



# 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. 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.*

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Monday, May 13, 2019

1:00 PM

Council Chambers

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### 1. Call to Order

- Present** 8 - Councilmember Yolanda Avila, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams
- Excused** 1 - Councilmember Jill Gaebler

### 2. Changes to Agenda

There were no Changes to Agenda.

### 3. Regular Meeting Comments

Sarah B. Johnson, City Clerk, stated the Regular City Council meeting will start at 9:00 AM for discussion of Recognitions, New Business, and Unfinished Business, and the Consent Calendar, Citizen Discussion, and items 12.A., 12.B. and 12.C., the land use appeal items, will be discussed at 1:00 PM.

President Skorman stated the appellant will be requesting to postpone the appeal item until the May 28, 2019 City Council meeting. Councilmember Knight suggested for future meetings that the appeal item be taken in the morning. Marc Smith, Division Chief, Corporate Legislative Counsel, stated the Planning Department's notification cards that were sent to participants stated 1:00 PM for this particular case, but there could be a process change for future appeals.

Ms. Johnson stated the items related to the Mayor's and City Auditor's salary and the item related to the disposal of surplus City property will be back-to-back at the May 14, 2019 City Council meeting.

Consensus of City Council agreed to these changes.

### 4. Review of Previous Meeting Minutes

4.A. [19-258](#) City Council Work Session Meeting Minutes April 22, 2019

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [4-22-19 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the April 22, 2019 Work Session meeting were approved by Consensus of City Council.

## **5. Executive Session**

### **5A. Open**

5A.A. [19-242](#) Kelvin Tivis v. City of Colorado Springs, et al. Case No. 19-vc-00867-PAB-KMT

Presenter:  
Wynetta Massey, City Attorney

**Attachments:** [Tivis-v.-City-CityCouncilMemo](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the City is requesting authorization to defend the Officer.

President Skorman polled City Council regarding authorizing the City to represent the Officer. Consensus of City Council agreed to representation.

### **5B. Closed**

5B.A. [19-274](#) 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 regarding an economic development 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.

Presenter:  
Wynetta Massey - City Attorney

**Attachments:** [05132019ExecSession](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated that 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 regarding an economic development matter.

President Skorman polled City Council regarding the desire to proceed with a Closed Executive Session. At least two-thirds of City Council agreed to proceed in Closed Executive Session.

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

### **6.A. [19-257](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 5-13-19.pdf](#)

Sarah B. Johnson, City Clerk, stated the items pertaining to accessory dwelling units and short term rentals were postponed to the June 10, 2019 City Council Work Session and due to the Memorial Day holiday, the May 28, 2019 Work Session will start at 9:00 AM.

Councilmember Knight requested a list of what items from the May 28, 2019 Regular City Council meeting will be on the Consent Calendar. Ms. Johnson stated she will provide that information.

### **6.B. [19-004](#) City Financial Report**

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [May 13 Monthly Financial Report](#)

Charae McDaniel, Chief Financial Officer, presented the May 2019 financial update which represented activity through Year End 2018 and March 2019. She gave an overview of general fund revenue and expenditures. Ms. McDaniel gave an update of the sales tax trends, grant funds, the Memorial Health System, and the economic indicators.

Councilmember Williams requested the dollar amount be added to the bar graphs for future presentations. Ms. McDaniel said she will include that information.

Councilmember Geislinger requested a list of the revenue categories

which are subject to Taxpayers Bill of Rights (TABOR) refunds. Ms. Ms. McDaniel stated she will provide that information at the Mayor-Council Retreat.

Councilmember Knight requested the preliminary actuals as a percentage of budget report be amended to reflect actual dollar amount spent versus the plan-to-date budget. Ms. McDaniel agreed to make that change.

Councilmember Williams asked if liquor sales from grocery stores will be categorized under grocery in sales tax revenue. Ms. McDaniel confirmed it would. Councilmember Williams asked what category liquor stores fall under. Ms. McDaniel stated she will research that information.

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

### **7.A. [19-253](#) I-25 MyWay Presentation**

Presenter:

Cathy Bird, Outreach Specialist, Denver Regional Council of Governments

**Attachments:** [I-25 MyWay presentation\\_final \(1\).pdf](#)  
[GAP About I-25 MyWay incentives version.pdf](#)

Cathy Bird, Outreach Specialist, Denver Regional Council of Governments, gave an overview of the I-25 South Gap project, transportation demand management (TDM) which is used to reduce congestion, and I-25 MyWay which includes Bustang, vanpool, and carpool.

Councilmember Williams requested there be a route added to Bustang that is scheduled before the afternoon rush hour. Ms. Bird stated she will convey that recommendation.

Councilmember Knight requested an update regarding the refurbishment of the Park-n-Ride at Woodmen and I-25. Ms. Bird said she will request that information.

## **8. Items for Introduction**

### **8.A. [19-214](#) A Resolution Approving the Issuance of Debt by Copper Ridge Metropolitan District in the Form of Tax Increment and Sales Tax Supported Revenue Bonds. (Legislative)**

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

**Attachments:** [RES CopperRidge](#)[Attachment 1- Copper Ridge MD Transmittal Memo\\_Series 2019 \(1\)](#)[Attachment 2- Copper Ridge MD- Indenture](#)[Attachment 3- Copper Ridge MD -Term Sheet](#)[Attachment 4- Copper Ridge MD- Revenue Model](#)[Attachment 5- Copper Ridge MD - General Counsel Opinion](#)[Attachment 6- Polaris Pointe Map 020619](#)[Attachment 7- Properties and Businesses in CRMD 040119](#)[Attachment 8- Phase I map 040119](#)[Powerpoint](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, provided a summary of the request for the issuance of debt not to exceed \$61 million by the Copper Ridge Metropolitan District. He presented the district location map, proposed Powers Boulevard improvement, gave a brief history of the district, and questions presented from the Budget Committee.

Councilmember Williams asked if there will be access provided to the Mining Museum from Copper Ridge Metropolitan District. Gary Erickson, Northgate Properties, representing the developer stated the only access would be the Bass Pro parking lot due to the protected mouse habitat surrounding the property, but they will work with the museum regarding the design of the entrance.

Councilmember Murray asked if the tax Public Improvement Fee (PIF) will be rebated. Mr. Erickson stated they have \$37 million on the B list of the Pikes Peak Rural Transportation Authority (PPRTA) and if the City and El Paso County worked together on the taxes, it would result in a substantial savings.

President Pro Tem Strand asked how long the project will take to complete. Mr. Erickson stated approximately twelve to fourteen months beginning in August 2019.

**8.B.** [19-222](#)

A Resolution Authorizing the Disposal of Surplus City Property to the Colorado Department of Transportation (“CDOT”) as the One Logical, Potential Purchaser

Presenter:

Darlene Kennedy, Real Estate Services Manager

Britt Haley, Parks Design and Development Manager / TOPS Program Manager

Tim Biolchini, Stormwater Projects Coordinator

**Attachments:** [Exhibit A Sinton Property](#)

[FINAL RESOLUTION DISPOSAL SINTON PROPERTY 4-11](#)

[Signed Resolution 49-19](#)

Darlene Kennedy, Real Estate Services Manager, presented the Resolution authorizing the disposal of surplus City property to the Colorado Department of Transportation (CDOT) as the one logical, potential purchaser. She identified where the property is located, gave a brief background of the property, and identified the trail and utility easements. Ms. Kennedy stated this is due to an upcoming major drainage improvement project and the amount that CDOT will be paying to the City for the property will be going to the Parks Department.

Tim Biolchini, Stormwater Projects Coordinator, stated this project is located at I-25 and Douglas Creek which currently has a natural drainage system which is heavily eroded.

Councilmember Williams asked about the City-owned surplus property north of Woodman Road and if adjoining property owners have been contacted to see if they would be interested in purchasing some of the property. Ms. Kennedy stated she will research that.

**8.C. [19-277](#)**

An Ordinance Amending Section 506 (Cancellation) and Repealing and Reordaining Section 507 (Applicability) of Part 5 (Licenses) 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 Sales Tax Licenses

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [SalesTaxCodeAmendORD-2019-05-13.docx](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance to reincorporate language whereby the City may revoke or cancel a sales tax license after twelve months of inactivity and cancel a license of any person found to have violated City Code.

Councilmember Williams requested the language regarding the notification to cancel is sent to the license holder prior to the actual cancelation be included in the Ordinance. Ms. McDaniel stated she will modify the

language.

- 8.D. [19-236](#) An Ordinance Setting the Salary of Mayor Pursuant to City Charter § 13-20(a)

Presenter:

Michael Sullivan, Human Resources Director

**Attachments:** [Mayor Salary Adjustment Ord 2019.docx](#)

Michael Sullivan, Human Resources Director, presented the Ordinance setting the salary of Mayor pursuant to City Charter §13-20(a). He stated the annual salary of the Mayor shall be set at \$114,159 effective April 16, 2019.

There were no comments on this item.

- 8.E. [19-238](#) An Ordinance repealing Ordinance No. 17-112 (approving the salary of the City Auditor) and prescribing the salary of the City Auditor

Presenter:

Mike Sullivan, Human Resources Director, Council President, Richard Skorman and Council President Pro-Tem, Tom Strand

**Attachments:** [Nester Salary Ordinance \(2019\).docx](#)

Michael Sullivan, Human Resources Director, presented the Ordinance approving the salary City Auditor. He stated the annual salary of the City Auditor shall be set at \$171,797 effective December 30, 2018.

There were no comments on this item.

## **9. Items Under Study**

- 9.A. [19-275](#) Process for placing an item on a ballot

Presenter:

Rebecca Greenberg, Senior Attorney, City Attorney's Office  
Sarah B. Johnson, City Clerk

**Attachments:** [Placing an Item on a Ballot.pptx](#)

Sarah B. Johnson, City Clerk, presented the different processes for placing an item on a ballot. She gave an overview of the citizen initiated questions process, the charter amendment process, initiated Ordinance process, referendum process, and City Council referral process.

Councilmember Knight asked if the Title Board can alter the petition title that is presented after the Petition Committee and Initiative Review Committee (IRC) have met. Rebecca Greenberg, Senior Attorney, City Attorney's Office, stated the Title Board will review the petition title to ensure it meets all the legal requirements for the petition and there could be revisions to the petition title if necessary.

Councilmember Pico asked if it is required for a citizen initiated proposed charter amendment to go through the IRC process prior to going to the Title Board. Ms. Johnson confirmed it is a requirement.

Councilmember Williams requested a comparison regarding the number of valid signatures of registered voters required for a charter amendment versus the number of valid signatures needed for an initiated Ordinance. Ms. Johnson stated in a special election, a Charter amendment would require 30,908 valid signatures or ten percent of current registered voters and an initiated Ordinance would require 19,345 valid signatures, but in a regular scheduled Municipal election a Charter amendment requires 15,453 valid signatures or five percent of current registered voters and initiated Ordinance requires 19,345 valid signatures.

Councilmember Avila asked if there would be additional cost if there was more than one item on the November ballot. Ms. Johnson stated the cost is predominately based off the number of registered voters in a jurisdiction.

Councilmember Knight stated he thought there was a provision in the Colorado Revised Statutes (C.R.S.) for Charter amendment stating there was a difference between the numbers of petition signatures required in state statutes versus the home rule city, the lesser of the two would be what is needed. Ms. Johnson stated they will research that information.

Councilmember Knight asked for clarification regarding how it is determined whether or not a City Council referred item will be by a Resolution or an Ordinance. Tom Florzak, Deputy City Attorney, Office of the City Attorney, explained how the state statutes set the requirements for the three ways amendments can be made to the Charter by Ordinance.

Councilmember Williams asked if a Petitioner's Committee is able to withdraw an initiative after the petition packets and signatures have been

submitted. Ms. Johnson confirmed they could.

#### **10. Councilmember Reports and Open Discussion**

Councilmember Knight and all Councilmembers in observance of Municipal Clerks Week, expressed appreciation for the City Clerk's Office staff.

Councilmember Geislinger stated he is working with the City Attorney's Office regarding a proposed Charter amendment to change the timing of when City Council officers are chosen after the new elected officials are in office.

President Pro Tem Strand, a member of the Child Fatality Review Team, gave an overview of the child fatality statistics for 2019.

#### **11. Adjourn**

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

Sarah B. Johnson, City Clerk