



# 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,  
beginning at 1:00 p.m.*

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Monday, August 11, 2014

1:00 PM

Council Chambers

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### 1. Call to Order

**Present** 8 - President Pro Tem Merv Bennett, Councilmember Helen Collins, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Joel Miller, Councilmember Andy Pico, and Councilmember Val Snider

**Excused** 1 - Councilmember Jill Gaebler

### 2. Changes to Agenda

There were no Changes to the Agenda.

### 3. Regular Meeting Comments

Councilmember Pico welcomed a new grandchild last week.

Councilmember Martin recognized Jim Breeden who passed away last week. Mr. Breeden made significant contributions to this community and will be greatly missed.

Councilmember Martin read a letter from Councilmember Gaebler in support of Council including a recreational marijuana question on the April 2015 ballot.

### 4. Review of Previous Meeting Minutes

Councilmember Knight requested changes to the minutes on agenda item 8.E. in reference to donations from the CSHF being allocated within the City and to government authorities rather than charitable donations.

#### **4.A. 14-0448** City Council Work Session Minutes July 21, 2014

Consensus of Council approved the minutes of the July 21, 2014 Work Session as amended.

### 5. Executive Session

#### A) Open

Consensus of Council agreed to provide legal counsel for these two cases.

- A)A. 14-0445** American Family Mutual Ins. Co. v. Mary C. Walsh and the City of Colorado Springs, Case No. 14C040839
- A)B. 14-0446** Candice Bridgers v. City of Colorado Springs; Kara Skinner; Michael Sullivan; and John Does 1-3; Case No. 14-cv-01483, U.S. District Court for the District of Colorado

Councilmember Miller questioned the EEOC's timeline for issuing their findings in the second case. David Andrews, Legislative Counsel, responded that the Plaintiff had the right to contact the EOC and offered a reminder that Council does not have any control over EEOC actions.

**B) Closed**

- B)A. 14-0447** 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 is to provide an update on the PERA litigation.

President King polled the Councilmembers regarding the Closed Executive Session, consensus of Council agreed to proceed with the discussion in Closed Session. Councilmember Collins voted no.

Meeting went into Recess

Meeting Reconvened

**6. Staff and Appointee Reports**

- 6.A. 14-0102** Agenda Planner Review

The Mayor's appointment of a Director of Public Works/City Engineer will be included on the August 26, 2014 agenda.

The Colorado Springs Utilities electric cost adjustment due to bringing Drake Power Plant unit 7 back into operation is tentatively scheduled for September 9, 2014.

Councilmember Bennett stated the planned September 9, 2014 Jones Park agenda item is also tentative.

**6.B. 14-0504** City for Champions Update

Bob Cope, City for Champions Project Manager, provided a brief update.

A draft of the resolution agreement is to be presented to the EDC Thursday, August 14, 2014 with a goal of presenting the final draft on September 11, 2014.

The next public meeting will be August 19, 2014 at the 21C Library from 5-6:30 pm. Councilmember Miller commented on the positive aspects of the new format and asked who would be running the meeting. Mr. Cope responded that they expect much better attendance due to the new format and explained that the meeting would be run by the same collaboration as previous meetings.

Councilmember Miller requested a copy of the draft agreement. David Andrews, Legislative Counsel, stated the document is under negotiation and will be made public after the EDC has reviewed it.

**7. Presentations for General Information**

**7.A. 14-0438** Economic and Community Development Impact of Arts Organizations

Nechie Hall, former Interim CEO of the Fine Arts Center, presented strategies to move this City forward as a bright vibrant environment that attracts employers and employees. Ms. Hall stated arts, culture and tourism are the brand base of this City and stressed the positive impact arts can have on a community. David Dahlin, the new CEO of the Fine Arts Center, continued the presentation including how this community was founded on arts and culture and expressed his desire to reinstate Colorado Springs as an arts center.

Councilmember Martin asked Mr. Dahlin if specific action was being requested from City Council. Mr. Dahlin replied they are looking for

general support. Councilmembers Snider, Bennett, and King expressed appreciation for the arts in this community.

Councilmember Miller expressed his appreciation for the arts programs and questioned if research has been done to analyze what attracts visitors to the area from an arts perspective. Mr. Dahlin responded that they have not done that type of research.

**7.B. 14-0509** Report on visit to City of Colorado Springs' Sister City of Ancient Olympia, Greece

Councilmember Bennett provided an overview of his recent trip to Ancient Olympia, Greece to sign an agreement between Colorado Springs and Ancient Olympia to become Sister Cities. Councilmember Bennett introduced Harris Kalofonos with USA Wrestling who provided an overview of the activities of the trip. Mr. Kalofonos reminded Council of the desired outcomes of becoming Sister Cities with Ancient Olympia. One of the planned programs is to send a young ambassador to Ancient Olympia from Colorado Springs to participate in the Olympic Torch lighting ceremony every two years. Other planned activities include the development of a Colorado Springs City gate in Olympia and information on the City website about the Sister City relationship.

## 8. Items for Introduction

**8.A. 14-0340** A Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at Special Municipal Election as part of a coordinated election to be held on Tuesday, April 7, 2015, the question of whether the City shall authorize, regulate, and license the lawful operation of retail marijuana establishments and retail marijuana-related facilities within the City, and if so, requiring the City Council to repeal ordinance no. 13-47 pertaining to the growing and selling of retail marijuana, to pass an ordinance establishing a moratorium on the licensing of retail marijuana establishments until October 1, 2016, for the purpose of studying and enacting one or more ordinances authorizing, regulating, and licensing the lawful operation of retail marijuana establishments and retail marijuana-related facilities within the City, and providing for the form of ballot title, providing for certain matters with respect to the election, and providing the effective date of this resolution

Councilmember Martin introduced the discussion on this agenda item pointing out that there is an active community advocating legalized recreational marijuana in Colorado Springs. Councilmember Martin went on to explain that Council choosing to include this issue on the ballot will

allow Council to maintain control of marijuana regulation.

President King passed out a draft ballot resolution. David Andrews, Legislative Counsel, explained the differences between the original and this draft of the resolution and made some suggestions to help the resolution move forward smoothly.

Councilmember Martin suggested a task force be formed to do the groundwork.

Sarah Johnson, City Clerk, requested the wording be changed to include the election results certification date. Ms. Johnson also requested the City Clerk's office be involved in the task force to lend the expertise and experience gained from licensing Medical Marijuana.

Councilmember Knight asked how to ensure the process would include City Council having continued authority on the regulation of retail marijuana sales and distribution. Mr. Andrews informed Council he is researching a similar situation in Fruita, Colorado and using their ballot language as an example.

President King explained that the draft he presented today, which includes a general statement to include this on the April ballot, should be able to be approved by Council today with further discussion about the ballot language taking place in a future meeting.

Councilmember Martin stated that what she remembers from the last Council discussion is that the majority of Councilmembers support having citizens vote on this issue. Councilmember Snider stated he feels Council needs to move forward with something general and figure out ballot language details at a later date. Councilmember Martin suggested President King be given two weeks to work with Councilmember Gaebler on the resolution and ballot language. Mr. Andrews suggested the actual ballot language be considered at a later date and that Council agree on a general intent to include this issue on the ballot at this time.

Ms. Johnson emphasized the importance of timing on a Council referral on this issue, clarifying the required deadlines and the possibility of triggering a special election. Mr. Andrews will research and report back to Council on the timeline.

Councilmember Knight requested the taxation question be included in the ballot language initializing recreational marijuana sales.

Councilmember Miller questioned the feasibility of linking regulation and taxation in a ballot question. Mr. Andrews said the attorney's office would look at TABOR requirements and consider how this could be accomplished. President King suggested the attorney's office look at how Denver had worded their ballot.

Eileen Gonzalez, City Council Administrator, requested clarification on how Council desires to move forward based on the discussion.

Councilmember Martin suggested this is two separate decisions, Council choosing to move forward with placing this on a ballot or letting citizens place this on the ballot. Councilmember Martin suggested the attorney's office work with President King and Councilmember Gaebler to develop a new resolution to be presented to Council at the August 25th meeting. Councilmembers Knight and Snider expressed concern about the proposed time-frame providing enough time for consideration by all parties involved.

Councilmember Martin requested Council do a better job of bringing completed documents to meetings to increase efficiency and reiterated that the resolution needs to consider timing to avoid a special election and include the taxation.

This agenda item was postponed to the Work Session August 25, 2014.

**8.B. 14-0395** BID Model Operating Plan and Budget  
(Legislative Matter)

Carl Schueler, Comprehensive Planning Manager, presented a Model BID and Operating Plan standard template.

Councilmember Collins requested a breakdown of existing improvement districts by type and number. Mr. Schueler stated there are about 80 districts and he will provide a definitive breakdown of the districts in the Work Session October 13, 2014.

Councilmember Knight asked if there is a way to accelerate the PIF budget presentation due to the number of budgets that will be presented in the same time-frame. Mr. Schueler replied that there are State statutes governing the formal presentation of the budgets and that the information presented on October 13, 2014 will not be voted on until

October 28, 2014. Councilmember Knight reiterated that those dates coincide with the CSU and City Budget proposals and requested Council have the information sooner than October 13th.

**8.C. 14-0412** An Ordinance Establishing 2015 Operating and Occupancy Rates for Non-Signatory Airlines and Other Users at the Colorado Springs Municipal Airport

Dan Gallagher, Director of Aviation, provided a brief explanation of the changes included in the ordinance. Councilmember Bennett requested a definition of signatory and non-signatory airlines. Mr. Gallagher explained that the non-signatory airlines have not signed a long-term lease agreement and are paying higher prices to use the airport facilities.

Councilmember Knight asked if the rents for the vendors in the airport will be increased, Mr. Gallagher provided clarification of how rents are calculated. Councilmember Knight requested a comparison between 2014 fees and the proposed fees for 2015. Mr. Gallagher responded that the fees are not changing but being restructured. Mr. Gallagher will provide Council with a breakdown of fees.

Councilmember Miller asked for clarification on the signatory rates and non-scheduled flights and the repercussions of charging more negating the incentive to use the facility. Mr. Gallagher explained how they are attempting to change the agreement to make using the COS airport more attractive to airlines. Councilmember Miller asked if there are advantages offered to signatory airlines. Mr. Gallagher responded that is regulated by the FAA. Councilmember Miller requested clarification on how FedEx would use a "hold" room, the area in the airport associated with the jet-bridge. Mr. Gallagher explained how the expense of leasing the hold rooms can be cost prohibitive to airlines and how they are looking at legal options to alleviate these costs. Mr. Gallagher also explained that since FedEx is a signatory cargo freight operation, their lease is for landing space and does not include a hold room.

Councilmember King asked if companies leasing space at the airport pay real estate tax. Mr. Gallagher provided an explanation of how taxes are based on agreements.

**8.D. 14-0444** An Ordinance Amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the Subdivision Storm Drainage Fund in the Amount of \$2,000,000 for the Purpose

of Reimbursements to Developers for Eligible Major Drainage Improvements

Kara Skinner, Chief Financial Officer, provided an overview of the request for supplemental funding to reimburse development companies for completed eligible drainage improvement projects, explaining that the funds are provided by developers.

Councilmember Miller requested clarification on how the how the city benefits from having developers complete these projects. Tom Bonifas, with City Engineering and Development Review and Storm Water Section, explained that this program is a way to have public infrastructure provided by developers and also allows developers to defray some of their development costs. Mr Bonifas also explained that developers can often complete drainage projects exceeding requirements at a lower cost than the City could.

Councilmember Miller brought up the recent issues with storm water and drainage and suggested that the system may be faulty. Mr Bonifas responded that they are working to improve the system.

**8.E. 14-0506** A resolution of the City Council of the City of Colorado Springs concerning the retention of outside legal counsel

Councilmember Snider requested this discussion be postponed to the August 25, 2014 City Council Work Session due to time constraints today. Consensus of Council agreed to this postponement.

9. Items Under Study

There were no items Under Study.

10. Councilmember Reports and Open Discussion

There were no Councilmember Reports or Open Discussions.

11. Adjourn

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

Sarah B. Johnson, City Clerk