



# 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. 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, January 9, 2017

1:00 PM

Council Chambers

---

### 1. Call to Order

**Present** 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

### 2. Changes to Agenda

Council President Bennett stated agenda item 8.A. will be discussed today and voted on in the meeting tomorrow. Councilmember Knight expressed concern about the public having time to respond to this item. Peter Wysocki, Director of Planning and Community Development, stated some Americans with Disabilities Act requirements are included in the proposal and should be addressed in a timely manner but the item can be postponed, if that is the desire of Council.

### 3. Regular Meeting Comments

Council President Bennett stated Councilmember Strand has an item regarding parks he would like to add to the meeting agenda tomorrow. Consensus of Council agreed to hear this item in the meeting tomorrow and decide if they wish to direct the City Attorney to draft ballot language to be presented in the January 24, 2017 City Council meeting.

Council President Bennett stated the Consent agenda tomorrow includes recognition of three individuals retiring from the City and requested these items be included in the recognition section of the agenda. Consensus of Council agreed to this request.

### 4. Review of Previous Meeting Minutes

4.A. [16-761](#) City Council Work Session Meeting Minutes December 13, 2016

Presenter:

Sarah Johnson, City Clerk

Councilmember Pico requested the minutes in agenda item 6.B. be amended to more accurately reflect his remarks about the spike in sales tax revenue from building materials and car sales, which were lagging, can be attributed to the hail storm.

The meeting minutes were approved as amended.

## **5. Executive Session**

### **5A. Open**

#### **5A.A. [16-760](#)**

David Johnson, II v. Erik Gulbrandson, individually and in his official capacity; City of Colorado Springs; Case No. 16-CV-032931, District Court, El Paso County, Colorado

Recommendation of the Civil Action Investigation Committee: authorize the City to represent the Officer as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act, reserving the right not to pay any award of punitive damages.

Presenter:

Wynetta Massey, City Attorney

Consensus of Council agreed with the recommendation of the Civil Action Investigation Committee to authorize the City to represent the Officer as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act, reserving the right not to pay any award of punitive damages.

### **5B. Closed**

There was not a Closed Executive Session.

## **6. Staff and Appointee Reports**

#### **6.A. [16-722](#)**

Financial Report - City of Colorado Springs

Presenter:

Kara Skinner, Chief Financial Officer

Kara Skinner, CFO, presented the financial report.

Councilmember Knight noted the report reflects the Public Works Department spending is trending below their budget and asked if Council took formal action allowing that department to retain unused funds. Jeff Greene, Chief of Staff, stated a formal request for this will be

presented to Council in February.

Councilmember Strand commented on the auto sales doing well and asked what the predicted total growth factor for 2016 was. Ms. Skinner stated she believes it was close to four percent, she will provide this information to Council at a later time. Ms. Skinner added that the budgeted revenue amount for 2016 was over the TABOR cap. Councilmember Strand asked if there is a way to generate a more accurate estimate. Ms. Skinner stated she will review the figures and see if she can make a closer estimate.

Councilmember Strand stated he has heard grants will drop off in the next couple of years and asked how Finance will handle this funding decrease. Ms. Skinner reminded Council grant funded projects are not started until the grant funds are received.

Councilmember Pico stated he believes the increase in tax revenue from auto sales and repairs and building materials is temporary due to the damage incurred by the hail storm and needs to be handled carefully when making tax revenue predictions.

Councilmember Collins asked how many Certificates of Participation (COP's) the City has and how much money that represents. Ms. Skinner will provide a list of the COP's and the associated financial figures to Council.

**6.B.**    [16-648](#)            Financial Report - Memorial Health System Enterprise

Presenter:

Kara Skinner, Chief Financial Officer

There were no questions or comments on the Memorial Health System Enterprise financial report.

**6.C.**    [16-681](#)            Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Eileen Gonzalez, City Council Administrator, provided an overview of the agenda planner and stated there have been some changes since the previous meeting.

An update on the local residential real estate market and a 2017 real

estate forecast has been added to Items Under Study on the January 23, 2017 Work Session.

A report from Utilities relating to wastewater discharge and a proposal regarding a donation of property from Norris Penrose Properties will be included under Utilities Business on the January 24, 2017 agenda. The planned discussion regarding the Regional Water Contract for Stratmoor Hills Water District will be deleted from the February 14, 2017 agenda.

Councilmember Knight requested a final draft of the retention of revenue in excess of TABOR limits ballot referral proposal by January 23rd and asked how the expected refunds to the citizens related to this item will be handled, noting that in the past, refunds have been provided through a utility bill credit. This item will also be included on the January 23, 2017 work session and January 24, 2017 regular meeting agendas.

## **7. Presentations for General Information**

- 7.A. [16-650](#) Colorado Wildland Fire and Incident Management Academy (CWFIMA)

Presenter:  
Fire Chief Ted Collas

Fire Chief Ted Collas spoke about the program and introduced Jeff Krugman, Incident Commander of the Colorado Wildfire and Incident Management Academy, who spoke about the importance and growth of the program and expressed appreciation to Council and the Community for their support. Brenda Wasielewski, Fire Management Officer-South Central Region, Stated Division of Fire Prevention and Control thanked Council for their support.

Mr. Kreuger stated there are about 1,000 individuals participating in the various sessions and the curriculum includes leadership modules this year.

## **8. Items for Introduction**

- 8.A. [CPC CA 16-00116](#) An Ordinance Amending Part 2 (Off Street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, As Amended, Pertaining to Parking.

(Legislative)

Presenter:

Meggan Herington, LUR/DRE Planning Manager, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

Meggan Herington, Planning Manager, provided a summary of the changes to City Code included in this proposal.

This item will likely be postponed to the January 24, 2017 meeting.

There were no questions or comments on this agenda item.

**8.B.**     [16-710](#)

An ordinance amending Part 2 (No Smoking in Public Places or on Park Property) of Article 6 (Public Health and Sanitation - No Smoking in Public Places) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to smoking.

Presenter:

Craig Blewitt- Transit Services Manager

Craig Blewitt, Transit Services Manager, presented an overview of this proposal.

Council President Pro Tem Gaebler asked why all of the benches in the depot are not included in the smoking ban. Mr. Blewitt stated smoking is allowed on city sidewalks and the benches where smoking is permitted are located on the sidewalk area. If there are customer complaints, the defined smoking area may be reconsidered.

**8.C.**     [16-674](#)

A Resolution rescinding Resolution No. 19-13 and establishing Development Application Fees and Charges for the Land Use Review Division of the Planning and Development Department

Presenter:

Nina Vetter, Strategic Plan Administrator, Finance

Kara Skinner, Chief Financial Officer

Peter Wysocki, Planning and Development Director, Planning and Development Department

Councilmember Knight expressed concern about the large increase in the appeal fee and suggested a 100 percent increase should be the cap for any given fee increase. He also requested a document be prepared showing what the fee increases would be at 100 percent and 150 percent increases and that a phase-in plan be considered for all fees.

Ms. Vetter stated this proposal is based solely on cost recovery.

Councilmember Murray expressed concern about the significant increase in the appeal fee. Ms. Vetter reiterated the fee schedule is based on financial data and does not include policy information.

**8.D.**    [16-776](#)

An Ordinance Creating a New Section 112 (Use Of Medians) of Article 18 (Pedestrians' Rights and Duties, Drivers to Exercise Due Care) and Amending Section 312 (Official Traffic Control Records) of Part 3 (Administration) of Article 1 (Administration And Enforcement), Both of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Pedestrian Use of Narrow or Domed Medians on Higher Volume and Higher Speed Roadways, and Providing Penalties for the Violation Thereof

Presenter:

Anne Turner, Senior Attorney

Kathleen Krager, Transportation Planning Manager, Traffic Engineering

Pete Carey, Police Chief

Anne Turner, Senior Attorney, presented a summary of the background, legal framework and proposed changes to the use of medians within the City.

Kathleen Krager, Traffic Engineering Planning Manager, spoke about the intended use of medians and safety and traffic flow.

Pete Carey, Police Chief, spoke about enforcement of the proposed ordinance.

Councilmember Pico asked how a person crossing a street and having to stop on the median will be accommodated. Ms. Krager stated all traffic signals in the City are timed to allow pedestrians to safely cross the street and added that she would think a police officer witnessing this type of situation would recognize the circumstances and use discretion. Chief Carey stated his staff will be instructed to observe the median for a period of time prior to issuing a ticket.

Councilmember Knight stated he sees a lot of unsafe peddling happening from sidewalks and is concerned this action may cause individuals to move from medians to sidewalks and requested administration investigate what can be done to control peddling from sidewalks.

Councilmember Murray asked if the speed limit clause can be enforced since vehicles are frequently stopped or moving at a slower speed at intersections. Ms. Krager stated the posted speed limit is the defining factor in this ordinance. Councilmember Murray requested the language be changed to include the word "posted" when referring to the speed. Ms. Turner stated the language will be changed to include the phrase, "posted speed".

Council President Pro Tem Gaebler asked what type of permit is being referred to in the affirmative defenses section of the ordinance. Ms. Turner explained this would pertain to individuals who have obtained a permit to be in the median, perhaps during a parade or other special event.

Council President Pro Tem Gaebler asked if it is appropriate to fine individuals standing on streets asking for money. Ms. Turner stated the penalties imposed for violation of this ordinance are subject to the discretion of a municipal court judge.

Councilmember Collins asked about specific intersections within the City and pointed out not all pan handlers are financially destitute. Ms. Krager addressed Ms. Collins questions regarding specific intersections.

Councilmember Murray asked if any feedback has been received from the ACLU or other such organizations regarding this proposal. Ms. Turner stated she has not received feedback from any such organizations. She has heard that a specifically tailored ordinance such as this one is, is doable. She does not know what action, if any, may be taken in response to this ordinance.

Council President Bennett asked if the required space (four feet in diameter) is per person and how citizens will know if occupation of the median is prohibited. Ms. Turner stated that medians that meet the ordinance criteria will be sign-posted. If there is no sign, access to the median is allowed. The current draft ordinance does not prohibit multiple people on medians that are not sign-posted.

## **9. Items Under Study**

There were no items under study.

**10. Councilmember Reports and Open Discussion**

Councilmember Strand complemented Jacqueline Puett for developing a proclamation on short notice.

Councilmember Knight reminded Council he had requested follow-up on two items relating to campaign finance. Britt Haley with the City Attorney's Office presented a summary of the research she and Ms. Johnson have done on these two matters.

In regard to campaign debt, per City Code, a person could keep a nominal amount of funds in a campaign account, continue to receive contributions and make expenditures to pay off the debt so long as all required disclosures are made. This is consistent with the State practice.

The second question is in regard to organizations not being required to provide a list of members if the organization makes a dues transfer to an associated political committee and it makes political contributions or expenditures in an election. Ms. Haley stated the payment of membership dues alone does not equate to providing political support to an organization or candidate. Membership dues lose their identity in the general funds of the organization. A transfer of membership dues by an organization to fund political activities is not considered a campaign contribution or an expenditure under the State Constitution and City Code.

Council President Pro Tem Gaebler presented some examples of local organizations that do and do not collect membership dues and requested clarification on how donations from organizations not collecting membership dues are allowed to contribute to candidates anonymously. Ms. Johnson explained dues are widely defined across organizations. Ms. Haley added that different groups have different levels of community involvement and activities that may trigger campaign finance reporting.

Councilmember Murray asked if an organization is required to identify the donor and report the expenditure if an individual contributes funds to an organization to support a candidate. Ms. Haley stated an organization would be required to disclose this type of activity. Ms. Johnson stated, if a group is soliciting funds to support a campaign, they are required to report those funds and spoke about the ability of citizens to file a

complaint about questionable campaign finance reporting.

Consensus of Council determined it is not necessary to revise the City Code at this time.

## **11. Adjourn**

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

Sarah Johnson, City Clerk