



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. 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, August 27, 2018

1:00 PM

Council Chambers

1. Call to Order

- Present** 8 - Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand
- Excused** 1 - Councilmember Yolanda Avila

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated that the district members requested item 8.B., a Resolution authorizing issuance of debt by the Powers Metropolitan District, be postponed to the September 10, 2018 City Council Work Session meeting. Consensus of Council agreed to this change on the agenda.

3. Regular Meeting Comments

Councilmember Pico stated the item related to the creation of the Peak Metropolitan Districts Nos. 1, 2, and 3 will be presented at the Airport Advisory Commission meeting prior to the August 28, 2018 City Council meeting.

4. Review of Previous Meeting Minutes

- 4.A. [18-0432](#) City Council Work Session Meeting Minutes August 13, 2018

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [8-13-18 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the August 13, 2018 Work Session meeting were approved by Consensus of Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

There was no Closed Executive Session.

6. Staff and Appointee Reports**6.A. [18-0434](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 8-27-18.pdf](#)

Sarah B. Johnson, City Clerk, stated the Ordinance pertaining to waste within the public stream riparian zone is scheduled for the September 10, 2018 City Council Work Session and the Ordinance regarding the issuance of bonds for the construction of the new Pikes Peak Summit Complex will be a back-to-back item for the September 10, 2018 City Council Work Session and the September 11, 2018 City Council meeting.

President Pro Tem Gaebler commented that the Ordinance regarding short-term rentals will be presented at the September 24, 2018 City Council Work Session. Councilmember Bennett stated he will be recusing himself from that discussion due to a conflict of interest.

7. Presentations for General Information**7.A. [18-0070](#) Colorado Springs Convention & Visitors Bureau (CVB) - Q2 2018 Performance Measures**

Presenter:

Jim Cassidy, CFO, Colorado Springs Convention & Visitors Bureau

Attachments: [Q2 CSCVB KPI Presentation Slides 080918.pptx](#)

Jim Cassidy, Chief Financial Officer, Colorado Springs Convention and Visitors Bureau (CVB), presented the 2018 second quarter Performance Measures report which reflected results through June 2018. He stated the Lodgers and Automobile Rental Tax (LART) revenue was up 5.8 percent and the revenue per available room (RevPAR) was also up. Mr. Cassidy stated they attended twenty-six trade shows and there were thirty-nine destination site visits. He stated the group leads were higher than 2017, but the estimated room nights booked for group travel were down. Mr. Cassidy said their advertising costs were up, identified the number of Official Visitor Guides ordered and distributed, and the number and lengths of visits to the electronic Official Visitor Guide.

Councilmember Murray asked what the average national cost per lead is.

Mr. Cassidy stated he will provide that information.

President Pro Tem Gaebler, a LART Committee member, stated the new two-year contract with the CVB requires many additional key performance indicators and said she is impressed with the data presented.

Councilmember Geislinger recommended partnering with the Colorado Springs Airport so they are involved with making Colorado Springs a gateway for activities such as skiing, the outdoor experience, and access to the mountains. Mr. Cassidy stated he will discuss that with them.

Councilmember Murray asked why the length of time spent reviewing the electronic visitor's guide had increased. Mr. Cassidy stated they are reviewing the details to see what pages might be causing the excess amount of time.

8. Items for Introduction

- 8.A. [18-0254](#) A resolution accepting and endorsing recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2019 budget

Presenter:

Fred Veitch, Chair, LART Citizens' Advisory Committee
Charae McDaniel, Chief Financial Officer

Attachments: [LART Resolution - 2019 Projects](#)

[09-11-18 LART Resolution Exhibit A 2019 - CAC recommendations
REVISED 8-29-18](#)

Fred Veitch, Chair, Lodgers and Automobile Rental Tax (LART) Citizens' Advisory Committee, presented the Resolution accepting and endorsing recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2019 budget. He stated the requests are organized by sub-categories of City-sponsored events, tourism promotion, tourism and economic/community events, and capital improvements. Mr. Veitch stated the City has one of the lowest LART taxes in the nation and the LART Citizens' Advisory Committee is looking at the prospect of increasing it. He said they are considering implementing a LART educational program and that the LART awards are audited to ensure recipients are held accountable. Mr. Veitch introduced Laurel Prud'homme as the next Chair of the LART Citizens' Advisory Committee.

Councilmember Strand, a member of the LART Citizens' Advisory Committee, commented that there were seventy applications made for the

sub-category economic/community events.

Councilmember Knight requested a matrix showing how many car rentals were made by Colorado Springs residents versus tourists and requested additional information about the increase in the Colorado Visitor's Bureau membership dues in the region. Mr. Veitch stated they will research that information.

Councilmember Murray requested the audit results for the Colorado Springs Chamber and EDC. Jeff Greene, Chief of Staff, said staff will work on a policy change regarding all organizations, but they cannot target a specific organization.

Councilmember Murray requested some of the LART capital project group funding be allocated for two additional police officers for the downtown area. Councilmember Strand stated they are working on that.

Several members of Council expressed appreciation for all the work Mr. Veitch has accomplished during his time with the LART Citizens' Advisory Committee.

- 8.B.** [18-0327](#) A Resolution authorizing issuance of debt by the Powers Metropolitan District in the form of general obligation limited tax bonds in the estimated aggregate principal amount of \$3,380,000.

(Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [Resolution_PowerMD_DebtIssuance](#)
[Correspondence re PowersMetroDistrict 2018 Bonds](#)
[Figure 1 - Bond Indenture Draft](#)
[Figure 1a - Bond Term Sheet](#)
[Figure 2 - SVWPC Opinion PowersMetroDistrict 2018 Bond](#)
[Figure 3 - Debt and Development Projection](#)
[Figure 4a - Cost Certification Letter - Carefree and Powers SW, Inc](#)
[Figure 4b - Cost Certification - Carefree and Powers SW, Inc.](#)
[Figure 4c - Cost Certification Letter - TSG Colorado Springs, LLC](#)
[Figure 4d - Cost Certification - TSG Colorado Springs, LLC](#)
[Figure 5a - Boundary Map](#)
[Figure 5b - Powers Pointe Shopping Center - Tenant Map](#)
[Figure 6 - Distribution List](#)
[PowerPoint_PowersMD_Debt_Issuance](#)

This item was postponed until the September 10, 2018 City Council Work Session meeting.

- 8.C. [18-0338](#) A Resolution approving a service plan allowing for the creation of the Pikes Peak Heights Metropolitan District

(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Development Department
Peter Wysocki, Planning and Development Director

Attachments: [RES_PikesPeakHeightsMD](#)
[RES_PikesPeakHeightsMD_redline](#)
[Service Plan Pikes Peak Heights MD](#)
[Figure 1 Ltr to City Clerk GMR 6-28-2018](#)
[Figure 2_District summary memo](#)
[Figure 3_redline_PikesPeakHeightsMD](#)
[Figure 4_District-HOA_Cost_Comparison](#)
[powerpoint_pikespeakheightsMD](#)

Peter Wysocki, Planning and Development Director, presented the Resolution approving a service plan allowing for the creation of the Pikes Peak Heights Metropolitan District. He provided a brief summary of the service plan, the contingency language for development approval, presented a vicinity map, the pending development plan, and identified the

discussion topics from the City Council Budget Committee. Mr. Wysocki said staff has been discussing with the petitioner as to whether or not the 2017 Gallagher Adjustment can be applied.

Councilmember Knight stated he is concerned with approving exceptions to service plans and that the City needs to remain consistent with the standards set for developers which is 10 mills for operating and maintenance costs. Russ Dykstra from Spencer Fane, LLP, representing the applicant, stated the reason for the request of 15 mills is because over one-third of the property will remain open space which will need to be maintained, but that they would be comfortable requesting the additional proposed mill levy from Council at a later time.

Councilmember Pico stated this district is very close to the noise exposure area for one of the alternate runways at the Colorado Springs Airport and requested that there is an appropriate notification to buyers regarding air traffic noise.

Councilmember Geislinger said because the request for the district to operate in lieu of an Homeowner Association (HOA) is occurring more frequently, it needs to be standardized in the service plan requirements.

Councilmember Knight asked if the Airport Advisory Committee (AAC) was notified of the proposed zoning request. Mr. Wysocki explained that they notified the Colorado Springs Airport staff, but did not directly notify the AAC. Mr. Greene stated he will look into that.

Councilmember Knight said the district working as an HOA should be independent from the amount of mills charged and asked what services the district will be providing as the HOA. Mr. Wysocki stated he will clarify those services.

Councilmember Pico asked about the permitted uses for the land in the airport overlay zone. Mr. Wysocki stated he has been discussing those with Greg Phillips, Director of Aviation, Colorado Springs Airport.

Councilmember Murray asked for the Council of Neighbors and Organizations (CONO) to be involved in the review of the HOA functions that the district will be performing. Mr. Wysocki stated he will coordinate those functions with CONO.

- 8.D. [18-0342](#) A Resolution approving a service plan allowing for the creation of the Chaparral Pointe Metropolitan District

(Legislative)

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Development Department

Peter Wysocki, Planning and Development Director

Attachments: [resolution ChaprralPointeMD](#)

[Chaparral Pointe MD Service Plan](#)

[Figure 1 Ltr to Mr. Schueler re. Chaparral Pointe MD SP \(8-3-18\)](#)

[Figure 2 Redline Chaparral Pointe MD](#)

[Figure 3 Background on the Gallagher Amendment](#)

[PP ChaparralPointeMD](#)

Peter Wysocki, Planning and Development Director, presented the Resolution approving a service plan allowing for the creation of the Chaparral Pointe Metropolitan District. He provided a brief summary of the service plan, presented a vicinity map, the pending development plan, and identified the topics of discussion from the City Council Budget Committee. Mr. Wysocki explained the contingency language, the potential for off-site road maintenance, and the Gallagher Adjustments.

Councilmember Knight asked if there are any other metropolitan districts since January 2017 that have been approved at 30 mills that are collecting 33 mills due to the Gallagher Adjustment. Mr. Wysocki stated they will research that information.

Jeff Greene, Chief of Staff, asked if any of the roads within the proposed district were private roads. Mr. Wysocki stated they were all public roads.

Councilmember Murray asked if the nearby apartment complex was under a metropolitan district. Mr. Wysocki stated they were not.

- 8.E. [18-0380](#) Request for Approval of Updates to Sworn and Civilian Policies and Procedures Manuals

Presenter:

Danielle Delgado, Human Resources Manager, Human Resources Department

Attachments: [Policy 1 Civilian PPM - Recruitment and Selection - rfcouncil](#)
[Policy 9 Civilian PPM - Work Schedule - rfcouncil](#)
[Policy 17 Civilian PPM Draft - Insurance - rfcouncil](#)
[Policy 24 Civilian PPM Draft - FMLA - rfcouncil](#)
[Policy 28 Civilian PPM Draft - Workers Compensation - rfcouncil](#)
[Policy 39 Civilian PPM Draft - Business Code of Ethics - rfcouncil](#)
[Policy 2 Sworn PPM - Work Schedule - rfcouncil](#)
[Policy 3 Sworn PPM - Overtime - rfcouncil](#)
[Policy 4 Sworn - Compensatory Time - rfcouncil](#)
[Policy 12 Sworn PPM - Insurance - rfcouncil](#)
[Policy 18 Sworn PPM Draft - FMLA - rfcouncil](#)
[Policy 19 Sworn PPM Draft - Workers Compensation - rfcouncil](#)
[Policy 29 Sworn PPM Draft - Business Code of Ethics - rfcouncil](#)
[Q3 2018 PPM Updates.pptx](#)

Danielle Delgado, Human Resources Manager, Human Resources Department, presented the details of each of the proposed updates to the Sworn and Civilian Policies.

Councilmember Knight said he and Councilmember Strand reviewed these proposed updates and said he has a concern that there needs more precise language regarding the extended insurance benefits for “employees killed in the line of duty”. Ms. Delgado explained the language had been clarified in the policy to read “employee who was killed in the course and scope of their duties and responsibilities on behalf of the City”. Jeff Greene, Chief of Staff, and Councilmember Strand stated they are comfortable with how the language is written.

Councilmember Murray asked for clarification on policy twenty-eight regarding Workers Compensation where an employee on injury leave or limited duty assignment shall not be placed on-call or in a stand-by mode, but may work overtime within his/her physical restrictions based on operational need. Jeff Greene, Chief of Staff, explained it is in reference to an employee on injury leave that is assigned to a different position may be required to work overtime, but shall not be placed on-call or in stand-by mode.

Councilmember Murray requested a report of any employee comments regarding the changes. Ms. Delgado agreed to provide that information at the September 11, 2018 City Council meeting.

9. Items Under Study

9.A. [18-0288](#) City Council and Settlement Authority

Presenter:

Wynetta Massey, City Attorney

Attachments: [Council Settlement Memo 08-17-18.doc](#)

Tracy Lessig, City Attorney stated in response to City Council's request for options for additional transparency with settlement negotiations for claims, the City Attorney's Office has identified three options 1). revision of the Rules and Procedures of City Council, 2). revision of the City Code and 3). increased frequency of notification to City Council of settlement.

Councilmember Geislinger asked if there was a dissenting voice regarding the amount of authority given to the City Attorney, if it could be recorded. Ms. Lessig said the vote to approve the direction that was given could be recorded in open meeting, but no details about the item could be discussed.

Councilmember Murray stated the greatest amount of transparency is most desirable and said option one along with a change to City Code should be implemented.

President Pro Tem Gaebler asked if there was a risk to implementing option number two. Ms. Lessig stated she has seen success with both options.

Councilmember Pico stated he agreed with Councilmember Murray's recommendation.

Councilmember Knight said he is concerned that if the case name information cannot be revealed, it will not be transparent. Ms. Lessig stated that she believes the case name could be revealed if there was already litigation entered, but not if it is a pending litigation.

President Skorman stated he thinks the case number, name, and amount should be transparent, but not until after the litigation has been settled. He also said there needs to be a change in City Code. He requested the frequency of the notifications to City Council be increased to monthly reporting.

Councilmember Knight stated there needs to be some cleanup in City Code and City Council needs to be informed of settlements that they have given authority on directly from the City Attorney's Office rather than hearing

it from the media. Ms. Lessig agreed to provide that information. Councilmember Knight recommended the City Council authority be increased to \$200,000.

Councilmember Geislinger stated he believes \$100,000 is an appropriate amount and the same procedures for previous settlement cases have been followed in all cases with the exception of the additional aspect of transparency. He asked for clarification on what a contingent settlement would be. Ms. Lessig stated it would be a case that would have a settlement agreement in place that would be contingent on Council's approval.

Councilmember Strand asked if staff's recommendation was to change both Council's Rules and City Code. Ms. Lessig stated they recommend either, but not both because it would be duplicative.

President Skorman asked for more information regarding the formal vote. Wynetta Massey, City Attorney, stated a formal vote could not be done at a Work Session meeting. President Skorman asked for clarification of what Council would be able to discuss publicly. Ms. Lessig stated that until the case is settled, it should not be discussed.

Councilmember Murray asked what happens when a decision does not come to a formal public vote. Ms. Lessig explained the two negotiation provisions to the open meetings law regarding settlement issues. Ms. Massey further explained non-litigation procedures. Councilmember Murray requested an addition to the proposed City Code change to include language that unless there was a specific exception, any authorization to the City Attorney's Office has to be done with a public vote.

Councilmember Geislinger requested that any anticipated litigation be kept discreet and asked how Council would identify settlements that were not in litigation. Ms. Lessig stated there would not be a case name or number identified in the Closed Executive Session information.

Councilmember Pico commented that often times the closed sessions are just for informational purposes.

Councilmember Knight stated there have been several situations outside settlement negotiation authority such as an intergovernmental agreement that would warrant a formal vote. He also said the Council Rules and Procedures need to be updated and suggested Executive Sessions be moved to Tuesdays

President Skorman stated there have been some issues discussed in

Closed Session that he felt should have been discussed in Open Session.

Council gave direction to staff that \$100,000 was an agreeable settlement limit, the City Code be changed, a public formal vote should be made, the case name and case number be identified for cases in litigation, but the case name should not be revealed if there is no pending litigation, and that City Council be notified immediately by the City Attorney's Office upon settlements. Ms. Massey stated additional information will be provided in October 2018.

10. Councilmember Reports and Open Discussion

Councilmember Bennett stated he and Councilmember Murray attended the State Fair Legislative BBQ.

Councilmember Pico stated there is an item under study in regards to sending land-use items in the vicinity of the Colorado Springs Airport to the Airport Advisory Commission for review prior to the Planning Commission.

Councilmember Strand stated he attended the City's Employee Appreciation BBQ. He said the Arts Commission approved a statue of Michael Garmin to be placed in Bancroft Park. Councilmember Strand stated he attended the Hillside Community Open House where they are working towards improving the Leon Young Pavilion. He attended the Pioneer's Museum Gift of History breakfast and he and President Skorman spoke with merchants regarding the individuals violating public policy in downtown Colorado Springs.

Councilmember Knight said the staffing of police officers in certain areas of the City is an executive branch decision and said if the downtown area is requesting additional police officers, the downtown tenants should share the cost of the expense. Jeff Greene, Chief of Staff, stated other commercial development areas are enforced by the developers or the districts and the downtown area does not have that resource. He said he has been in discussion with the Police Chief regarding the issues of deviancy downtown. Councilmember Knight stated that other Homeowner Associations have to pay for additional enforcement and it should be fair across the City. President Skorman stated other developments have the authority to remove people from their private property, but downtown residents do not have that option because it is public property.

Councilmember Geislinger stated the City needs to take responsibility in

regards to taking a proactive approach to treating the underlying causes. Councilmember Pico commented that it is not just a homeless issue.

Councilmember Murray requested statistics on whether crime and response times have risen in the City. Councilmember Murray also requested the Traffic Engineer take a look at and address the intersections that were identified for the most vehicle crashes.

11. Adjourn

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

Sarah B. Johnson, City Clerk