



City of Colorado Springs

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

Meeting Minutes - Draft Council Work Session

City Council meetings are broadcast live on Channel 18.

Monday, November 24, 2014

1:00 PM

Council Chambers

1. Call to Order

- Present** 8 - President Pro Tem Merv Bennett, Councilmember Helen Collins, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Joel Miller, Councilmember Andy Pico, and Councilmember Val Snider
- Excused** 1 - Councilmember Jill Gaebler

2. Changes to Agenda

Councilmember Knight requested agenda item 8.B. be moved to immediately follow agenda item 6.B. Consensus of Council agreed to this change.

3. Regular Meeting Comments

Councilmember Miller stated he met with members of the disabled community and is following up on some requests, the disabled community expressed concerns about ADA requirements and regional building and code enforcement, requesting inspectors ensure buildings comply with ADA requirements. Councilmember Snider suggested these concerns be addressed by regional building.

4. Review of Previous Meeting Minutes

The Meeting Minutes were approved as presented.

- 4.A. 14-0742** City Council Work Session Meeting Minutes November 10, 2014

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. 14-0109 Agenda Planner Review

Eileen Gonzalez, City Council Administrator, reminded Council there is traditionally not a second City Council meeting in December.

Councilmember Knight asked why the April 7, 2015 mail ballot Election Plan is scheduled on the work session December 8, 2014 and the regular meeting December 9, 2014. Sarah Johnson, City Clerk, apologized for the inconvenience and explained the mail ballot plan has to be approved at least 100 days prior to the election. The December 9, 2014 is the final meeting within that timeframe.

6.B. 14-0510 Financial Reports - Memorial Health System Enterprise and Colorado Springs Health Foundation

Kara Skinner, CFO, explained changes made to the report and provided an update on the financial status of the organization. Councilmember Knight asked when the last RBA payment will be made; Ms. Skinner explained how the distribution of funds will work. Councilmember Knight asked additional questions about the disbursement of funds and the accounts. Ms. Skinner provided an explanation of how the lease agreement was set up and how the funds will be disbursed.

Councilmember Knight asked how bills will be paid if incurred. Ms. Skinner explained that the funds will be transferred from the Foundation to cover liabilities per the lease agreement. Councilmember Knight requested clarification about a disbursement of funds. Ms. Skinner explained it was a payment made to Larry McEvoy, as part of his severance package, which was not done correctly and was re-done.

7. Presentations for General Information**7.A. 14-0440** Regional Business Alliance Pikes Peak Health, Wellness & Medical Innovation Industry Sector Economy Update

Al Wenstrand, Chief Business Development Officer, Colorado Springs Regional Business Alliance, provided an overview of the health, wellness and medical innovation industry sector's impact on the local economy.

Councilmember Knight suggested the RBA consider working on the area of Nevada Avenue between Fillmore and Austin Bluffs. Mr. Wenstrand stated he has worked with other communities to successfully rehabilitate similar area and will work on this.

Councilmember Martin asked if the projected increase in growth was

associated with increased jobs. Mr. Wenstrand stated the projected economic growth referred to in his presentation is not expected to include jobs.

President King stated he would like future presentation to focus more on return on investment.

7.B. 14-0513 Colorado Springs Convention & Visitors Bureau (CVB) - Q3 2014 Performance Measures

Jim Cassidy, CFO, CVB, provided an overview of the activities of the CVB including a review of the third quarter statistics. Mr. Cassidy stated LART tax collection is up slightly over 10%. Councilmember Knight asked about a contract with the CVB which capped the amount of LART funds that can be collected and confirmed how much will go into the account. Mr. Cassidy explained how much money can be collected.

President King asked what percentage of funds is spent on advertising in relation to overall funding and how funds are allocated. Mr. Cassidy explained how the CVB budget and advertising expenditures are calculated, adding they have received some grant money that has helped with the budget this year.

7.C. 14-0622 Airport Advisory Commission Briefing & Update

Dr. Chris Thornton, outgoing Chairman of the Airport Advisory Commission, provided a brief explanation of the role of the airport to the economic activities of the City and an explanation of how the commission assists the City and the airport staff.

Councilmember Collins requested an update on the impact of the commercial aeronautical zone at the airport. Dr. Thornton stated this change has created interest from several entities to move to the city.

Dan Gallagher, Aviation Director, stated two companies have already moved onto the airport property and a third company signed a contract to relocate to Colorado Springs today. Mr. Gallagher also stated there is a WWII airplane museum planning to move here and explained how many jobs the change has brought to the area. President King confirmed the City has met the break-even point based on the number of jobs created, Mr. Gallagher confirmed the break-even point has been exceeded.

7.D. 14-0731 Impact of Regional Tourism Projects on Local Home Values

Harry Salzman, Salzman Real Estate Services, Ltd., provided an explanation of how economic growth impacts relocation in the community. Mr. Salzman created a correlation between relocation, local markets, job growth and what attracts companies to relocate to cities, stating that the C4C projects will create opportunities for greater work-life balance which is an important factor companies consider when looking to relocate.

President King asked if there is a correlation between the type of jobs created and real estate values. Mr. Salzman explained how the median price of homes in an area is included in the decision for a company to relocate.

Councilmember Miller requested additional information about how organizations choosing to leave the city may have decided to stay here if the City had updated venues, stating he does not agree that venues guarantee growth, adding that if this was the case, investors would be more than willing to pay for the stadium. Mr. Salzman replied that the return on investment takes time and that he believes a correlation does exist.

8. Items for Introduction

- 8.A. 14-0697** An Ordinance Amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$500,000 for the purpose of drainage repairs on Powers Boulevard

Travis Easton, Public Works Director, provided an overview of the project to replace a rusted and leaking drainage pipe that is about 30 feet below the ground and causing undesirable settling. Mr. Easton explained the City is responsible for the drainage while CDOT is responsible for the roadway per an agreement. Tim Mitros, Development Review and Stormwater Manager, stated the smaller smooth lined pipe will carry the same amount of water as the larger corrugated pipe.

Councilmember Knight asked about the fund balance for the department and the budget. Ms. Skinner explained this project will have a minimal impact on the budget because revenue has been higher than expected.

- 8.B. 14-0702** An ordinance amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a supplemental appropriation to the Memorial Health System Enterprise Fund in the amount of \$600,000

Kara Skinner, CFO, explained the requested appropriation of funds. Councilmember Knight asked about previous funds and changes to this budget. Ms. Skinner explained how the anticipated funds were calculated. Councilmember Knight confirmed with Ms. Skinner that the available funds are adequate to cover expenses through the end of the year.

Also see discussion in agenda item 6.B.

8.C. 14-0636 A resolution repealing and rescinding resolution numbers 215-78 and 70-94 dissolving the Loan Review Committee

Eileen Gonzalez, City Council Administrator, explained this committee has been inactive for a while and is no longer needed. Councilmember Miller asked if adequate regulatory structure in place to replace this committee, referring to failure in the housing division. Ms. Gonzalez stated that the timing of these two issues is coincidental and they are not related to each other in any way.

8.D. 14-0470 A Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the General Municipal Election to be held on Tuesday, April 7, 2015, the question of issuing Sales and Use Tax Revenue bonds of the City without raising taxes or imposing a new fee, in the maximum principal amount of \$160,000,000 for the purpose of financing capital improvements; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and, providing the effective date of this resolution

Steve Cox, Chief of Staff, provided an overview of Mayor Bach's proposal to address the backlog of Capital Improvement Projects in the City without increasing taxes or imposing any fees. Councilmember Miller asked about this being based on the CIP list created last year, Mr. Cox explained the list has been changed a little based on community feedback from open forums.

Councilmember Martin expressed concern about this being an intermediate solution and asked about a long term plan. Mr. Cox stated a long term plan will involve a discussion between City Council, the Mayor and City Staff.

Councilmember Bennett spoke about meetings involving other communities concerning a storm water solution and suggested a global approach to address all of the issues involved and expressed

appreciation for this as a step in the right direction.

Councilmember Snider stated this seems to be a stop-gap measure and asked if there is a master plan to be followed. Mr. Cox acknowledged this is an interim measure and explained the projects are to be contracted or completed in the year stated in the proposal.

Discussion ensued between Council and Mr. Cox about how the projects were chosen and prioritized including citizen input and the storm water initiative that voters declined to approve. Ms. Skinner explained how this proposal includes a ballot issue which will request voters approve bond restructuring to fund the plan, noting this plan is based on advice from the financial advisor and the SCIP bond model which was successful for the City. Ms. Skinner also reminded Council that the price of completing projects increases at a faster rate than interest.

Councilmember Miller asked if this plan is in addition to the projects included in the budget, Ms. Skinner explained how the bonds will allow the City to accelerate some projects.

Councilmember Knight asked how wrapping the bond payments works. Ms. Skinner explained that the wrapping prevents the City from having to make higher payments in the early stages of repayment.

Councilmember Knight asked about the disbursement of funds in ratio to the budget and addressed concerns about reductions in the CIP budget. Ms. Skinner explained how the program is designed to work.

Councilmember Collins requested Council continue to be notified of changes to the projects and that Councilmembers provide feedback to staff about the projects in their districts.

President King requested answers to the following questions before the next meeting; why not pay cash for these projects increasing the number of projects that can be completed by about one third by putting the interest money into projects, what is the rate difference between general obligation bonds and sales and use tax revenue bonds, and is the proportion of street paving reflective of the actual work that needs to be done.

Councilmember Miller asked how the previous funds were administered

and how these funds would be controlled. Ms. Skinner explained how the funds would be placed in specific accounts and spending would be monitored. Councilmember Snider stated his concerns about borrowing money. Mr. Cox stated there is a balance between investing in the community to encourage growth and not spending.

Ms. Skinner and Mr. Cox agreed to provide the requested information and to have staff available to answer questions at the December 9, 2014 meeting.

- 8.E. 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 this document has been reviewed by the City Attorney's Office for form and President King provided a brief outline of the purpose of the proposal.

Councilmember Martin requested clarification on who drafted the document. Wynetta Massey, City Attorney, stated this draft is slightly different from one she wrote and stated she feels confident that the acceptance of this document will allow City Council to accomplish the desired outcome.

Councilmember Knight questioned the reporting structure of the positions. Council and Ms. Massey discussed changes to the reporting structure. Councilmember Knight questioned the salary structure and requested the ballot language be revised for better understanding. Councilmember Bennett requested Ms. Massey revise the document for presentation at a future meeting.

- 8.F. 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.

Ms. Gonzalez provided the latest version of the document and stated Ms. Massey has reviewed this document for formatting and information. President King provided an overview of the changes associated with this proposal. Councilmember Knight explained the changes he has made to

the document since the last meeting.

- 8.G. 14-0557** An ordinance submitting a Charter amendment to the electors of the City of Colorado Springs for the general municipal election to be held April 7, 2015 relating to voting requirements for funding or financing a stadium and event center

Councilmember Miller introduced a discussion about requirements for placing the funding of a stadium and event center on the ballot stating his version of the document follows the direction of the Title Board.

Councilmember Knight presented a version of the ordinance and explained the changes included in this version of the proposal and explained this version is the result of a meeting with Councilmember Miller and the petitioner to reach a compromise.

President King presented a third proposal on this issue and explained his endeavors to reach an agreement with Councilmember Miller and the petitioners and the importance of taking this decision to a vote of the people.

Councilmember Knight brought up concerns about possible revenue sources that could be used to fund the stadium based on the wording in President King's version.

President King requested Ms. Skinner clarify how money from the general fund is allocated. Ms. Skinner stated any appropriation from the general fund can cover any expenditure. Councilmember Miller stated the ballot language from the title board covers the URA funds and addressed his concerns about the alternate proposals presented adding the bottom line is to present this decision to a vote of the people.

President King outlined the differences in the three proposals being considered. Councilmember Knight requested changes to President King's proposal based on some inconsistencies and expressed his opinion that this is a vote on the citizens' trust of City officials to spend tax money.

Dennis Hisey, County Commissioner, stated he has reviewed some of the proposals and that the county operates under stricter guidelines than the City and stated the County cannot participate in an April election, resulting in the City residents voting on the same issue twice, he

believes President King's proposal is adequate and the County can and will support it if asked to do so.

Discussion continued between Ms. Skinner, City Council and Mr. Hisey about funding sources and restrictions. Consensus of Council agreed to have the City Attorney's Office review all three proposals and bring them to the back December 9, 2014 City Council meeting for further discussion.

9. Items Under Study

9.A. 14-0682 Appraisal of the Property Known as Jones Park

Mark Shea, Watershed Planning Supervisor for CSU, introduced Kyle Wigington, Real Estate Appraiser, who performed the appraisal on the Jones Park property. Mr. Wigington presented a summary of the appraisal of this unique piece of property adding that he had the assistance of a NEPA expert in doing the appraisal. Mr. Wigington explained the appraisal process and the complications associated with appraising this piece of property along with explanation of the terms used in the appraisal document.

Sallie Clark, El Paso County Commissioner, spoke about the County's interest in and commitment to protect the integrity of the property.

Councilmember Bennett reiterated his desire to not sell the property and to keep it available for public use and went on to state the reason for transferring the property is that it does not fit into the uses of CSU. Councilmember Bennett suggested Council request a resolution to transfer the property to El Paso County with stipulations to the agreement between the City and the County including first right of refusal to reclaim the property should the County ever decide to dispose of it.

Councilmember Snider requested stipulations include the property be accessible to the public.

Councilmember Collins asked about any necessary agreements between El Paso County and Teller County as part of the property is located in Teller County. Jeff Greene, El Paso County Administrator stated State law allows counties to own property outside of their boundaries and that this will not be a problem.

Councilmember Knight stated he is in agreement with transferring the land to the County as long as the City has first right of refusal to reclaim the property if the County should ever decide to dispose of it.

Councilmember Pico asked if there is a potential land swap between the County and the City that can be considered.

Mr. Greene requested the transfer be completed as quickly as possible to facilitate the NEPA process. Consensus of Council agreed to have a draft resolution presented December 8, 2014 with a decision to be made in the December 9, 2014 regular meeting or a possible December 17, 2014 special session.

9.B. 14-0720 Private security business licensing update

Ms. Gonzalez provided a brief review of this issue regarding licensed private security officers carrying concealed weapons. The City Attorney provided Council an attorney client privileged document containing an analysis of the concealed carry issue. Council may waive privilege if it is to be discussed in an open forum. Consensus of Council agreed to waive privilege on this document.

Councilmember Miller stated, although State law does not prohibit it, the City can prohibit an officer with a concealed carry permit from carrying a concealed weapon while on duty.

Citizen and Security Agency employee, Spencer Stringham, spoke in support of allowing licensed private security officers to carry concealed weapons with permission from the security agency they are employed by while on duty.

Council requested an ordinance allowing licensed private security officers to carry concealed weapons while on duty with permission from the security agency they are employed by be drafted and brought back to City Council during the January 27, 2015 meeting.

Mr. Stringham stated he has additional concerns about City Code related to security officer licenses. Councilmember Knight requested staff meet with Mr. Stringham regarding his concerns and provide an update during the January 26, 2015 meeting. Mr. Stringham and Ms. Gonzalez agreed to this plan.

9.C. 14-0721 Tree service business licensing update

Ms. Gonzalez provided a brief review of the discussion about the tree service license and Jay Hein, City Forester, provide clarification on the new law. Councilmember Miller expressed his concerns about the licensing requirements limiting fire mitigation performed by unlicensed individuals/organizations. Mr. Hein explained how the current license restricts this activity and how the new limited license will allow additional organizations to become licensed.

Councilmember Knight expressed support for the limited license and asked what the ramifications for not using licensed professional include. Mr. Hein stated the forestry department would likely issue a warning for violations and explained the intention of the licenses to prohibit organizations from coming to town and performing tree trimming without a license. Councilmember Knight stated he does not see a reason to modify the ordinance. Consensus of Council agreed there is no need to modify the ordinance.

10. Councilmember Reports and Open Discussion

Prior to the work session meeting, Councilmember Miller announced his resignation from Council effective at the conclusion of this meeting. Councilmembers Knight, Pico and King expressed appreciation for the work Mr. Miller has done and for his contributions to this team.

Councilmember Miller stated he will be entering the 2015 Mayoral race with the intent to ensure Council's voice is heard.

Consensus of Council agreed that all members of Council will be involved in the selection process to appoint a replacement Councilmember and a special session will be scheduled to interview the candidates.

11. Adjourn