



City of Colorado Springs

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

Meeting Minutes - Final-revised Council Work Session

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Tuesday, December 13, 2016

9:00 AM

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 items 7.C and 7.D. will follow agenda item 8.H.

Eileen Gonzalez, City Council Administrator, stated there has been a request to withdraw agenda item 8.A. from the meeting today and postpone corresponding agenda item 9.D. from the meeting this afternoon to a meeting in January.

Ms. Gonzalez also stated she received updated information from the City Attorney's Office yesterday, providing detailed amounts, for agenda item 8.A. This information will be provided to Council.

3. Regular Meeting Comments

Ms. Gonzalez stated agenda item 9.D. will be postponed to a meeting in January.

4. Review of Previous Meeting Minutes

4.A. [16-731](#) City Council Work Session Meeting Minutes November 21, 2016

Presenter:
Sarah Johnson, City Clerk

The Meeting Minutes were approved as presented.

5. Executive Session

5A. Open

There was not an Open Executive Session.

5B. Closed

There was not a Closed Executive Session.

6. Staff and Appointee Reports

6.A. [16-680](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Eileen Gonzalez, City Council Administrator, reviewed the agenda planner.

Councilmember Strand requested figures for the LART amount. Ms. Gonzalez stated that information will be provided to Council as soon as it is available.

6.B. [16-00215](#) Financial Report - City of Colorado Springs

Presenter:

Kara Skinner, Chief Financial Officer

Kara Skinner, CFO, presented the financial report which reflects amounts through the month of October.

Councilmember Pico stated The increase in sales and use tax revenues in large part are due to the significant increase in auto sales and repairs, and construction materials as a result of the hail storm on the 28th of July. Prior to that storm the car sales were trending significantly below the previous year. What this means is that the increase is a temporary spike due to the significant reconstruction going on in the eastern corridor from Fountain, through the airport and Peterson AFB, and up the Powers corridor. This increase is a temporary spike which we should not plan on continuing. In economic terms, this increase is an economic fallacy.

Council President Pro Tem Gaebler asked how grocery stores generate tax income. Ms. Skinner stated personal care items, candy soda and household products are all taxable items commonly sold at grocery stores.

Councilmember Strand requested the “as of” date be included on the report. He also commented on the Police Department being under budget due to the loss of staff and asked why income from fines is below the projected figure. Ms. Skinner stated this is partially due to staffing issues. Revenue from parking fines goes into the general fund and the number of parking tickets has decreased, likely due to the ability to use credit cards to pay parking meters.

Councilmember Murray asked if there is a way to calculate how much sales tax the City is losing to internet sales. Ms. Skinner stated there is no way to accurately capture all of the internet sales and collect taxes, but the City has an agreement with Amazon and its related companies to collect City sales tax. Councilmember Murray spoke about the importance of preparing for an economic down-turn.

Councilmember Knight asked how much the City paid out in insurance deductibles for hail damage and what the source of funds will be for those amounts. Ms. Skinner stated the deductibles are reasonable and the City should not have a problem covering the amounts.

6.C. [16-735](#)

2016 City Council Districting Process Advisory Committee Final Report

Presenter:

Dave Munger, Chair, 2016 City Council Districting Process Advisory Committee

Dave Munger, Chairman of the City Council Districting Process Advisory Committee, provided Council copies of the report, thanked the City Clerk and her staff for their assistance and provided a summary of the report and recommendations from the committee.

Councilmember Murray asked how the recommendations presented in this report can be incorporated into future process. Mr. Munger stated the committee members would be glad to assist with developing procedures.

Councilmember Collins stated the next re-districting process should be in 2020 to align with the census data, spoke about the accuracy of the census process and stated Councilmembers recommended people for this Committee. She expressed concern about District 4 in the southeast area of town being labeled as a minority area that should be

represented by a person of minority. She feels she has done a good job of representing everyone in her district.

Council President Pro Tem Gaebler expressed appreciation for the Clerk and the committee. She expressed concern about the process of appointing committee members and the perception of involvement of certain committee members in the political process. Mr. Munger stated it is difficult for someone with no political experience to be an effective member of this committee.

Councilmember Knight expressed concern about the direction of the committee and spoke about the differences between the proposed maps. He suggested a single person performing this process would lead to less speculation about political influence in the decision making process. He also agreed with Ms. Collins that this process should be done every ten years rather than every four years. Councilmember Knight stated a system of checks and balances can be achieved through Council having the final vote on the recommendation. Mr. Munger explained the process the committee followed in making their recommendation.

Several Councilmembers expressed appreciation to the City Clerk and her staff for the process and the results.

Councilmember King stated this process was less political than at the State level.

Council President Bennett stated he would like to meet with the members of the committee and the City Clerk to discuss the possibility of changing this process to occur every ten years.

7. Presentations for General Information

- 7.A.** [16-644](#) University of Colorado Health (UCH) Annual Update on Memorial Hospital Lease & Affiliation Agreement

Presenter:

Dr. Bill Neff, Interim President, UCHealth - Memorial Hospital
Greg Raymond - Regional Vice-President, Children's Hospital Colorado

Dr. Bill Neff, Interim President UC Health - Memorial Hospital, provided a summary of the recent leadership changes for the hospital. He also

provided an overview of the hospital's performance for fiscal year 2016, services offered and plans for the future.

Greg Raymond - Regional VP Children's Hospital Colorado, presented a summary of the services and plans for the Children's hospital in this City.

7.B. [16-717](#) Renew North Nevada Avenue Update

Presenter:

Nina Vetter, Strategic Plan and Business Process Administrator,
Finance

Kara Skinner, Chief Financial Officer

Nina Vetter, Strategic Plan and Business Process Administrator,
provided a brief update on the project.

Councilmember Strand requested additional detail about the plans for the National Cyber Security Center. Ms. Vetter stated that organization has been included in the planning discussions and will continue to be involved in the plans going forward.

7.C. [16-667](#) Banning Lewis Ranch Economic Impact Analysis

Presenter:

Kara Skinner, Chief Financial Officer

Bob Cope, Economic Development Manager

Kara Skinner, CFO, introduced TischlerBise, the third party consulting firm hired to perform the analysis. Carson Bise, one of the principals of the firm, provided an overview of their findings and analysis.

Council President Pro Tem Gaebler expressed appreciation for the information provided and requested additional information to help clarify what has been presented and how it relates to other aspects of the annexation. Bob Cope, Economic Development Manager, stated he will present a summary of how this information will be used to make plans moving forward.

Councilmember Murray asked several questions about the report, how the figures were calculated and what the information is based on. Mr. Cope stated there is an existing master plan for Banning Lewis Ranch and the report is based on what has been built to-date along with the proposed development plans.

Councilmember King asked if there is a way to make a comparison between the potential of this development here and in another city and how changes to the development plan may affect the analysis. Mr. Bise stated it is impossible to make comparisons based on development standards in two different cities or to speculate about changes that may be made in the future. The analysis can be adjusted based on changes moving forward.

Councilmember Pico stated there is a lot of study work being done on this area and this is the beginning of numerous reports that will be presented to Council regarding the impact this development could have on our City.

Councilmember Knight asked when additional information will be presented and when Council will be asked to make a decision about this development. He has concerns about making changes to plans which may have a much larger impact on the overall development. Mr. Cope stated that the plans will be coordinated and come to Council at a future date, in advance of Council being asked to make decisions about this development.

Council President Bennett asked if it appears the City will realize sufficient income from this development to cover the costs of infrastructure. Mr. Cope stated projected information regarding this topic will be included in future presentations.

Mr. Cope reviewed the process that will be followed with this development and provided a summary of the information that will be provided to Council as part of the decision making process.

Councilmember Knight requested a copy of the information presented. Mr. Cope stated all of the information is included in the hand-out provided to Council at the beginning of this discussion. Councilmember Knight expressed concern about Utilities being able to support this growth and the discrepancies between population growth estimates. Mr. Cope explained where the population growth numbers were derived from and stated they will continue to work closely with utilities as development plans for this area progress.

Councilmember Strand apologized for the late presentation of the

information provided in the meeting today and stated, he and Councilmember Pico, the City Council representatives for this issue, thought this would be a general overview of the potential economic impact of this area. This is an annexation agreement that has been in process for over 30 years. Development of this area is expected to be a lengthy process; this was intended to be an introduction of the potential economic impact of this development, not an in-depth discussion about this proposed development today.

Councilmember Murray reminded the public that the Banning Lewis Ranch annexation has been fraught with multiple lawsuits. Multiple issues need to be addressed before the City moves forward with developing this area.

7.D. [16-748](#)

mPACT (Formerly Coalition for Federal Strategic Action) Update

Bob Cope, Economic Development Manager, provided a summary of the activities and priorities of this organization.

Council President Pro Tem Gaebler stated Council just received the slides for this presentation. Ms. Gaebler also stated Council was not aware the City was part of this organization until recently. She is concerned about the lack of communication and the inability of Council to access this group and benefit from this membership. She would like regular briefings on the efforts of this group. Mr. Cope stated there are regular meetings of this group which Council is welcome to participate in. He would be happy to arrange for regular Council updates. Ms. Gaebler asked how private entities are able to be part of the group. Mr. Cope stated this is a group of like-minded entities. Membership requests are considered by the entire group. Council President Bennett appointed Council President Pro Tem Gaebler to represent Council in the monthly meetings of this organization.

Andy Colosimo, Government and Regulatory Affairs Manager, CSU, stated CSU has been a member of mPACT since the beginnings of the organization in order to have a stronger voice in Congress and spoke about how the organization works on behalf of the City as a bipartisan group.

Rachel Beck with the Colorado Springs Chamber of Commerce and EDC stated this coalition helps the City have a voice at a Federal level.

8. Items for Introduction

- 8.A. 16-738** A Resolution Accepting a Donation of a 3.407 Acre Parcel of Real Property from Norris Properties, LLC to the City of Colorado Springs

Presenter:

Lyman Ho, SDS Land Acquisition Manager

Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

This item was withdrawn per request from City staff.

- 8.B. [16-734](#)** Resolution setting two public hearings to receive public comment on the renewal of the Comcast cable franchise agreement

Presenter:

Bret Waters, Deputy Chief of Staff

Res/Ord Number: 149-16

Bret Waters, Deputy Chief of Staff, stated this is a request to schedule two public hearings to receive public comment on the proposed agreement.

Councilmember Murray stated he has had two requests from Citizens for copies of the proposed agreement and asked when it will be made public. Mr. Waters stated they will place the agreement on the City website as soon as possible.

Councilmember Collins requested the public have access to the agreement prior to the day before the hearing.

- 8.C. [CPC CA](#)
[16-00115](#)** An Ordinance Amending Section 201 (Definitions Enumerated) of Part 2 (Definitions of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications); Section 1205 (Nonconforming Lots) of Part 12 (Nonconforming Development) of Article 5 (Administration and Procedures), and Multiple Sections of Article 7 (Subdivision Regulations) All within Chapter 7 (Planning, Development and Building of the Code of The City of Colorado Springs 2001, as Amended, Pertaining to Waiver of Replat (Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

Res/Ord Number: 17-2

Meggan Herington, Planning Manager, provided an overview of these proposed changes to City Code.

Councilmember Knight asked if this would result in elimination of the construction approval process and the appeal process. Ms. Herington explained the waiver of replat is strictly applied to the property and is used to combine lots for the purpose of zoning and subdivision, construction projects will still be required to go through the building permit process. This does not eliminate the appeal process as there is no change of land use.

- 8.D. [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

This item was postponed to the January 9, 2016 Work Session and the January 10, 2016 Regular City Council Meeting.

- 8.E. [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

This item was postponed to the January 9, 2016 Work Session and the January 24, 2016 Regular City Council Meeting.

- 8.F. [16-744](#) The Mail Ballot plan for the April 4, 2017 General Municipal Election

Presenter:

Sarah B Johnson, City Clerk

Sarah Johnson, City Clerk, presented an overview of the mail ballot plan for the April 4, 2017 Municipal Election which, per City Code, requires approval by Council and reviewed the election ballot process.

Councilmember Strand asked what the consequences of not meeting the candidate financial filing requirements are. Ms. Johnson outlined the requirements and the possible actions of not meeting those requirements.

Ms. Johnson reminded everyone there is a candidate training session planned for January 3, 2017 at 10:30 am in CAB 102.

8.G. [16-724](#)

A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado at the general municipal election conducted by mail ballot to be held on Tuesday, April 4, 2017, the question of re-establishing the city's authority to provide, or to facilitate or partner or coordinate with service providers for the provision of, "advanced (high-speed internet) service," "cable television service," and "telecommunication service," either directly, indirectly, or by contract, to residential, commercial, nonprofit, government or other subscribers and to acquire, operate and maintain any facility for the purpose of providing such services, restoring local authority and flexibility that was taken away by Title 29, Article 27, Part 1 of the Colorado Revised Statutes, without increasing taxes

Presenter:

Councilmember Bill Murray

Res/Ord Number: 4-17

Councilmember Murray provided a summary of this proposal which is allowed by State law.

Councilmember Pico stated he is opposed to the City taking over services currently provided by the private sector. He will support on this item with the caveat that the City never gets into the business of competing with private industry.

Councilmember Strand asked what the drawbacks of this proposal are. Mr. Murray stated the drawback is State law limiting the ability of the City to enhance competition.

Councilmember Strand asked what other large cities have passed similar legislation. Council President Pro Tem Gaebler stated, though she does not know specifically which cities, she does know every city that has voted on legislation similar to this has passed it. This city could benefit from competition providing more options.

Councilmember King asked if providers have to pay a franchise fee to

provide service in the City. Councilmember Murray stated he does not know the details of contracts between other cities and providers.

8.H. 16-736

A resolution submitting to the registered qualified electors of the City of Colorado springs, Colorado, at the general municipal election conducted by mail ballot to be held on Tuesday, April 4, 2017, the question of retaining and spending up to \$6,000,000 of the estimated 2016 fiscal year revenue above the 2016 fiscal year revenue and spending limitations, and a like amount of any excess revenue in fiscal year 2017, as a voter approved revenue change, with any excess revenue in fiscal years 2016 and 2017 beyond this \$6,000,000 revenue change to be refunded to taxpayers; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this resolution.

Mayor John Suthers explained the City expects to have surplus tax revenue for the 2016 year based on TABOR standards. He is proposing the City ask the voters to allow the City to retain excess funds to be used for storm water projects.

Councilmember Knight asked if the proposal could be amended to use the funds to pay fines, if imposed. Mayor Suthers stated he would prefer not to do that, he would like for voters to approve these funds specifically for defined storm water projects.

Councilmember King asked if this is a plan or a supplement to the current storm water plan. Mayor Suthers stated this will help the City meet the obligations of the EPA imposed storm water plan. This is not intended to replace or transfer spending.

Councilmember King asked if the money will be placed in a separate fund to be used on storm water projects. Ms. Skinner stated the money would be placed in a restricted fund and appropriated for specific projects.

Councilmember Murray asked how much of a tax rebate this would represent for each citizen. Mayor Suthers stated this would be about a \$36 rebate per household.

Councilmember Strand asked what would happen if the total amount collected exceeds the projected amount listed in the proposal. Mayor Suthers stated any amount in excess of the estimated total it would be refunded to tax payers. This number will not be set until the final

presentation in January. Councilmember Strand asked if the Mayor has considered doing this as a separate decision for 2017. Mayor Suthers explained that would require a costly special election.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

10.A. [16-716](#) Healthcare Amenities & Land Uses

Presenter:

Councilmember Don Knight

Scott Godde & Naomi Randell, City Council Interns

This item was postponed to the January 9, 2017 Work Session.

11. Adjourn

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

Sarah Johnson, City Clerk