



City of Colorado Springs

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

Meeting Minutes - Draft Council Work Session

Monday, June 23, 2014

1:00 PM

Council Chambers

1. Call to Order

Present 9 - Merv Bennett, Helen Collins, Jill Gaebler, Don Knight, Keith King, Jan Martin, Joel Miller, Andy Pico, and Val Snider

2. Changes to Agenda

Colorado Springs Utilities will provide an update on Drake Power Plant restoration process after the closed executive session.
Because the Website hyperlink was not functioning properly, hard copies of attachments for 12. J.were provided to Council members.

3. Regular Meeting Comments

Due to concerns over the length of the agenda for the Tuesday Council meeting, President King initiated a discussion on how to manage the meeting. After much discussion by Council and considering many options including postponing certain agenda items, conducting an additional meeting to address the development ordinances and considering the potential delays caused by some of these options, Council agreed to continue this discussion later in this meeting with advice from Peter Wysocki, Planning and Development Director.

4. Review of Previous Meeting Minutes

Amendments to the May 9, 2014 Work Session minutes were requested:

Councilmember Collins requested verbiage be added to item 8. I. regarding maintaining business license fees for sexual oriented and escort businesses.

Councilmember Knight requested documentation of the many questions asked regarding item 8. E.

Councilmember Miller requested the documentation changes on the Next 5 Year Plan and the Emergency Shelter be added to item 8. E.

4.A. 14-0354 Approval of the Minutes of the June 9, 2014 Work Session

These Minutes were approved as amended.

5. Executive Session

A) Open

There were no items presented for Open Executive Session.

B) Closed

B)A. 14-0342

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b), and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves legal advice and negotiation consultation with the City Attorney regarding a pending litigation matter.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration

Councilmember King stated the purpose of the closed executive session was an update on the PERA litigation.

President King polled Council. The individual votes are tallied: Vote 7-2-0 Councilmembers Collins & Miller voted no.

Consensus of Council approved the Closed Executive Session.

Council reconvened the Regular Council Session.

Update on Drake Power Plant Repairs

Daniel Higgins, General Manager, Energy Supply, Colorado Springs Utilities, presented an update on progress toward repair of the Martin Drake Power plant. Testing on unit 6 is in process, work continues on unit 7. He explained the process for the crane repairs in the damaged area.

This informational report was received.

6. Staff and Appointee Reports**6.A. 14-0099 Agenda Planner Review**

Peter Wysocki, Planning and Development Director, addressed postponement discussions on land development projects and the time-line for each one. Councilmember Bennett asked if the discussion about the associated developments can be combined, Mr. Wysocki said this can be done and that he will ask presenters to keep their presentations brief. Each item will have to be voted on individually. Councilmember Snider asked why these ordinances are being brought to council, Mr Wysocki explained that per City Code, certain planning items such as these are required to go to City Council.

Councilmember Gaebler asked if limits can be placed on the number of proposals included on meeting agendas to help insure good decisions are made. Mr. Wysocki reiterated he will ask all present to provide brief explanations.

This informational report was received.

6.B. 14-0238 Memorial Health System Enterprise Financial Report

There were no questions or discussions on the Memorial Health System Enterprise Update.

This informational report was received.

6.C. 14-0355 City for Champions Update

Bob Cope, City for Champions Project Manager, updated Council on the City for Champions activities. He stated a new draft of the EDC resolution has been presented to the City Attorney's Office. The goal is to have the revisions complete and present the resolution for approval by the EDC board at their meeting on July 10, 2014. The RTD board continues to be on hold pending approval of the resolution agreement. The last monthly public information update meeting was held June 17th at 1730. The next public meeting will be in August, date and time to follow.

Project partners continue to make progress in the process of narrowing down candidates for contractors. Dick Celeste has made progress on negotiating an agreement with the USOC Board; this agreement will lead to more donations.

Councilmember Miller requested a copy of the draft agreement. He also voiced his concerns about department heads presenting projects to Council and the City for Champions' budget and expenditures.

Mr. Cope responded to the funding concerns related to the City for Champions, explaining that spending has been budgeted, reported and documented appropriately. Some projects have been independently funded, such as newspaper ads and billboards that have been donated to help support City for Champions. He also assured councilmember Miller that any changes to the budget will be presented to Council.

This informational report was received.

7. Presentations for General Information

7.A. 14-0289 Pikes Peak Library District's Library 21c

Kathleen Owings, President, PPLD Board of Trustees; Cathy Grossman, Chair, External Affairs Committee PPLD Board, and Carolyn Colter, IT Director of PPLD presented an overview of the PPLD 21c project. The Grand Opening at the new 21c Library facility on Saturday June, 21st was well attended. Use of

an existing facility allowed for many innovative features to be incorporated into the facility.

Councilmembers Gaebler, Martin and Miller congratulated and thanked the staff and board members on a job well done.

This informational report was received.

8. Items for Introduction

- 8.A. 14-0345** Stormwater Task Force update and briefing regarding progress on draft Intergovernmental Agreement (IGA) relating to the Pikes Peak Regional Drainage Authority.

Dave Munger, co-chair of the Storm Water Task Force, presented an update on the project. He stated the CH2M Hill report should be available by the end of June.

Meetings with surrounding communities, including legal counsel, have gone well. There is a meeting scheduled later this week to discuss the steps needed to move forward with IGA. The task force is addressing infrastructure needs and developing a plan to move forward. Mr Munger stated the El Paso County Board of Commissioners wanted assurance from Council before placing the issue on the November Ballot.

This informational report was received.

- 8.B. 14-0298** A Resolution authorizing the partial abandonment of the Woodmen Road Widening Project (103-3197-9319033), creation of the new Woodmen, Stinson to Powers Project (103-3197-93190XX), and transfer in the amount of \$4,950,133 to the new Woodmen project.

Mike Chaves, Senior Civil Engineer, provided an overview of the project. This resolution is the closure of one contract and the opening of a new one. Any remaining funds from the old contract will be moved forward to the new contract.

This Resolution was referred to the City Council due back on July 8, 2014.

- 8.C. 14-0251** A resolution to authorize the Mayor to accept and execute a loan from the Colorado Department of Transportation State Infrastructure Bank-Aviation Division in the amount of \$2,336,000 to fund Passenger Facility Charge (PFC) projects at the Colorado Springs Airport.

Dan Gallagher, Director of Aviation with the Colorado Springs Airport, presented an overview of resolutions 8.C and 8.D. requesting authorization to collect fees to fund PFC projects. PFC revenues have decreased in the last five years creating a cash-flow deficit. They have developed a budget plan to manage future PFC projects using a SIB loan. The loan would be a ten year term at 2.5% interest.

Councilmember Miller confirmed this resolution will restructure a previous

financial request and leverage PFC funding to increase reserves to reduce debt and fund future projects.

This Resolution was referred to the City Council due back on July 8, 2014.

- 8.D. 14-0307** A resolution authorizing submission of Passenger Facility Charge (PFC) Application #20 to the Federal Aviation Administration, increasing the total PFC funds to be collected for capital improvements at the Colorado Springs Airport

Please see notes on item 8.C.

This Resolution was referred to the City Council due back on July 8, 2014.

- 8.E. 14-0261** A resolution authorizing the Mayor to execute the Memorandum of Agreement between the Fountain Creek Watershed, Flood Control and Greenway District and the City of Colorado Springs for Grant Matching Funds to fund the preparation of a Watershed Restoration Master Plan for Upper Fountain Creek and Cheyenne Creek

Tim Mitros, Development Review & Stormwater Manager, provided an overview of the MOA. The Colorado Water Conservation Board approved a grant requiring matching funds, local agencies are requesting the city to contribute \$100,000 toward this research project. Councilmember Miller confirmed with Mr Mitros that the master plan will have actionable projects.

This Resolution was referred to the City Council due back on July 8, 2014.

- 8.F. 14-0340** A Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at Special Municipal Election as part of a coordinated election to be held on Tuesday, November 4, 2014, the question of whether the City shall authorize, regulate, and license the lawful operation of marijuana establishments and marijuana-related facilities within the City, and if so, requiring the City Council to repeal ordinance no. 13-47 pertaining to the growing and selling of marijuana, to pass an ordinance establishing a moratorium on the licensing of marijuana establishments until July 1, 2015, for the purpose of studying and enacting one or more ordinances authorizing, regulating, and licensing the lawful operation of marijuana establishments and marijuana-related facilities within the City, and providing for the form of ballot title, providing for certain matters with respect to the election, and providing the effective date of this resolution

Councilmember Gaebler requested information on the cost of placing a question on the November Ballot.

Sarah Johnson, City Clerk, stated the El Paso County Clerk and Recorder estimated the City's costs to participate in the coordinated election to be between \$465,000 to \$738,000.

Councilmember Miller questioned how the \$250,000 amount allotted for an election in the 2014 budget was calculated. Kara Skinner, Chief Financial Officer for the City, explained the amount was based on historical costs for city participation in November elections. Ms. Johnson also explained that the cost of participating in the coordinated November election is calculated based on the number of registered voters in the city and the number of other entities participating in the election. The City of Colorado Springs comprised approximately two thirds of the registered voters in El Paso County, resulting in higher costs for the City to participate in a coordinated election. Ms. Johnson explained that recent state legislative requirements have increased the County Clerk and Recorder's election costs.

Councilmember Martin inquired how the number of questions on the ballot affect the cost of the 2015 city election and how this will be addressed in the budget. Ms. Johnson explained the number of questions on a ballot does not significantly affect the cost of an election. The larger costs are associated with printing/mailing ballots, hiring election judges and other expenditures.

Councilmember Knight responded on behalf of the budget committee that the amount budgeted for a 2014 election was a projected amount for a potential election. This experience has been enlightening to the costs associated with an election; the next budget will more closely reflect the true costs associated with an election. He would like to see Council decide now when this issue will be placed on the ballot to allow organizations involved to plan for a ballot initiative to plan accordingly. He stated the 2014 budget money can be reallocated to the 2015 election budget.

Councilmember Gaebler would prefer to have City Council make this decision now rather than deferring to citizens, this would allow Council to be in control of how the question is worded and placed on the ballot and several members agreed.

This Resolution was referred to the City Council due back on June 24, 2014.

- 8.G. 14-0341** An Ordinance submitting charter amendments to the electors of the City for the special municipal election to be coordinated with the general election on November 4, 2014, relating to City Council direction and supervision of auditor and legislative employees

Mike Sullivan, HR Director, stated that under the direction of Mayor Bach, the City Attorneys' Office and HR, have been working with this Council Administrator, Eileen Gonzalez, to document commitments relative to the employment relationship with city employees who work for Council.

Councilmember Miller stated he would be more comfortable with a charter amendment as a more permanent solution because this type of document can

be dissolved by either party at any time.

Councilmember Pico stated council saw a draft of this document previously and expressed concern about the document being a solution to this issue. Mr. Sullivan stated the intent of this document is to have guidelines in place to avoid any potential conflicts.

This Ordinance was referred to the City Council due back on June 24, 2014.

9. Items Under Study

There were no items under study to be discussed.

10. Councilmember Reports and Open Discussion

President Pro Tem Merv Bennett provided a report on his trip to Ancient Olympia Greece to sign a sister City agreement with the city of Colorado Springs. The team developed warm relationships with local dignitaries attending the conference.

Councilmember Knight requested approval to use some of his funds to travel to Washington DC on the RBA trip. Consensus of Council agreed to the expenditure. He attended a Regional Small Business Administration luncheon last week, small businesses are blooming. He also attended the Pikes Peak Range Riders Barbecue and encouraged everyone to attend at least one session of the rodeo.

Councilmember Miller spoke about Colorado Springs struggling to meet the maintenance of effort requirements of the PPRTA agreement. The CAC is concerned about the city's efforts to address the downward trend in the City's transit spending; they requested changes to the IGA. He introduced proposed changes to the agreement and requested council to allow him to report back to the CAC that this information has been presented to the Council.

Councilmember Martin commented that in working with the PPRTA over the last several years she appreciates the importance of providing some flexibility in the language of these agreements; however, it would be very difficult to get the language CAC is requesting approved by all members.

Councilmember Miller expressed that the CAC is looking for commitment from council to recognize there is a shortfall and support a plan to adjust and recover. He recommends Council include funding in the budget to cover the \$1.8 million deficit of the maintenance of effort obligation.

Britt Haley, Division Chief, City Attorney's Office, clarified the requirements for appropriating funds. The City Attorney's Office is available to clarify any further

questions.

Consensus of Council was to have Councilmember Miller report back to the CAC on this discussion.

Councilmember Knight addressed that public projects were included in the general fund of the 2014 budget, this funding is expiring in the near future and they will be developing a new budget. Steve Cox, Chief of Staff, commented that the department will try to do a better job on the 2015 budget.

Councilmember Snider suggested the staff planning meeting scheduled for Tuesday June 24, 2014 be cancelled. Consensus of Council agreed to the cancellation. He recently attended a CML Conference, one take away he shared was the need to positively influence economic change because there will still be change without the positive influence. He recommends Councilmembers plan to attend this conference next year.

11. Adjourn

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

Sarah B. Johnson, City Clerk