



City of Colorado Springs

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

Meeting Minutes - Draft Council Work Session

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Monday, January 11, 2016

1:00 PM

Council Chambers

1. Call to Order

Present 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

2. Changes to Agenda

Eileen Gonzalez, City Council Administrator, stated there has been a request to move agenda item 7.A. to immediately follow agenda item 4.A. Consensus of Council agreed to this change.

3. Regular Meeting Comments

Councilmember Knight stated he will pull agenda items 4.B.C., 4.B.E. and 4.B.F. off the Consent Calendar for tomorrow. He requested the exhibit for item 4.B.F be updated prior to the meeting tomorrow. Councilmember Murray stated he will request agenda item 11.D. be postponed if Council has not received responses to the questions from the previous meeting.

4. Review of Previous Meeting Minutes

4.A. [15-00805](#) City Council Work Session Meeting Minutes December 7, 2015

The meeting minutes were approved as presented.

5. Executive Session

A) Open

There was not an open executive session.

B) Closed

There was not a closed executive session.

6. Staff and Appointee Reports

6.A. [15-00780](#) Agenda Planner Review

Eileen Gonzalez, City Council Administrator, stated the agenda planner is in the Council packets and pointed out Council will be acting as the board of directors for the Cottonwood General Improvement District during the February 9, 2016 meeting.

6.B. [15-00768](#) Financial Report - Memorial Health System Enterprise

Councilmember Knight requested clarification on the math regarding the transfer of funds to the Colorado Springs Health Foundation (CSHF). Kara Skinner, CFO, provided details of the fund transfers and balance amounts.

Councilmember Murray asked when the Memorial Health System Enterprise will be dissolved and the funds will be paid directly to the CSHF. Ms. Skinner stated, per the lease agreement, the funds will continue to be paid to the City and transferred to the foundation.

6.C. [15-00757](#) Financial Report - City of Colorado Springs

Councilmember Pico requested confirmation that the Medical Marijuana increase of 48% month-to-month is correct. Ms. Skinner confirmed the increase is correct. Sarah Johnson, City Clerk, explained the marijuana moratorium approved by Council in late 2015 spurred an increase in marijuana applications.

7. Presentations for General Information

7.A. [15-00775](#) Colorado Wildland Fire and Incident Management Academy (CWFIMA)

Bret Waters, Director of the Office of Emergency Management for Colorado Springs, introduced Cheryl Dalton, Emergency Management Specialist from Routt County, who provided an overview of the Colorado Wildfire and Incident Management Academy being held in Colorado Springs this week. Ms. Dalton spoke about the importance of and opportunities presented by this program which will be attended by over 900 students from 28 states, offering 46 different classes. Ms. Dalton provided an information packet on the training program for Councilmembers to review at their leisure and invited Council to some of the events.

7.B. [16-00021](#) 2016 Housing Market Report

Harry Salzman, Realtor, representing the Pikes Peak Association of Realtors, presented an overview of the housing market in the City and the correlation between the housing market and economic growth and development.

Councilmember King requested additional information about the correlation between available homes the price of homes on the market. Mr. Salzman explained how the numbers correlate and agreed to provide additional information to Council about this.

8. Items for Introduction**8.A.** [15-00524](#) An Ordinance Creating a New Section 112 (Sitting or Lying Down in Commercial Districts) 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 Pedestrian Access to the Public Sidewalks and Rights-of-Way in Commercial Districts

Councilmember Strand provided an update of the changes to this proposal since its original introduction at Council's August 24, 2015 work session.

Councilmember Murray expressed concern about ticketing people who lack the ability to pay. Mr. Strand stated officers will provide a verbal warning prior to issuing citation. Mr. Strand also stated they have removed language specifying which structures are to be considered sitting areas from the ordinance and it does specify there is to be no sitting or lying on the sidewalk.

Councilmember Pico questioned the necessity of approving an additional ordinance. Mr. Strand stated this ordinance is designed to work in conjunction with other ordinances and provide safe access to sidewalks for citizens.

Councilmember Knight asked if the obstruction ordinance will need to be revised to work in conjunction with this one. Mr. Strand stated he believes both ordinances are beneficial to police enforcement of this issue and do not conflict each other.

Mayor Suthers expressed appreciation for the work done on this

ordinance and urged Council to pass this and the solicitation ordinances that follow. Mayor Suthers explained how these ordinances fit into the City Plan to address homelessness.

- 8.B.** [16-00016](#) An Ordinance 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

Anne Turner and Frederick Stein with the City Attorney's Office, provided an overview of agenda items 8.B. through 8.D.

Councilmember Knight requested an explanation of the difference between solicitation in a public building (which can be prohibited) and on a City bus (which is not included in this proposal). Ms. Turner stated the judge in the related case did not see solicitation on a bus as detrimental to public safety. Councilmember Knight asked if soliciting from people dining at a sidewalk café is permissible. Ms. Turner stated the courts determined as long as the solicitor does not pass into the defined café space the solicitation is permissible. Councilmember Knight asked if a private vehicle is considered an extension of the home, should the law prohibit individuals from soliciting from people within a certain distance of their car. Ms. Turner stated the judge in the comparison case found no implication of public safety concerns around a car. Councilmember Knight requested Ms. Turner research what implications the repealing of section six, solicitation on the median, places on sign twirlers, campaign signs and other advertising methods in the medians and how this will interface with the Planning Department.

Council President Pro Tem Gaebler stated she has concerns with solicitors having the ability to follow a person who has denied a solicitation request. Ms. Turner pointed out the language in the ordinance addressing following someone and stated the harassment ordinance will have the potential to address this concern. Ms. Gaebler stated she believes Council should consider removing the language about following someone to avoid conflicts between the two ordinances. Ms. Turner stated she believes the language is necessary and if one is being followed against their will, the harassment ordinance will address that concern.

Councilmember King asked if continuing to solicit after receiving a negative response is considered menacing. Ms. Turner stated this conduct is addressed in the menacing statute. Councilmember King requested additional information about what conduct is considered menacing.

Councilmember Murray requested the language be revised to state, "one or more people", instead of two or more people as stated in the draft ordinance.

- 8.C.** [16-0019](#) An Ordinance 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

Please see comments in agenda item 8.B.

- 8.D.** [16-00020](#) An Ordinance 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

Please see comments in agenda item 8.B.

Mr. Stein provided an explanation of the City Attorney's actions in updating this ordinance to bring it into agreement with the State Statutes. Councilmember King asked why this is needed in addition to the menacing law. Mr. Stein stated the menacing law requires to threat of bodily injury, whereas this includes the perception of threat.

- 8.E.** [15-00480](#) A Resolution approving the Cemetery Endowment Fund Investment Policy

Kara Skinner, CFO, provided an overview of this proposed resolution and introduced Chris Blackwood, the newly selected Investment Advisor. Mr. Blackwood discussed his investment strategies and goals with Council.

Councilmember Murray asked what percentage of the sale of cemetery plots goes to the endowment fund. Ms. Skinner stated a small amount of each plot sold goes to the endowment fund; she will provide the exact percentage to Council.

- 8.F.** [15-00767](#) An ordinance amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$821,090 for the final 2015 LART payment to the Colorado Springs Convention & Visitors Bureau and for additional projects approved by the LART Citizen Advisory Committee during 2015
- Charae Moore with the City Budget Office provided a summary of this proposed supplemental appropriation.
- 8.G.** [15-00732](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving revisions to the grantmaking policy of the Colorado Springs Health Foundation
- BJ Scott, Chairman of the CSHF, provided a summary of the revised grantmaking policy of the foundation which will allow the foundation to begin placing funds back into the community.
- 8.H.** [15-00728](#) A Resolution Amending Resolution No. 21-15 approving the Jimmy Camp Creek Basin Drainage Basin Planning Study
- Tim Mitros with the Office of Emergency Management stated this is a correction of an erroneous fee included in the previously approved resolution.
- 8.I.** [15-00727](#) A Resolution of the City of Colorado Springs City Council to approve the Drainage Basin Planning Study for Kettle Creek Basin and designating the study area as a closed basin with no drainage, bridge or detention basin/land fees and no reimbursement for constructed improvements.
- Mr. Mitros provided a brief explanation of this proposal.
- 8.J.** [15-00726](#) A Resolution authorizing the disposal of surplus City-owned property to the Humane Society of the Pikes Peak Region as the one logical, potential purchaser.
- Mr. Mitros explained how this proposal was developed and benefits both the City and the Humane Society.
- Councilmember Strand asked what the appraised value of the property is. Ronn Carlentine, Real Estate Manager, explained the process for assigning the value of a property prescribed in the City Real Estate Manual was used to determine the value of this property.
- Councilmember Knight asked how the Humane Society was determined

to be the one and only logical buyer for the property since they do not own the adjacent property. Mr. Carlentine stated the Humane Society does own the adjacent properties.

- 8.K.** [15-00771](#) Request to set February 9, 2016 as the Public Hearing date to hear any protests against or objections to dissolution of the Colorado Springs Cottonwood General Improvement District and to advertise the Public Hearing as required by law

Carl Schueler, Planning Manager, Comprehensive Planning, provided a short explanation of the proposed dissolution of the Cottonwood General Improvement District. Property owners in the district have been notified, notice has been posted and all debt has been paid. There were no questions on this item.

- 8.L.** [16-00006](#) Approval of an Ordinance Organizing the Creekwalk Marketplace Business Improvement District and Providing for the Election of the Board of Directors.

(Legislative)

Mr. Schueler summarized the process of creating a Business Improvement District and the plans for this district to help support the planned renovation of this area of the City.

Danny Mientka with The Equity Group, the developers, stated this debt service will provide the platform for the success of this redevelopment project.

Council discussed plans for the Business Improve District including the area included, debt, property value and inclusion of established business in the area with Mr. Schueler and Mr. Mientka.

Councilmember Knight requested a written statement of support for the BID from the McDonalds included in the plan area.

Council President Pro Tem Gaebler returned.

- 8.M.** [16-00007](#) Approval of an ordinance excluding certain property from the Interquest North Business Improvement District. (Legislative)

Mr. Schueler provided a brief synopsis of this proposal and explained this parcel of property is planned for residential use which is not taxable in a BID.

9. Items Under Study

9.A. [15-00730](#) Innovative Infrastructure Opportunities

David Zelenok with HR Green, Inc., provided information about potential innovative infrastructure opportunities to improve communication and save the City and consumers money.

Councilmember Murray reminded everyone this is not about content, but service delivery mechanism.

Councilmember Knight endorsed this as an important first step to attract young people to this City.

Councilmember King asked if the City's traffic lights are all connected by fiber optic cable. Kathleen Krager, Transportation Planning Manager, stated the majority of traffic signals are not connected by fiber optic cable, the rest are connected wirelessly with the exception of one rural light which his not connected.

10. Councilmember Reports and Open Discussion

Councilmember Knight provided a report on the 2C Task Force meeting which took place earlier today and responded to Councilmember questions about the planned road repairs and fund management.

Councilmember Strand spoke about an Early Education program recently presented at the 21C Library, stressed the importance of our school boards and the mentioned the Educating Children of Color program at Colorado College this Saturday.

Councilmember Knight spoke about the recent musical presentation at the Pikes Peak Center and commended the local talent.

Councilmember Pico let everyone know Council is keeping an eye on the new flight programs at the Air Force Academy and the associated flight noise.

Councilmember King spoke about the associate's degree programs available to the Colorado Springs Early Colleges.

11. Adjourn

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

Sarah Johnson
City Clerk