



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.

Monday, July 13, 2015

1:00 PM

Council Chambers

1. Call to Order

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

2. Changes to Agenda

There were no Changes to the Agenda.

3. Regular Meeting Comments

Council President Bennett stated the intention to move agenda item 11.A., regarding the intent to hold an election, to be heard under Mayor's Business in the meeting tomorrow.

4. Review of Previous Meeting Minutes

4.A. [15-00374](#) City Council Work Session Meeting Minutes June 22, 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. [15-00397](#) Agenda Planner Review

Eileen Gonzalez, City Council Administrator, stated the agenda planner is included in the Council packets. There were no questions or comments on this item.

7. Presentations for General Information

7.A. [15-00196](#) Report on the Comprehensive Military Value and Economic Impact of Department of Defense Activities in Colorado

Greg Dorman, Legislative Liaison, Colorado Department of Military and Veterans Affairs provided an overview of the report. Mr. Dorman stated the report explains the economic impact Colorado offers the military as well as the impact the military presence has on the State.

Councilmember Strand asked if there are any new developments in the drainage problems with the Air Force Academy. Mr. Dorman stated he does not have any specific information about this. Councilmember Knight stated recent conversations he has had indicate there are continued drainage issues. Andy Merritt, Chief Defense Industry Officer, Colorado Springs Regional Business Alliance, stated growth around the Academy property on the east side of I-25 has created additional run-off and drainage issues creating additional costs for the installation. Tim Mitros, Development Review and Stormwater, stated item 8.A. on the agenda will provide additional information about this situation.

7.B. [15-00330](#) Polaris Pointe Development Update

Alex Brown, Consultant, provided an update on the progress of this development, formerly known as Copper Ridge. Mr. Brown stressed the importance of completing the Powers Boulevard extension to support this development.

Council President Pro Tem Gaebler asked what the estimated cost of the Powers Boulevard extension is and what projected tax revenue from the completed development is. Mr. Brown stated the cost for the extension is about \$100 million and added they are hoping to coordinate several funding sources to share the cost. Kathleen Kraeger, City Transportation Manager, stated CDOT has estimated the extension cost to be \$150 million and spoke about the coordination of funding sources between the developers, the City and CDOT, adding CDOT is now willing to assist with financing this when they have available funds. Ms. Kraeger added the City is considering a phased development plan for the extension to encourage CDOT funding.

Councilmember Pico stated the Powers extension is included in the transportation plan in the next decade.

Gary Erickson, developer, stated they could use City Council's assistance with funding options for the Powers Boulevard extension.

7.C. [15-00341](#) Humane Society of the Pikes Peak Region - Service Overview

Jan McHugh-Smith, President/CEO, Humane Society of the Pikes Peak Region, provided an update on the services provided by the Humane Society.

Leslie Yoder, Vice President, provided additional information about the services performed by the organization.

Joe Stafford, Director of Animal Law Enforcement, provided an overview of the responsibilities of this program.

Council President Bennett asked about animal training classes, Ms. McHugh-Smith stated they have a partnership with All Breed Rescue to provide training classes.

7.D. [15-00376](#) 2016 Budget Survey Results

Charae Moore, Budget Manager, provided an overview of the survey results.

Councilmember Strand stated several constituents mentioned they did not have the opportunity to participate in the survey. Ms. Moore explained how the survey was publicized and added there are additional public input opportunities for the 2016 budget.

Council President Pro Tem Gaebler stated she had received survey informational documents to provide to citizens and supported the efforts to solicit public participation.

Councilmember Murray asked if there is information on the geographical location of the respondents. Ms. Moore stated the survey was not intended to track statistical validity and reiterated the citizen response was beyond expectation.

7.E. [15-00377](#) Informational Report to Council regarding Proposed Plan to Receive Public Input on the City of Colorado Springs' Future Cable-Related Community Needs and Interests and Reviewing Comcast's Past Performance under the Franchise

Ken Fellman, outside counsel, provided an overview of the recommended plan to gather public input regarding the cable franchise agreement.

Councilmember Strand requested additional information about the public input process. Mr. Fellman explained the process and the required time-frame of the process. Councilmember Strand expressed concern about the short time-frame allotted to gather public input. City Attorney Renee Congdon stated there are additional opportunities for the public to submit input, including the public hearing.

Councilmember Knight proposed Council hold a separate public meeting the evening of August 10, 2015 to receive public comment rather than discussing this item during the July 28, 2015 regular meeting. Consensus of Council agreed to this. Councilmember Knight also suggested using the agreement between Denver and Comcast as a template and reminded everyone this is only about cable television and does not include internet or phone service. Councilmember Knight requested additional information about the customer service standards and services that have been deleted in the past 15 years.

Councilmember Murray discussed the informal and formal processes and the role of Council in representing citizens in this decision.

Councilmember King spoke about the regulation of public services and how this relates to the cable rates and requested specific criteria for regulating cable as compared to regulating utilities. Councilmember King agreed the time-frame for public input is too tight and stated he feels Council should allow for additional public discussion/input. Councilmember King asked when the proposed contract was drafted. Mr. Fellman stated he is not familiar with the history of cable in this City, but referred to the actions of Cable and Telecommunications Acts, and stated rates are not regulated in most cities, adding cable regulation is essentially cost prohibitive. Mr. Fellman stated the model franchise agreement was drafted in approximately 2013, adding this document is a starting point for the agreement.

Councilmember King requested additional information on the amended agreements from other cities.

Councilmember Pico reminded everyone this agreement grants

Comcast access to the public right-of-ways, this is not a venue to negotiate or regulate delivery of channels or rates.

Mr. Fellman stated most communities start with an informal process prior to going to formal negotiations and reminded Council they are the ones who requested soliciting public input. Mr. Fellman then explained the process he recommends Council follow, supporting the idea of having a separate public meeting to gain public input.

Councilmember Knight requested copies of the other cities' franchise agreements prior to the next meeting to allow Council to have information on what services other cities have negotiated. David Andrews, Legislative Counsel, will also provide copies of the franchise agreements with the other two cable franchises in town. Mr. Fellman stated communities frequently request community channels and public rights of way management. Mr. Fellman also suggested public works staff review the proposed contract.

- 7.F. [15-00381](#) A Resolution Setting a Public Hearing to Receive Public Comment Concerning the City of Colorado Springs' Future Cable-Related Community Needs and Interests and Concerning Past Performance of Comcast of Colorado/Pennsylvania/ West Virginia, LLC (Locally Known as Comcast) Under the Existing Franchise.

Renee Congdon, City Attorney, stated this is limited to setting a public hearing date.

Councilmember King suggested the discussion in the public meeting be limited to topics relevant to the agreement.

Please see additional comments in agenda item 7.E.

8. Items for Introduction

- 8.A. [15-00400](#) A resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a special municipal election and to participate in a coordinated election to be held on Tuesday, November 3, 2015, and providing the effective date of this resolution.

Res/Ord Number: 72-15

Bret Waters, Deputy Chief of Staff, stated this will come before Council tomorrow due to the required time-frame for inclusion in the County Election.

There were no Councilmember questions or comments.

- 8.B. [15-00318](#) A resolution authorizing the Mayor to execute a Memorandum of Agreement between the Fountain Creek Watershed, Flood Control and Greenway District and the City of Colorado Springs for Grant Matching Funds for the preparation of a watershed restoration master plan for Monument Creek

Tim Mitros, Development Review and Stormwater Manager, explained the need to develop a solution to the stormwater and drainage issues caused by development of the City. Mr. Mitros stated the City has received grant funding to assist with funding the improvements.

Councilmember Knight requested a sentence clarifying changes to the funding or scope of the agreement will be approved by City Council.

- 8.C. [15-00367](#) An ordinance creating a new Part 12 (Pedal-Cab Services) of Article 3 (Sales of Good and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) and providing penalties for the violation thereof.

Council President Pro Tem Gaebler introduced this discussion regarding the licensing of pedal-cabs as requested by the Downtown Partnership.

Britt Haley, City Attorney, explained the need for this ordinance to add this license type to the City Code. Ms. Haley added a brief explanation of the license types and how the structure of the license was developed, adding the second ordinance relates to the establishment of license fees.

Councilmember Pico asked if the bicycles will be licensed and if a commercial driver's license will be required. Ms. Haley clarified the bicycles themselves will not be licensed, the company owning the bicycle and the driver will be licensed. A valid Colorado Driver's license will be required to obtain a pedal-cab license.

Councilmember Knight asked how this differs from the local pedal bars. Jeremiah King, local businessman, explained the local pedal bars feature multiple people powering the "vehicle" as a form of social entertainment, while a pedal-cab is powered by one driver.

Councilmember Knight requested the documents be revised to clearly differentiate between the two.

Councilmember Knight also requested the ability to purchase a two year license be considered.

Councilmember Knight also requested the documents be amended to clarify “business days” when requiring notification be provided.

- 8.D.** [15-00401](#) An ordinance 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 pedal-cab services license fees

Please see comments in Agenda Item 8.C.

- 8.E.** [15-00370](#) An ordinance amending Section 450 (Sales and Use Tax in a Commercial Aeronautical Zone) of Part 4 (Exempt Transactions, Commodities and Persons; Deductions) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to expanded geographical area for commercial aeronautical zone and approving and adopting commercial aeronautical zone map.

Dan Gallagher, Director of Aviation, provided a review of the Commercial Aeronautical Zone (CAZ) tax exemption for the airport, recent changes and developments to the airport and the significance these ordinances to supporting future growth and development at the airport. Mr. Gallagher explained the provisions of the agreement that protect the City and the potential benefits to the City.

Councilmember King stated this is an exciting opportunity to bring businesses and jobs to the City.

- 8.F.** [15-00371](#) An ordinance amending Section 201 (Definitions) and adding a new Section 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial aeronautical activities at the Colorado Springs Municipal Airport.

Please see comments in Agenda Item 8.E.

- 8.G.** [15-00372](#) An ordinance creating a new Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial aeronautical activities within the commercial aeronautical zone.

Please see comments in Agenda Item 8.E.

- 8.H. [15-00130](#) A resolution approving the City Council's 2016 strategic plan pursuant to City Charter Section 3-10(C) to provide for the future of the City and for the Mayor's consideration in the development of the 2016 municipal administrative budget

Eileen Gonzalez, City Council Administrator, explained the process of City Council developing a strategic plan for the Mayor to consider in developing the City budget.

Councilmember Knight stated the section addressing economic growth previously included supporting the local military facilities and requested this be included in the current document.

Councilmember Murray asked if there is a mechanism to evaluate the 2015 plan. Council President Pro Tem Gaebler stated she supports the idea of evaluating the 2015 plan, but this should be done independently of the 2016 plan.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmembers Bagley and Pico will take a proclamation to the 20th Anniversary of GPS Celebration at Schriever Air Force Base July 15th.

Councilmember Bagley provided an update about the park in the Chapel Hills area of District 2 with a stormwater pond, and thanked Tim Mitros for his role in coordinating with several organizations to develop a plan to maintain the park, pond and drainage system.

Councilmember Strand paid tribute to recent events in our community including the Pikes Peak or Bust Rodeo, the Southeast Fun Fest and the Salute to Veterans.

Councilmember Strand announced the next At-large Councilmember Public Forum will be July 22, 2015 at 6pm at City Hall.

Council President Pro Tem Gaebler reminded Council this is the inaugural day for Bustang.

Council President Pro Tem Gaebler recently attended a Colorado

Municipal League Executive Board Retreat; she will share what she learned with Council. Council President Bennett encouraged Council to take advantage of the benefits of the Colorado Municipal League membership.

Councilmember Murray stated the country celebrated the 25th anniversary of the ADA Act last week and thanked the Mayor for his support of PrideFest this past weekend.

Council President Bennett requested Council prepare a proclamation honoring the 25th anniversary of ADA, consensus of Council agreed.

Councilmember King commented on the presence of the Mayor and expressed appreciation of the positive attitude of City Employees in providing assistance to Councilmembers.

11. Adjourn