



# 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.*

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Monday, October 13, 2014

1:00 PM

Council Chambers

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### 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

There were no Changes to the Agenda.

### 3. Regular Meeting Comments

Eileen Gonzalez, City Council Administrator, noted the Business Licensing ordinances on the agenda for the regular City Council meeting October 14, 2014 are on the Consent Calendar and requested that members notify her of items to be pulled off the Consent Calendar prior to the meeting.

Councilmember Knight stated he will pull item 5A.A. and 5A.B. off the Consent Calendar so he can recuse himself from the vote due to his absence at the first meeting. Councilmember Knight pointed out item 5A.C. on the agenda was to be brought back in late October and questioned why it is on the agenda for tomorrow, staff will look into this. Councilmember Knight stated he will request item 10.B. be postponed to October 28, 2014 to allow the Utilities Board and the public the opportunity to address it.

### 4. Review of Previous Meeting Minutes

#### 4.A. [14-0608](#) City Council Work Session Meeting Minutes September 22, 2014

The minutes of the September 22, 2014 City Council Work Session were approved as presented.

### 5. Executive Session

#### A) Open

Consensus of Council agreed with the recommendation of the Civil Action Investigation Committee to authorize the City to represent the City and named officers as required by the Colorado Governmental Immunity Act and the Peace Officers Liability Act.

**A)A.** [14-0629](#) Joshua Bryan Palmer v. City of Colorado Springs, Anthony Carey, Trever Gardner, and Jordan Swanberg; Case No. 2014CV32868 pending before the El Paso County District Court, which has been removed to the U.S.D.C. for the District of Colorado as Case No. 14-CV-2659

**A)B.** [14-0621](#) Bryan Koenig v. Terry Thrumston, Jennene Scott, and Jodi Germano; Case No. 14-cv-01490-RM-MJW

B) Closed

**B)A.** [14-0625](#) 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 consultation with the City Attorney regarding legal questions related to a Councilmember-initiated City Code and City Charter proposal.

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.

Dave Andrews, Legislative Counsel, explained items to be discussed are confidential and of a sensitive nature, and recommended they be discussed in a Closed Executive Session.

Councilmember Collins requested this be discussed in an open session.

Councilmember Miller stated Council has the right to discuss this without involving the City Attorney.

President King polled Council regarding the desire to conduct the discussion in a Closed Executive Session. Consensus of Council did not approve having the discussion in a Closed Executive Session. Councilmembers Collins, King, Knight, Miller, Pico and Snider voted no.

Wynetta Massey, City Attorney, stated the purpose of the discussion

was to discuss legal aspects of the proposal and discussing this issue in an open session would not be in the best interest of her client, the City.

Councilmember Collins stated the purpose of this discussion is to address concerns related to City spending associated with buy-outs, severance packages and other benefits of City employees and recommended Council hire outside counsel due to a potential conflict of interest including the City Attorney's office.

Discussion ensued on the best way for Council to pursue discussion of the items in the proposal.

Consensus of Council agreed to have the City Attorney's Office review the severance issue and report back to Council at the November 10, 2014 meeting.

## 6. Staff and Appointee Reports

### 6.A. [14-0106](#) Agenda Planner Review

Eileen Gonzalez, City Council Administrator, presented an overview of the Agenda Planner, pointing out that the meeting November 10, 2014 will be at 1:00pm followed by the Work Session.

## 7. Presentations for General Information

### 7.A. [14-0499](#) Overview of 2015 annual Council actions concerning the Downtown Development Authority budget, Business Improvement District (BID) budgets and operating plans, General Improvement District (GID) budgets, Special Improvement Maintenance District (SIMD) budgets, and related matters

Carl Schueler, Planning Manager - Comprehensive Planning, provided an overview of the Council actions associated with the BID operating plans and budgets, noting the difference between regular and special actions Council will take over the next few weeks.

Councilmember Knight requested clarification on the ability of individual BID's to make changes to their budgets. Mr. Schueler explained Council policy governing the funds. Mr. Andrews suggested Council and the City Attorney's Office research TABOR and other regulations governing the associated tax laws.

## 8. Items for Introduction

8.A. [14-0500](#) Introduction of the Downtown Development Authority (DDA) Budget, and Business Improvement District (BID) Operating Plans and Budgets for 2015

Carl Schueler, Planning Manager - Comprehensive Planning, highlighted changes to the budgets and operating plans on agenda items 8.A. through 8.L., including all of the areas in one general discussion. Additional information, specific to certain areas, was also provided.

Councilmember Miller asked how the boundaries of a district can be expanded in reference to a plan to include a block of South Tejon Street in the Downtown BID. Mr. Schueler stated this will go through City Council for approval.

Councilmember Knight asked why a Nor'wood BID is not being dissolved since it is no longer active. Mr. Schueler explained how commercial districts are not limited to the 40 year term residential areas are.

Susan Edmondson, President of the Downtown Partnership, provided additional clarification on the request to include a block on the east side of South Tejon Street in the Downtown BID. Ms. Edmondson also provided an overview of the Downtown BID and DDA activities.

Councilmember Knight asked for a better breakdown of the proposed spending on programs within their budget. Ms. Edmondson stated State guidelines and the provided budget format are being followed, but she will provide the requested information.

Councilmember Knight asked additional questions about the operating reserve in the BID. Ms. Edmondson stated there are projects like signage that need attention that will be funded through the reserves.

Councilmember Knight commented on the fluctuating amount in the "Other" column. Ms. Edmondson will provide additional information on this.

Councilmember Miller asked how funds are delineated between enterprises and the BID. Ms. Edmondson explained enterprises may build or provide items the DDA maintains, for example, a flowerbed may be installed in a parking area by the parking enterprise which will then

be maintained by the DDA.

Councilmember Knight asked Ralph Braden with the Nor'wood Development Group about the decline in property values in the development. Mr. Braden stated the occupancy rates have declined, not property values.

Councilmember Knight asked about the 3% reserves in the operating plan for Barnes North which is at about 30%, and about the BID's including term limits similar to the other developments. Mr. Braden will prepare answers to these questions for a future meeting.

- 8.B.**    [14-0459](#)        Approval of the Proposed 2015 Budget for the Colorado Springs Downtown Development Authority

Please see information in agenda item 8.A

- 8.C.**    [14-0460](#)        Approval of the Proposed 2015 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District

Please see information in agenda item 8.A

- 8.D.**    [14-0461](#)        Approval of the Proposed 2015 Operating Plan and Budget for the Barnes & Powers North Business Improvement District

Please see information in agenda item 8.A

- 8.E.**    [14-0462](#)        Approval of the Proposed 2015 Operating Plan and Budget for the Barnes & Powers South Business Improvement District

Please see information in agenda item 8.A

- 8.F.**    [14-0463](#)        Approval of a Revised 2015 Operating Plan and Budget for the Briargate Center Business Improvement District

Councilmember Knight questioned the mill levy for this district with debt servicing set at 38 mills and the operation and maintenance set at zero, asking if this is feasible and pointing out the operational mill levy can be raised again for the 2016 budget. Mr. Schueler stated Council has the opportunity to approve the budget plan annually. Councilmember Knight clarified this means the district can increase the operational mill levy to between two and eight percent in 2016. Mr. Schueler stated they can per Council policy and with Council approval.

- 8.G.**    [14-0464](#)        Approval of the Proposed 2015 Operating Plan and Budget for the First and Main Business Improvement District

Please see information in agenda item 8.A

- 8.H.**    [14-0465](#)        Approval of the Proposed 2015 Operating Plan and Budget for the First and Main Business Improvement District No. 2

Please see information in agenda item 8.A

- 8.I.**    [14-0466](#)        Approval of the Proposed 2015 Operating Plan and Budget for the First and Main North Business Improvement District

Please see information in agenda item 8.A

- 8.J.**    [14-0467](#)        Approval of the Proposed 2015 Operating Plan and Budget for the Interquest North Business Improvement District

Please see information in agenda item 8.A

- 8.K.**    [14-0468](#)        Approval of the Proposed 2015 Operating Plan and Budget for the Interquest South Business Improvement District

Please see information in agenda item 8.A

- 8.L.**    [14-0469](#)        Approval of the Proposed 2015 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District

Please see information in agenda item 8.A

- 8.M.**    [14-0567](#)        A Resolution Authorizing the Colorado Springs Airport to Apply for a Loan from the Colorado Department of Transportation State Infrastructure Bank (“SIB”) in an Amount Not to Exceed \$5,000,000 to Fund Infrastructure and Capital Asset improvements at the Colorado Springs Airport.

Dan Gallagher, Director of Aviation, provided an overview of the plan to apply for a loan to fund projects expected to generate revenue to cover the costs of the loan.

Councilmember Knight clarified the revenue would cover the loan. Mr. Gallagher confirmed this.

Councilmember Miller requested clarification on the purpose of a previous SIB loan and how those funds were used. Mr. Gallagher related how those funds were used and explained this is a new loan to cover new projects. Mr. Gallagher provided additional information on the projects being done and the plans to continue to expand services at the airport adding that the potential tenants will be under contract prior to projects being started.

- 8.N.**    [14-0600](#)        A resolution approving the Intergovernmental Agreement and Service-Level Agreement between the City of Colorado Springs and El Paso County for facilities maintenance services

Curt Decapite, Procurement Services Manager, Finance Department, explained this resolution will continue a mutually beneficial relationship that has developed between the City and El Paso County.

Councilmember Knight asked if the total agreement amount included cemetery and golf course maintenance. Mr. Decapite stated there is a minimal additional cost associated with the cemetery and golf course maintenance.

Councilmember Knight requested additional information on the formation of this agreement and asked if a formal market analysis has been done recently. Mr. Decapite explained the original negotiation process leading to the partnership with the County and stated he has not done a formal market analysis recently but his informal analysis has shown this to be an equitable arrangement.

Councilmember Miller asked if the City Attorney's Office has reviewed this agreement. Mr. Decapite stated the agreement has been approved by the City Attorney's Office. Renee Congdon with the City Attorney's Office stated this is basically the same agreement as the 2009 and 2011 IGAs with a little clarification on how the agreement is to be extended.

- 8.O.**    [14-0606](#)        A resolution authorizing the transfer of \$10,000,000 from the Memorial Health System Enterprise Fund to the Colorado Springs Health Foundation in accordance with the Health System Operating Lease and Integration and Affiliation Agreement

Kara Skinner, Chief Financial Officer, explained how the settlement of the PERA lawsuit incentivized CSHF to request the funds included in the lease agreement be transferred to them. Councilmember Knight clarified the timing of the transfer of funds to CSHF and PERA, and requested how future expenses will be paid. Ms. Skinner stated CSHF will begin paying their expenses now that they have established bank accounts.

Councilmember Bennett stated CSHF needs time to begin receiving funds before having to pay expenses, Ms. Skinner agreed.

Councilmember Bennett asked how the funds from the lease payments from University of Colorado Health will be handled. Ms. Skinner explained the lease payments will be received by the City and transferred to CSHF, there is a meeting scheduled to discuss the details

of this arrangement.

Councilmember Miller asked how future grant funds received by CSHF will be handled. Councilmember Bennett stated this was addressed in the agreement Council approved. Councilmember Miller stated his desire to keep this process open.

#### 9. Items Under Study

There were no Items Under Study

#### 10. Councilmember Reports and Open Discussion

Councilmember Snider led a discussion on the most effective way to provide feedback to the federal government regarding the Waters of the U.S. Resolution. A link to the Waters of the U.S. Resolution El Paso County prepared was provided to Council.

Councilmember Knight thanked the executive branch for the work done on the budget presentation this year and provided an overview of the activities of the budget committee and budget approval process. A Council led e-T Town Hall meeting is scheduled for Thursday October 23, 2014 from 5 pm -7:30 pm. This is an opportunity for citizens to present feedback but does not require Council to engage with citizens to discuss budget issues. City Council will then meet October 30, 2014 for a final budget review. The ordinances will be finalized for first vote November 10, 2014 and final approval November 25, 2014. Any items vetoed by the Mayor will be presented again in the first meeting in December.

President King discussed an upcoming resolution relating to Council's possible endorsement of the upcoming stormwater vote and he talked about the platting of properties affecting the stormwater agreement, providing clarification about multiple commercial properties that were platted separately years ago, which have since been combined, will be handled through the agreement.

Councilmember Miller asked the City Attorney's Office when Council might expect a statement on the Stadium Authority. David Andrews, Legislative Counsel, stated the request was for general information, in response to which the statutes were provided.

Discussion ensued regarding Council's concerns about the inability of



the City Attorney's Office to disclose information. President King requested an explanation of the delays on behalf of the City Attorney's Office to provide information to Council. Mr. Andrews explained the extent of the information requested will require substantial time and research to produce.

President King stated his concerns about how Council receives information from the Attorney's Office, adding that Council should consider approving funds to hire outside counsel to provide legal advice, and expressed his disappointment that the proposed budget would cut legislative counsel supporting City Council to a single half-time position which he feels is inadequate for to meet Councils' needs.

11. Adjourn

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

Sarah Johnson  
City Clerk