



# 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. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.*

---

Monday, January 25, 2016

1:00 PM

Council Chambers

---

### 1. Call to Order

In the absence of Council President Bennett and Council President Pro Tem Gaebler, the meeting was called to order by City Clerk Sarah Johnson. Council followed Council Rule 1-1(D)(2) and voted to elect Councilmember King as the temporary presiding officer for this meeting.

### 2. Changes to Agenda

There were no changes to the agenda.

### 3. Regular Meeting Comments

David Andrews, Legislative Counsel, stated one of the Closed Executive Session items has been removed from the agenda for tomorrow.

### 4. Review of Previous Meeting Minutes

#### 4.A. [16-00070](#) City Council Work Session Meeting Minutes January 11, 2016

Councilmember Knight requested his comment about not supporting the proposed operation mil levy on the BID for agenda item 8.L. Creekwalk Marketplace be added to the minutes.

The Meeting Minutes were approved as amended.

### 5. Executive Session

#### 5A. Open

#### 5A.A. [16-00042](#) Amaro Montemayor v. City of Colorado Springs, David Lethbridge, individually, and Corey Farkas, individually, Case No. 15-cv-02619, in the United States District Court for the District of Colorado

Consensus of Council agreed with the recommendation of the Civil Action Investigation Committee to represent the individually named

Defendants, David Lethbridge and Corey Farkas, in the lawsuit as required by the Colorado Governmental Immunity Act, C.R.S. § 24-10-110, and City Code § 1.4.302, reserving the City's right not to pay any amount of punitive damages.

### **5B. Closed**

There was not a Closed Executive Session.

## **6. Staff and Appointee Reports**

### **6.A. [15-00769](#) Financial Report - Memorial Health System Enterprise**

There were no questions or comments on the Memorial Health System Enterprise financial report.

### **6.B. [15-00758](#) Financial Report - City of Colorado Springs**

Charae Moore, Budget Manager, provided an overview of the financial report and explained the City uses accrual based accounting and the financial report will continue to reflect receipts and expenditures from 2015 into the New Year. The goal is to have the books for 2015 completed by the end of February.

### **6.C. [15-00781](#) Agenda Planner Review**

Eileen Gonzalez, City Council Administrator, stated the agenda planner is included in the Council packet.

Councilmember Knight provided an update on the proposed Medical Marijuana Consumption Club Issue. The draft ordinances will be presented to the Planning Commission in February. Councilmember Knight will hold a public town hall meeting to discuss this item following the February 22, 2016 City Council Work Session. The ordinances will be presented to Council for approval in March.

## **7. Presentations for General Information**

### **7.A. [16-00040](#) Colorado Springs School District 11 Vision 2030 Plan**

Dr. Nicholas Gledich, Superintendent of Schools, School District 11, and Glen Gustafson, CFO, School District 11, presented a summary of the achievements, challenges and needs of the district. These needs include recruiting talent to fill 40 open positions in the district which has been difficult due to lower salary rates than comparable districts and the number of students in the free or reduced lunch program.

Councilmember Collins stated school funding is not cut due to TABOR but school budgets are affected by Tax Increment Financing.

**7.B.**    [15-00689](#)        Proposed 2016 Transit Service Changes

Craig Blewitt, Transit Services Manager, provided a summary of the proposed services changes, funding and process. Brian Vitulli, Transit Planning Supervisor, provided detailed information about the proposed service changes and how they were derived.

Councilmember Collins requested the department monitor Route 35 servicing Pikes Peak Community College and the new Walmart facility across the street as recent development in that area may increase transit needs.

Councilmember Strand asked if there is a long-term master plan for developing a new downtown terminal and transfer stations throughout the City. Mr. Vitulli stated the department is starting a study to determine the best location for a new downtown terminal and is working to improve route frequency and service.

Councilmember Knight stated he has initiated discussion with the Colorado Springs Health Foundation about providing transit service to the new Children's Hospital planned for the north side of town.

Councilmember King asked about college students riding buses. Mr. Vitulli stated PPCC has a fair amount of students using the transit system and UCCS is working to improve ridership of their students.

**7.C.**    [16-00078](#)        Proposed Land Exchange between the City of Colorado Springs and the Manitou and Pike's Peak Railway Company, COG Land and Development Company, PF LLC, and The Broadmoor Hotel, Inc., collectively referred to as "Broadmoor"

Karen Palus, Director of Parks, Recreation and Cultural Services, shared information about an opportunity to achieve several goals of the Parks Master plan through this proposed land exchange. Ms. Palus also explained the process the proposal will follow.

Councilmember Murray asked if the City owns the Manitou Incline or Barr Trail. Ms. Palus explained the City does not own either, but has the responsibility for operation and maintenance of the incline.

Councilmember Murray requested a property value be associated with

first-right-of-refusal agreements.

Councilmember Strand asked for a calculation of the acreage included in the public trail access. Ms. Palus will provide this information to Council.

## **8. Items for Introduction**

- 8.A.**     [16-00046](#)     A Resolution Authorizing the Acquisition of Approximately 200 Acres Owned By Joanne R. Watkins for the Purpose of Public Open Space and Trails as an Extension of Cheyenne Mountain State Park

Presenter:

Chris Lieber, Park Development Manager/TOPS Program Manager  
Chris Lieber, Park Development Manager, provided an overview of the proposals to acquire property included in agenda items 8.A. and 8.B.

Councilmember Knight asked if there are any protected wildlife species in the creek area. Mr. Lieber stated although there have not been any protected species identified, there are Mexican Spotted Owls in the area and the Park department sees this as a positive indicator of the value of this resource. Mr. Lieber added all operations and expenses of this property will be managed by the State as the property is part of the State Park.

Councilmember Knight asked how appraised value of the property relates to the purchase price of the property. Mr. Lieber stated the appraised price is slightly higher than the proposed purchase price.

Councilmember Knight and Mr. Lieber discussed how the Parks Master Plan is affected by the availability and purchase of properties as they become available and the 2016 budget. Mr. Lieber will provide additional information about this to Council. Councilmember Strand also requested additional information about the use of TOPS funds to acquire open space.

- 8.B.**     [16-00047](#)     An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a supplemental appropriation to the Trails Open Space and Parks (TOPS) Fund in the amount of \$980,000 for acquisition of approximately 200 acres owned by Joanne R. Watkins for the purpose of public open space and trails as an extension of Cheyenne Mountain State Park

Presenter:

Chris Lieber, Park Development Manager/TOPS Program Manager

Please see comments in agenda item 8.A.

**8.C.** [15-00756](#)

A Resolution Approving the Renewal of the \$1,000,000 Loan Agreement and Promissory Note between the Great Outdoors Colorado Trust Fund (GOCO) and the City of Colorado Springs

Presenter:

Chris Lieber, Park Development Manager/TOPS Program Manager

Res/Ord Number: 13-16

Tilah Larson and Chris Lieber with the Parks Department provided a brief overview of agenda items 8.C. and 8.D. There were no questions or comments on agenda item 8.C.

**8.D.** [15-00809](#)

A Resolution Supporting the Acceptance of a Grant From the Colorado Department of Transportation for the Pikes Peak Greenway Trail I-25 North Project

Presenter:

Tilah Larson, Senior Grants Analyst

Res/Ord Number: 14-16

Please see comments in agenda item 8.C.

Councilmember Knight requested additional information about the delay in receiving the grant funds and if the cost of the project has increased over the past five years. Chris Lieber, Park Development Manager, explained the department applied for several grants which have been awarded over a period of years. This project has been modified to stay within the grant amount, and matching grant funds have been verified prior to moving forward with the project.

Councilmember Knight requested a list of CIP plans and funds carried over from 2015. Councilmember Murray requested additional information about the project funding and Councilmember Bagley requested additional discussion on the Cottonwood Trail. Mr. Greene will provide the requested information.

**8.E.** [16-00066](#)

An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the TOPS Fund in the Amount of \$855,421 to Fund Three Additional Capital Projects Related to Garden of the Gods Park, Deerfield Hills Park and Community Center, and the Manitou Incline

Presenter:

Chris Lieber, Parks Development Manager/TOPS Program Manager

Mr. Lieber provided detailed information about the three projects included in this proposal.

Councilmember Murray requested additional information about the relationship between the Manitou Incline and the City. Mr. Lieber explained the property is not owned by the City, however, the City is responsible for maintenance and operation of the trail. Mr. Lieber further explained, as a result of this agreement, the City must pursue opportunities to fund and perform maintenance and improvements to the trail.

Councilmember Knight expressed concern about the management of funds as related to these projects and the possible the repercussions of depleting the budget so early in the year. Councilmember Knight requested the cost estimates and available funds be verified prior to the next meeting.

- 8.F.**     [16-00049](#)     An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Capital Improvements Program Fund in the Amount of \$528,532 for the Detention Pond 3 Project

Presenter:

Tim Mitros, OEM Engineering Program Manager

Res/Ord Number: 16-17

Tim Mitros, OEM Engineering Program Manager, presented an overview of this proposal. There were no questions or comments on this item.

- 8.G.**     [15-00804](#)     A resolution of the City Council of Colorado Springs approving the Intergovernmental Agreements concerning the funding, implementation, and administration of programs involving police officers in schools.

Presenter:

Commander Rafael Cintron, Colorado Springs Police Department - Gold Hill Division

Res/Ord Number: 16-16

Rafael Cintron, Commander of the Gold Hill Division of the Colorado Springs Police Department, was available to respond to Councilmember questions about the information provided in the proposal.

Councilmember Strand stressed the importance of the School Resource Officers (SRO) to schools and asked Commander Cintron how the police department feels about the program. Officer Cintron stated the CSPD values the program as a way to deter crime in our schools and benefit the community. The SRO's are also available to respond to other emergencies if needed.

Councilmember Knight questioned why CSPD pays for this program out of their department budget, but the reimbursement from the schools goes into the general fund. Mr. Greene provided a brief explanation of how the funds are allocated and will explain further to Mr. Knight.

Councilmember Murray asked if School Resource Officers have discretion about reporting violations and if violations are reported to the police department or school authorities. Officer Cintron stated officers have a certain level of discretion based on the nature of the violation.

- 8.H.**     [16-00068](#)     An ordinance amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to fences and accessory structures.

#### Legislative

##### Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development

Res/Ord Number: 16-19

Ryan Tefertiller, Urban Planning Manager, provided an overview of this proposal.

Councilmember Knight requested a copy of the CONO comments and concerns and discussed examples of fences, retaining walls and accessory structures.

Councilmember Knight requested the language "and/or" be included in the last line of the "DETACHED" paragraph, reading, "... in height and/or less than...". Mr. Tefertiller stated this language was intentional based on advice from the City Attorney's Office, the Planning Department will

consider making this change.

- 8.I. [16-00016](#) Ordinance No. 16-14 amending Section 111 (Solicitation Prohibited) of Article 2 (Offenses Affecting Public Safety) and repealing Section 106 (Use of Medians or Central Dividing Strip) of Part 1 (General Offenses) 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 solicitation and medians

Res/Ord Number: 16-14

Anne Turner with the City Attorney's Office responded to Councilmember questions from the previous meeting and provided clarity on the symmetry between the ordinances included in agenda items 8.I, 8.J. and 8.K.

- 8.J. [16-0019](#) Ordinance No. 16-15 repealing Section 112 (Solicitation On or Near Street or Highway) of Article 18 (Pedestrians' Rights and Duties, Drivers to Exercise Due Care) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended

Res/Ord Number: 16-15

Please see comments in agenda item 8.I.

- 8.K. [16-00020](#) Ordinance No. 16-16 repealing Section 105 (Unlawful Use of Telephone or Computer) and Repealing and Reordaining Section 107 (Harassment) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to unlawful telephone or computer use and harassment

Res/Ord Number: 16-16

Please see comments in agenda item 8.I.

## **9. Items Under Study**

There were no items under study.

## **10. Councilmember Reports and Open Discussion**

Councilmember Bagley stated Air Academy High School student Katie Rainsberger was named The Gatorade Girls Cross Country Runner of the Year.

Councilmember Strand stated he and Councilmember Murray hosted an open house Thursday evening January 21st on the proposed Pedestrian Access Ordinance and received great public feedback. He recently attended a Tribute to our Veterans at the DAV and paid tribute to those

who have served and serve our Country.

Councilmember King asked when the Comcast franchise agreement is scheduled to return to Council, Bret Waters, Deputy Chief of Staff, stated the draft agreement is almost complete.

Councilmember Knight provided an updated on the City Code Chapter 1 revision process.

Councilmember Murray spoke about the lack of State Support for the initiatives presented by the organization known as Building a Better Colorado.

## **11. Adjourn**

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

Sarah Johnson  
City Clerk