



City of Colorado Springs

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

Meeting Minutes Council Work Session

City Council meetings are broadcast live on Channel 18.

Monday, December 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 8 - President Pro Tem Merv Bennett, Councilmember Helen Collins, Councilmember Jill Gaebler, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Andy Pico, and Councilmember Val Snider

2. Changes to Agenda

Eileen Gonzalez, City Council Administrator, explained the original version of the agenda was changed to remove an unnecessary Utilities Public Hearing Item that was previously tabled.

Councilmember Gaebler stated she will call agenda item 5.B.C., the Livewell Colorado HEAL resolution, off the Consent Calendar for tomorrow.

Councilmember Martin stated she will call agenda item 5.A.B., a zoning map change, off the Consent Calendar for tomorrow.

President King stated the Jones Park item will be postponed to the January 12, 2015 Work Session.

3. Regular Meeting Comments

Councilmember Knight stated there has been a request to postpone the Public Hearing relating to the Calvary Worship Center scheduled for tomorrow to the January 13, 2015 City Council meeting and requested clarification on the appeal postponement process. If the item will be postponed, he would like to inform the parties involved in the discussion prior to the meeting tomorrow. Bret Waters, Deputy Chief of Staff, stated the postponement was requested by the church and the neighbors have no opposition to the postponement.

4. Review of Previous Meeting Minutes

Councilmember Collins asked that her request to see the State law allowing counties to own property outside of their boundaries and examples of such be included in the meeting minutes.

4.A. 14-0755 City Council Work Session Meeting Minutes November 24, 2014

5. Executive Session

A) Open

A)A. 14-0754 The Properties 2729 & 2920 N. Prospect St., et al. v. City, et al.; 2014CV33278

Consensus of Council agreed with the recommendation of the Civil Action Investigation Committee to authorize the City Attorney's Office to represent the City and named officers as required by the Colorado Governmental Immunity Act and the Peace Officers Liability Act.

B) Closed

There was not a Closed Executive Session.

6. Staff and Appointee Reports

6.A. 14-0111 Agenda Planner Review

Eileen Gonzalez, City Council Administrator, reminded Council there will not be another regular City Council meeting after tomorrow until January 2015. There is a special session scheduled December 15, 2014 to fill the vacant Council seat.

6.B. 14-0766 City Attorney's Office briefing on appeal options and process relating to a planning & development issue.

Wynetta Massey, City Attorney, explained Council had been provided a copy of a confidential memo explaining the appeal process.

Councilmember Knight asked why City Code allowing citizens to appeal planning decisions through City Council were not applicable in this situation. Ms. Massey explained that per City Code, an appeal has to be filed within ten days of the planning decision and in this situation, the ten day limit to file an appeal was not met. Ms. Massey suggested the parties involved be advised to seek legal counsel.

7. Presentations for General Information

7.A. 14-0631 University of Colorado Health (UCH) Annual Update on Memorial Hospital Lease & Affiliation Agreement

George Hayes, President and CEO Memorial Hospital, presented an update on the financial status of the hospital.

Councilmember Knight asked how the transition to Children's at North and the Level I Trauma designation at Central will work in correlation with each other. Mr. Hayes stated there will be no conflict as additional room is not required for the trauma center.

Greg Raymond, Regional VP for Southern Colorado Children's Hospital, added additional insight to the development of Children's Hospital services in conjunction with University of Colorado Health.

Councilmembers Gaebler and Martin expressed appreciation for the work being done, especially the charitable care provided.

Councilmember Martin requested the information presented today be made available on the City Website.

Councilmember Bennett stated the work done with these hospitals has been the highlight of his Council term and introduced Elizabeth Concordia, CEO, University of Colorado Health.

President King asked how Memorial Hospital and Children's Hospital have been affected by the Affordable Care Act. Mr. Hayes stated Memorial Hospital is starting to see an improvement in the percentage of insured patients. Mr. Raymond stated the effect on Children's Hospital has been minimal because most children were already covered by Medicaid.

7.B. 14-0740 Cradle to Career Task Force Update

Carrie McKee, Executive Vice President, Pikes Peak United Way, provided an overview of the Cradle to Career program and explained how the organization formed a task force to help identify community needs. Ms. McKee shared the problems identified by the task force and the organizations goals to improve community education and employment opportunities.

President King asked which technical positions represent the greatest job opportunities in the city. Pikes Peak United Way President Jason Wood explained the needs in the marketplace and how the organization is working to provide training and education to fill these positions.

President King expressed interest in providing internships for students to help them have opportunities to develop career skills. Mr. Wood confirmed this is one of their goals.

Councilmember Snider expressed appreciation for the work being done and requested United Way do more to promote this program.

8. Items for Introduction

- 8.A. 14-0705** Request for approval of Decisions and Orders and Resolution setting electric rates within the services areas of Colorado Springs Utilities

Ken Burgess, CSU, Attorney, explained a minor date change that will be made to this document prior to the vote tomorrow.

Councilmember Knight thanked Mr. Burgess for the work done to try to make the wind tariff effective in January 2015 even though it cannot be accomplished.

- 8.B. 14-0764** Request for approval of Decisions and Orders and Resolution regarding changes to Utilities Rules and Regulations

See comments in agenda item 8.A.

- 8.C. 14-0682** A resolution authorizing the donation of the property known as Jones Park to El Paso County, Colorado

David Andrews, Legislative Counsel, explained the process that the City Attorney's Office went through to develop the resolution to transfer the property to El Paso County.

Councilmember Gaebler asked if there are stipulations preventing the property from being divided into separate parcels; Mr. Andrews confirmed the property will be kept intact. Councilmember Gaebler also asked about the use of motorized vehicles within the park being prohibited. Mr. Andrews stated there are some proposed trails for motorized vehicles on the property which are within NEPA requirements, adding restrictions would be placed on the property appropriately. Mark Shea, Planning Supervisor for CSU outlined the proposed uses of the

property, including a new motorized trail that is included in the NEPA process.

Councilmember Martin asked how many motorized vehicle trails will be included on the property versus what is currently there. Mr. Shea stated the new plan includes a slight decrease in the amount of motorized trails.

Councilmember Martin asked about the voluntary status of the NEPA requirements. Mr. Shea stated CSU is committed to following the NEPA process and requirements and this commitment will follow the property if transferred to the County.

President King asked how the language in the resolution relating to the property being returned to the City if the terms of the agreement were not followed was derived. Ms. Massey stated this language was included in the draft per her office's understanding of discussion with Council and added the language can be changed to more closely reflect the desires of Council.

President King asked about the intentions of the conditions and restrictions included in the resolution. Mr. Shea stated these are included based on existing agreements and to protect the interests of the City.

Mr. Andrews explained there are a range of options available as to how the resolution can be drafted to protect the property and the interest of the City, adding the County has expressed concerns about the reversion clause included in this version of the resolution. Amy Folsom, County Attorney, explained the concerns the County has about the language in the resolution and explained the County and the City have the same priority to focus on the best interest of the property adding the County does not feel the reversion clause language is necessary.

Councilmember Bennett agreed with Ms. Folsom that the reversion clause language can be softened and still achieve the desired result.

Ms. Massey asked if Council wants to maintain the conservation easement. Discussion ensued between Council, Mr. Shea and Mr. Andrews about the level of control Council would like to retain over of the property.

Councilmember Bennett suggested the City and County attorneys discuss the transfer, re-write the document and present it to Council as an agreement between the entities. Ms. Folsom expressed the County's desire to write an elegant first right of refusal, and to ensure the County has control of the conservation easement to prevent interference with work done on the property.

- 8.D. 14-0714** A resolution authorizing the acquisition of property owned by Robert W. and Diana Y. Duncan to be used for the Woodmen Road Corridor Improvements Project (Phase 2).

Mike Chaves with City Engineering provided an overview of the proposal to acquire a parcel of property to house a needed retention pond. Consensus of Council agreed to place this on the Consent Calendar at the January 13, 2015 meeting.

- 8.E. 14-0752** The Mail Ballot plan for the April 7, 2015 General Municipal Election and possible May 19, 2015 Mayoral Runoff Election

Sarah Johnson, City Clerk, reviewed the details of the mail ballot plan which requires City Council approval per City Code.

Councilmember Knight asked if the last day to canvass returns is the same as the election certification and Ms. Johnson stated the canvass date on the calendar is the last date to certify and that managing the timeframes has not been a problem in the past.

- 8.F. 14-0341** An ordinance submitting charter amendments to the electors of the city for the general municipal election to be held April 7, 2015 relating to legislative and other staff of the City Council, providing for the form of ballot title, providing for certain matters with respect to the election and providing the effective date of this ordinance

Ms. Gonzalez stated she has a draft of the Charter amendment which will re-align the reporting structure of the employees, removing Council staff from reporting to the City Auditor and having them report to the City Council Administrator. Ms. Gonzalez also related concerns about the pay structure of the City Council Administrator position and the budget it would be included in.

Councilmember Snider stated having employees report to the Auditor keeps things streamlined and prevents the need for developing an additional management position though he appreciates the arguments on the other side.

Councilmembers Martin and Collins stated they believe the auditor

should be kept at a distance from employees to maintain the integrity of the auditing position.

Ms. Massey stated neither the Auditor nor the City Council Administrator will report to the Mayor under either version of the agreement.

Councilmember Snider stated he feels Council needs to more carefully consider the pros and cons of both arrangements.

President King commented on the importance of the title of an initiative related to how voters vote and stated he prefers the new title over the previous one. Ms. Massey explained how the law defines how title language can be written and how this title better follows the requirements of the law.

Councilmember Gaebler suggested Council consider the implications of making the City Council Administrator an at will employee.

Bret Waters, Deputy Chief of Staff, stated the Mayor has requested Council consider a holistic approach to Charter amendments and forming a Charter review commission.

President King suggested this discussion be postponed to allow the Colorado Municipal League to review the proposal. Consensus of Council agreed to postpone this item to the January 12, 2015 Work Session.

- 8.G. 14-0732** An ordinance submitting a charter amendment to the electors of the City for the general municipal election to be held April 7, 2015, relating to detailed budget preparation, appropriation, and budget administration matters, providing for the form of ballot title, providing for certain matters with respect to the election and providing the effective date of this ordinance.

President King stated there are two drafts of this proposal, one created by the City Attorney's Office and one drafted by Councilmember Knight.

Councilmember Collins commented about the timeliness of documents and reiterated a request that Council and the public be provided documents in advance of meetings.

Councilmember Knight stated he will move to postpone this item in the meeting tomorrow due to the differences in the drafts Council needs to consider. He also explained how the delivery of the draft from the City

Attorney's Office prompted him to draft his version and explained the changes he made to the document in his proposal, adding that the late presentation of this document was due to the delivery time of the Council packets. Councilmember Knight suggested he and another Councilmember meet with the City Attorney's Office to discuss changes to the document based on Council's desire to be clear and concise.

Councilmember Knight addressed comments published in a Gazette article about this proposed budget process and presented an overview of how the national budget operates adding that this charter amendment aligns the city with how the national budget process works.

After additional discussion about the desires of Council, consensus of Council agreed to have an updated proposal prepared for Council to consider in the January 12, 2015 Work Session.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

President King shared his plans to read a statement tomorrow about the line item veto process. He provided council with draft copies of a document stating his opinion as to why it is imperative for council to override the Mayor's vetoes on the City budget. He also expressed concern about the Mayor's statement that a veto override by Council would be unenforceable.

Councilmember Bennett briefed council about the lease agreement with University of Colorado Health and Memorial Hospital, stating the agreement included the establishment of a joint nominating committee to establish a local board and informed Council he will be meeting with Ms. Massey to begin discussing the process of replacing some members of the local board, which will be necessary late next year.

Councilmember Knight stated there are three different versions of the downtown stadium ordinance to be discussed in the meeting tomorrow and confirmed Council had received the one he drafted.

11. Adjourn

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

Sarah Johnson
City Clerk