mr. Cox responded the funds would go to Public Works.*

- 8.E. 14-0081** An ordinance amending Sections 102 (Definitions), 106 (Animals Kept on Premises; Sanitary Requirements), and 110 (Specific Animals Prohibited; Exceptions) of Article 7 (Regulation of Animals - General Provisions), adding Section 108 (Registration of Hoofed Pets) to Article 8 (Regulation of Animals - Dogs and Cats), and

amending Section 102 (Hoofed Animals Kept On-Premises; Zoning Requirements) of Article 9 (Regulation of Animals - Hoofed Animals), all of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to hoofed pets. (Councilmember Gaebler)

**Sponsors:** Gaebler

*Councilmember Gaebler provided background for the ordinance to allow hoofed pets in Colorado Springs. Monycka Snowbird, an owner of hoofed pets, described positive impacts to individuals, families and to the community if ownership of these type of animals within the city limits were allowed. Peter Wysocki, Planning and Development Director, provided history of the Planning Commission's response when the ordinance was presented at their work session. He clarified the ordinance would not override neighborhood covenants or deed restrictions. Britt Haley, City Attorney - Corporate Division Chief, provided a legal overview of the drafted ordinance.*

**The ordinance was referred to City Council for May 13, 2014.**

- 8.F. 14-0091** An Ordinance Creating a New Part and Amending a Section of the Code of the City of Colorado Springs, Pertaining to Funeral Escorts - Councilmember Martin

*Postpone for two weeks at the request of Councilmember Martin.*

**This Ordinance was referred to the Council Work Session due back on 4/21/2014**

- 8.G. 14-0121** Review of Water Shortage Tariff Draft Decisions and Orders - Chris Bidlack, City Attorney's Office

*Utilities Attorney Chris Bidlack presented the draft Decisions and Orders as a result of the Public Hearing at the Regular Council Meeting held on March 25, 2014. At that meeting, eight Councilmembers were present with Councilmember Gaebler absent. There were two versions of the recommended changes presented, one presented by Utilities staff and the other presented by the Finance Committee. At the March 25th meeting, Council was to determine on which they would direct Mr. Bidlack to prepare the Decisions and Orders. Council was split by a vote of 4 to 4 on the motions for each recommendation. Therefore, the item was to be brought forward at today's Work Session to obtain consensus of Council for their direction on which recommendation the Decisions and Orders would be prepared and presented. Councilmember Gaebler stated she preferred the Staff recommendation; thus, the consensus of Council approved this to be presented for a vote at tomorrow's Regular City Council Meeting.*

## 9. Items Under Study

*There were no Items Under Study presented.*

## 10. Councilmember Reports and Open Discussion

*Councilmembers Snider and Martin requested authorization to participate in a business related trip to Salt Lake City. President King approved the request. Councilmember Collins requested a report be provided on the trip afterwards.*

*In regard to the Attorney-Client privileged work product discussed during the introduction of Agenda Item 8.B. (an ordinance amending City Code relative to eminent*

domain), Legislative Counsel Andrews stated the City Attorney needed a 5-4 majority approval to allow the release of the legal work product. Consensus of Council approved the release to the public of the material.

Councilmember Snider asked about the staff position that Council is trying to fill and expressed concerns about temporary staffing. President King explained how the process developed. Councilmember Martin clarified the need for hiring processes and supervisory responsibilities for Council staff.

## 11. Adjourn