



City of Colorado Springs

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

Meeting Minutes - Final-revised 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, March 7, 2016

1:00 PM

Council Chambers

Item 5.B.A., Closed Executive Session, will be heard beginning at 1PM; other items will be heard beginning no later than 2PM or upon conclusion of Closed Executive Session.

1. Call to Order

- Present** 8 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand
- Excused** 1 - Councilmember Keith King

2. Changes to Agenda

Consensus of Council agreed to hold the Closed Executive Session first, with the rest of the meeting to follow at 2pm.

3. Regular Meeting Comments

Eileen Gonzalez, City Council Administrator, stated agenda item 4.B.E., the Sentinel Ridge Senior Living facility discussion, was a late addition to the agenda for tomorrow.

4. Review of Previous Meeting Minutes

- 4.A. [16-00200](#) City Council Work Session Meeting Minutes February 22, 2016

Presenter:
Sarah Jonson, City Clerk

The Meeting Minutes were approved as presented.

5. Executive Session

5A. Open

There was not an Open Executive Session.

5B. Closed**5B.A. [16-00183](#) Closed Executive Session**

Presenter:

Wynetta Massey, City Attorney

David Andrews, Legislative Counsel, stated the issues to be discussed involve: (1) legal advice and consultation with the City Attorney regarding settlement of a potential litigation matter; and (2) legal advice and consultation regarding a personnel matter.

Council President Bennett polled Council regarding the desire to proceed with the discussions in a Closed Executive Session. Consensus of Council agreed to proceed with the closed session.

Councilmember Collins requested the notice on reasons to hold executive sessions include better information about the items to be discussed in closed sessions.

6. Staff and Appointee Reports**6.A. [15-00784](#) Agenda Planner Review**

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Eileen Gonzalez, City Council Administrator, will work with Planning staff to be sure quasi-judicial and legislative items are clearly marked per Councilmember Knight's request.

Ms. Gonzalez stated the emergency preparedness kit discussion may be delayed to a later meeting date.

Councilmember Knight initiated discussion about how to best handle the large number of agenda items included in the March 22, 2016 meeting, suggesting Council possibly start the meeting at 9:00 am that day.

7. Presentations for General Information**7.A. [16-00206](#) El Paso County Department of Human Services Educational Overview**

Presenter:

Rick Bengtsson

Rick Bengtsson, Executive Director El Paso County Human Services, presented an overview of the services provided by the El Paso County Human Services department.

8. Items for Introduction

- 8.A.** [16-00077](#) Substantial Amendment to the Program Year 2014 Action Plan for use of Community Development Block Grant (CDBG) Program funds

Presenter:

Aimee Cox, Community Development Manager, Planning and Community Development

Larry Yonker, President/CEO, Springs Rescue Mission

Bob Hughes, Vice President of Programs, Springs Rescue Mission

Aimee Cox, Community Development Manager, provided a summary of this proposal aimed at providing services and shelter for the homeless in our community. Ms. Cox provided information about the upcoming public meetings regarding this issue.

Larry Yonker, President/CEO, Springs Rescue Mission, provided additional information about the homeless population, the need for shelter and services and how the proposed CDBG money will be spent.

Council President Pro Tem Gaebler spoke in support of this plan and the potential benefits of this program to our community and asked about the capital campaign. Mr. Yonker stated potential supporters are reluctant to offer support due to the previous failed attempt, however, once this proposal starts moving, he believes funds will come in.

Councilmember Strand spoke in support of this program and asked if Colorado Springs Utilities (CSU) has been able to help by offering reduced utility rates. Mr. Yonker stated they will approach CSU regarding reduced rates when they have estimated usage amounts based on the detailed information about the facility.

Councilmember Knight asked if this project is eligible for Federal funds as an additional funding option. Ms. Cox will investigate this option.

- 8.B.** [16-00107](#) An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$5,264,000 to Pay Costs Related to Third Party Payor Audits and to Transfer Monies to the

Colorado Springs Health Foundation

Presenter:

Kara Skinner, Chief Financial Officer

Res/Ord Number: 16-37

Kara Skinner, CFO, explained this payment has been made possible due to final settlement of third party payers of hospital accounts.

8.C. [16-00194](#)

An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for an Appropriation to the General Fund in the Amount of \$1,095,560 to Make a Transfer to the City-funded CIP Fund, and to the City-funded CIP Fund in the Amount of \$1,095,560 to Provide the Funding Needed to Complete Public Works Capital Improvement Projects

Presenter:

Travis Easton, P.E. Public Works Director

Res/Ord Number: 16-36

Travis Easton, Public Works Director, provided a summary of this proposal.

Councilmember Murray requested additional information about the funds allocated to residential paving projects. Mr. Easton stated they are coordinating with CSU and the list of road repairs included in 2C in an attempt to provide road repairs in residential areas sooner than may be expected following the 2C priority list. Mr. Easton will supply a list of employee salaries and a list of the proposed road repairs to Council.

Councilmember Knight supported working in conjunction with the 2C plan to reduce the tax burden, asked why this savings is not going to replenish the reserve funds and asked about the fund transfers. Ms. Skinner explained the actual revenues in 2015 exceeded the actual expenditures in 2015 and explained the budget process, including how funds are transferred into the general fund and then reallocations, such as this one, are approved by Council, resulting on the transfer of funds for use to fund specific projects.

Jeff Greene, Chief of Staff, commended staff on their admirable use of funds to stretch the City budget and make much needed improvements to City Streets and sidewalks.

Councilmember Murray stated he would like to see a structured program

developed to carry this work into the future.

- 8.D.** [16-00109](#) A Resolution Supporting the Acceptance of a Grant from the Colorado Department of Local Affairs in the Amount of \$95,000 and Approving the North Nevada Avenue Redevelopment Plan Project

Presenter:

Nina Vetter, Senior Budget Analyst, Finance Department
Kara Skinner, Chief Financial Officer

Res/Ord Number: 26-16

Nina Vetter, Senior Budget Analyst, explained this is the formal acceptance of grant money to fund redevelopment projects on North Nevada Ave. Mr. Greene supported this project.

Councilmember Murray asked about the \$20,000 funds CDBG is contributing to this project and requested confirmation this qualifies for the grant funds. Miss Vetter stated an analysis of the area has been completed to confirm the project meets the requirements of the grant.

- 8.E.** [16-00161](#) A Resolution Approving the First Amendment to the Service Level Agreement between the City of Colorado Springs and El Paso County for Facilities Maintenance Services

Presenter:

Ryan Trujillo, Contract Compliance & Sustainability Manager, Finance Department

Res/Ord Number: 24-16

Ryan Trujillo, Contract, Compliance, & Sustainability Manager, presented a summary of the proposed changes to the service level agreement.

Councilmember Knight requested an electronic copy of the financial statement and asked about the additional four percent fee requested by the County to cover the cost of material handling. Mr. Trujillo stated this fee is needed to fund the management of the agreement and explained the material fees are a direct pass through of materials costs.

- 8.F.** [16-00192](#) Resolution Authorizing the Use of a Possession and Use Agreement for the Property Owned by AMERCO Real Estate Company that is Needed for the Tejon Roundabout Project

Presenter:

Mike Chaves, Engineering Manager/City Engineering

Res/Ord Number: 29-16

Mike Chaves, Engineering Manager, provided an overview of this proposal.

Councilmember Knight asked if the property owners have given any indication of willingness to sell the property and expressed concern about a potential lawsuit should the City use eminent domain to obtain the property.

Mr. Chaves stated he feels confident the amount offered for purchase of the land is justified and the land owners will sign to voluntarily relinquish the property. If the property owners do not agree, additional Council action will be required.

8.G. [16-00101](#)

Resolution Approving an Amendment to the Service Plan for the Upper Cottonwood Creek Metropolitan District Nos. 2, 3, 4 and 5.

Res/Ord Number: 30-16

Carl Schueler, Comprehensive Planning Manager, presented a summary of the proposed changes to the Service Plan for this improvement district.

Ralph Braden with Nor'wood Development provided an explanation of the proposed amendment to the plan.

Councilmember Knight requested additional information about the service plan change process and asked what happens to the service plan when the developer completes the development and stops servicing the area. Mr. Schueler explained the service plan process and stated the developer will usually advance funds needed to maintain the development until another means to maintain the development is established. Residents will continue to pay for maintenance of the development through taxes of HOA fees.

Mr. Braden explained the developer subsidy will go away as the development matures. Residents have the opportunity to choose the amount of property tax they pay by choosing their neighborhood. Councilmember Murray expressed concern about imposing additional tax on homeowners. Mr. Braden explained this is the homebuyer's decision when they choose to buy property and live in this development.

Councilmember Pico stated the amenities and maintenance costs have to be paid whether through an HOA or through mil levies and taxes, and expressed concern about increasing the service level and debt service of this development. Councilmember Pico requested Planning Staff prepare a presentation for Council outlining the new district policy for developments to qualify for a 20 mil tax levy. Mr. Schueler explained each of these developments is a case by case decision at this time.

Councilmember Strand asked how many people are on the staff level special district committee. Mr. Schueler stated about ten members of City Staff are on this committee. The concerns about the increased mil levy came from the budget and finance departments Mr. Schueler stated planning staff does not have a recommendation regarding this proposal.

- 8.H.** [16-00199](#) An Ordinance Amending Section 103 (Presiding Judge; Powers And Duties) Of Article 2 (Judges) And Section 106 (Failure To Pay Fine; Stay Of Execution) Of Article 3 (Procedures) Of Chapter 11 (Municipal Court) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Municipal Court Fines

Presenter:

Anne Turner, Senior Attorney

Res/Ord Number: 16-38

Anne Turner, Senior Attorney, explained this proposal will remove the ability of judges to convert court fees to jail time for indigent individuals.

There were no questions or comments from Council on this item.

- 8.I.** [16-00197](#) Ordinance No. 16-32 renaming Article 2 (Amusements) and moving under the renamed Article 2 (Marijuana) Part 1 (Medical Marijuana License Code) and all subsequent sections (101-109) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the code of the City of Colorado Springs 2001, as amended, pertaining to marijuana

Presenter:

Sarah B. Johnson, City Clerk

Res/Ord Number: 16-32

Councilmember Knight addressed agenda items 8.I through 8.M, providing a summary of the proposed zoning and licensing changes regarding marijuana consumption club facilities. Mr. Knight explained how the proposals, will be addressed in the Council meeting tomorrow

There were no councilmember questions or comments on this item.

- 8.J. [16-00164](#) Ordinance No. 16-33 amending Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions) and Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to marijuana consumption club facilities

Presenter:

Peter Wysocki, Planning and Community Development Director

Res/Ord Number: 16-33

Please see comments in agenda item 8.I.

- 8.K. [16-00196](#) Ordinance No. 16-34 adopting Part 2 (Marijuana Consumption Clubs) of Article 2 (Marijuana) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the code of the City of Colorado Springs 2001, as amended, pertaining to Marijuana Consumption Club licenses

Presenter:

Sarah B. Johnson, City Clerk

Res/Ord Number: 16-34

Please see comments in agenda item 8.I.

- 8.L. [16-00198](#) Ordinance No. 16-35 amending Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Marijuana Consumption Club license fees

Presenter:

Sarah B. Johnson, City Clerk

Res/Ord Number: 16-35

Please see comments in agenda item 8.I.

- 8.M. [16-00188](#) A resolution declaring opposition to the relocation of refugees from the United States Refugee Resettlement Program to the City of Colorado Springs

Presenter:

Councilmember Andy Pico

Councilmember Pico introduced this proposal and explained he is not opposed to assisting refugees, he feels the need to ensure they are appropriately screened to ensure the safety of citizens.

Council President Bennett asked if this should be retitled. Mr. Pico stated the language can be changed to more accurately communicate the intended objective.

Council President Pro Tem Gaebler stated this is not within Council's purview and requested this item be tabled.

Mr. Pico stated Council has received a large response from a very small segment of the population. He would like more information about the security screening process of these individuals and wants assurance the City will be notified of their pending arrival, in order to prepare for an influx of refugees.

Councilmember Strand expressed concern about the title and the language in the document and suggested this be redrafted to better reflect the intent expressed by Mr. Pico.

Councilmember Knight expressed support for the concerns presented by Mr. Pico and concern about this Country being targeted by ISIS.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Murray requested a public comment from the Mayor regarding removal of the 5 year warranty from the RFP for paving. Mr. Greene will make this request.

Councilmembers Knight and Bagley commented on their recent experience as judges at a high school debate competition. Councilmember Pico added he has participated in this event in the past and it was a positive experience.

Councilmember Strand stated he had an opportunity to participate in a local Science Fair at UCCS and commented on the Dr Seuss reading event.

Eileen Gonzalez, City Council Administrator, reviewed the action items from the meeting today.

11. Adjourn

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

Sarah Johnson,
City Clerk