



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, July 27, 2015

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

There were no changes to the agenda.

3. Regular Meeting Comments

Council President Pro Tem Gaebler stated she plans to remove item 4.B.E. from the Consent Calendar.

Councilmember Knight stated he plans to remove item 4.B.C. from the Consent Calendar.

4. Review of Previous Meeting Minutes

The Meeting Minutes were inadvertently left off the agenda, they will be provided for review at the August 10, 2015 meeting.

5. Executive Session

A) Open

There was not an Open Executive Session.

B) Closed

There was not a Closed Executive Session.

6. Staff and Appointee Reports

6.A. [15-00336](#) Financial Report - Memorial Health System Enterprise

There were no questions on the Memorial Helath System enterprise financial report.

Councilmember Knight requested an update from the City attorney's Office on the pending lawsuit involving Memorial Health System.

6.B. [15-00240](#) Agenda Planner Review

Eileen Gonzalez, City Council Administrator, stated the agenda planner is included in the Council packets and noted the meeting schedule for September will be adjusted for Labor Day, the work session will be at 9 am and the regular meeting at 1pm Tuesday September 8, 2015.

7. Presentations for General Information

There were no Presentation for General Information.

8. Items for Introduction

8.A. [15-00393](#) Parking System Revenue Refunding Bonds - Series 2015

Kara Skinner, CFO, presented an overview of the opportunity to refund the outstanding parking system bonds, adding the final version of the bond ordinance will be provided to Council via email prior to the next meeting. This action will reduce the annual debt service cost.

Councilmember Strand asked if the maturity dates on of the bonds could be extended if needed and how many proposals were submitted. Ms. Skinner stated the maturity dates cannot be extended once they are sold unless there is a callable option and there were five proposals submitted.

Councilmember King asked if the City is putting aside reserve funds to secure the bonds. Jill Jaworski, financial advisor, explained the market requires reserve funds or a surety (insurance policy) based on the type of bonds issued and that using the reserve funds to lower the outstanding principle may be an option if private placement bonds are issued and a surety is purchased. Councilmember King encouraged lowering the interest rate as much as possible.

Councilmember Knight asked how the new parking garage, included in the long range vision for downtown, will be financed. Ms. Skinner stated this can be addressed during the budget discussions.

- 8.B. [15-00386](#) A resolution authorizing the acquisition of certain property and the acceptance of a donation of certain property, which together shall serve as the future site of the City of Colorado Springs Police Department Sand Creek Substation

Peter Carey, Chief of Police, introduced Jerry Grage, land owner, Ronn Carlentine, City Real Estate Service Manager, Sue Autry, City Police Administration Manager, Lieutenant, Jane Anderson, and Joe Curro, Police Logistics Manager. Chief Carey provided an overview of the current Sand Creek substation and the need for a larger facility along with the options considered for this expansion. Chief Carey also provided information about the opportunity to accept a donation of land and purchase land for the new facility.

Council President Pro Tem Gaebler requested information on the property appraisal and the property owner. Mr. Carlentine stated an independent real estate appraiser was hired to appraise the property and provided information about the appraisal process and the property owner's options considering a portion of the land is being donated. Mr. Carlentine stated the property is owned by 123 Cascade Associates, LLC., and the CEO of the company is Jerry Grage.

Councilmember Collins asked about the drainage issues on the land, how the new police substation will be funded and what will happen to the old building. Chief Carey stated the drainage issues have been addressed and the 2016 budget includes money for the design of the new building. Funds for the new building, including the funds from the planned sale of the old building, will hopefully be included in the 2017 budget.

Jerry Grage, owner of 123 Cascade Associates, LLC, the property owner, stated he believes the new facility is needed and the proposed property is a great location for the new police substation. Mr. Grage also commented on the price they are asking for the land and offered support in finding funding for the new building.

- 8.C. [15-00410](#) An ordinance creating a new Section 9.7.209 pertaining to the manufacture of marijuana concentrates involving the use of a compressed flammable gas, flammable gas, flammable liquid, or combustible liquid as a solvent in a residential setting, and providing penalties for the violation thereof.

Christopher Riley, Fire Chief, presented a brief history of the incidents leading to the proposed ordinance to regulate the extraction of hash oil in residential property areas for the safety of citizens.

Brett Lacey, Fire Marshal, explained the public safety issues associated with using flammable products in the production of hash oil. Mr. Lacey explained the ordinance is specific to residential properties to address public safety. The newly enacted state law bans the use of some chemicals but still allows other types of flammable products to be used for hash oil production on residential properties.

Council President Pro Tem Gaebler asked if the producers associated with the local incidents were caregivers or if they were producing for sale on the black market. Police Commander Sean Mandel stated it is difficult to prove intent, they believe the majority were producing for personal use and possibly to sale to others, most were charged with arson.

Council President Pro Tem Gaebler asked if the caregivers were contacted as part of the process in developing this ordinance. Mr. Lacey stated that after numerous attempts, they were not able to arrange a meeting with the caregivers representatives.

Councilmember Pico requested clarification between the state statutes and this ordinance. Mr. Lacey explained the major points of this ordinance include prohibiting hash extraction in a residence and identifying the chemicals, as already defined by state law, that can and cannot be used for extraction on residential property. Councilmember Pico asked about registration and licensing to extract hash oil. Sarah Johnson, City Clerk, explained commercial entities are licensed through the state and the City Clerk's Office, caregivers are licensed through the state, but current legislation does not allow local authorities the ability to regulate or license caregivers. Legislative changes expected to take effect in 2017 will require caregivers register with the state and with local licensing authorities if they meet the requirements in the law.

- 8.D. [15-00324](#) An ordinance amending Ordinance No. 14-101 (2015 Appropriations Ordinance) to adopt the budget and appropriate monies for the Senior Programs Fund

Kara Skinner, CFO, presented a summary of the process to identify an organization to manage senior programs in the City. Ms. Skinner provided a summary of the three agreements included in the transfer of services.

Council President Bennett stated he is no longer affiliated with the YMCA and has addressed his concerns about his former affiliation with the YMCA with the City Attorney and has been given the okay to participate in this discussion.

Councilmember Knight stated he believes this is a good plan to reform this program which has been in a deficit situation for some time.

Council President Pro Tem Gaebler asked if there are better ways to manage the lease agreements of the storefronts on the property. Ms. Skinner stated the plan allows for changes on an annual basis.

- 8.E.** [15-00394](#) An ordinance adopting Articles of Amendment to the Articles of Incorporation of The City of Colorado Springs Public Facilities Authority

Renee Congdon, with the City Attorney's Office, presented an overview of this proposed ordinance.

Councilmember Knight requested a copy of the 2011 Article 5 language to allow for comparison. Ms. Congdon explained the changes to the document which reflect this information.

Councilmember Knight asked if the ability of Council to remove the Councilmember representative by a majority vote conflicts with the Council Rules. Ms. Congdon stated this option provides Council with the ability to remove the appointed councilmember for cause and does not conflict with Council Rules.

- 8.F.** [15-00409](#) Approval of an Amended and Restated Service Plan of Allison Valley Metropolitan Districts No. 1 and No. 2
(Legislative Matter)

Carl Schueler, Comprehensive Planning Manager, provided an overview of the proposed changes to the Master Plan for the area known as The Farm. These items will return to Council on August 25, 2015.

Councilmember Knight requested a copy of the "redline" document referenced in the Council packet. Ms. Gonzalez will provide this document.

Councilmember Knight asked about the 2012 model plan referenced in the document. Mr. Schueler explained the evolution of the service plan

used by the planning department to standardize plans brought to City Council, adding there has been one change to the standard document on this plan and he will provide that language to council.

Councilmember Knight asked about the large change in the amount of property and requested clarification and maps that show the original property and the property now being included in the plan. Mr. Schueler explained the boundary changes have been largely internal, and he will explain the changes more clearly at the August 25, 2015 meeting.

Councilmember Knight asked about the debt service plan and funding limits. Mr. Schueler explained how debt service plan amounts are calculated and managed. Mr. Schueler reminded Council that each debt issuance must be approved by a supermajority vote of Council.

Councilmember Knight asked about the 40 year debt service limit associated with a mill levy. This document includes an extension option based on a vote by the board of directors. Mr. Schueler stated this is correct for this debt service area and explained how the plans are intended to protect the home owners. Councilmember Knight expressed concern about giving a board of directors this much power. Mr. Schueler stated this is for consistency with planning staff moving forward.

Mike Anderson, Consultant with Anderson Analytics, stated he will provide the requested documents including the maps with the defined boundaries and provided a brief history of the development at the August 25, 2015 meeting.

- 8.G.** [15-00411](#) Authorization for Allison Valley Metropolitan District No. 2 to Issue up to \$12,500,000 in Debt as a Limited Tax General Obligation Loan
(Legislative Matter)

Carl Schueler, Comprehensive Planning manager, stated this item will require a super majority vote.

Please see additional comments in agenda item 12.H.

- 8.H.** [15-00399](#) An ordinance amending Section 201 (Appointees) and Section 204 (Assistants) of Part 2 (Appointive Officers; General Provisions) and creating a new Part 10 (Powers and Duties of the City Council Administrator) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the City Council

Administrator

Council President Bennett stated this item is a result of voter approved changes to the City Charter made during the April 7, 2015 general election pertaining to the ability of City Council to manage their employees.

David Andrews, Legislative Counsel, explained the recent vote of the citizens makes it possible for City Council to appoint a City Council Administrator and hire support staff. These changes do require revisions to the City Code and an ordinance approving the City Council Administrator's salary range. Mr. Andrews explained the City Attorney's Office has reviewed the City's employment structure and positions and is structuring this position in a similar manner to the City Auditor. There is no salary change associated with this proposal.

Councilmember Knight suggested the powers and duties of the administrator position are very detailed and recommended this specific information be included in the Council Rules rather than requiring a change to City Code should Council decide to change the job responsibilities. Councilmember Knight also suggested the appointment should be made by a majority vote of Council. Mr. Andrews agreed to the appointment, but stated the "other duties as assigned" can cover requests to perform duties not specifically listed in the job description.

Mr. Andrews also stated the incumbent nature of this position will require Ms. Gonzalez to make an election to become an at-will employee or remain in her current for-cause status. Councilmember Strand requested Ms. Gonzalez be required to make the election to change her position status within a specified time-frame.

Council President Bennett asked if he can require a decision date. Mr. Andrews will research this and let Council know.

Councilmember Knight requested an explanation of the differences between the types of employment. Kimberly Bingman, Compensation/Benefits Manager, HR, explained the difference between at-will employment and for-cause employment, mainly being the amount of vacation time that can be accrued and the possible availability of severance package.

Councilmember Knight requested the language in Section 1.2.1002(F)

of the draft ordinance be changed to include the City Council President and City Council in the budget preparation. Consensus of Council agreed to this change.

Councilmember King asked about the ability of the City Council Administrator to approve charges and expenditures. Mr. Andrews stated the City Council Administrator will have the authority to approve budgeted charges and expenditures for City Council and the City Auditor, pertaining to operations and facilities, in relation to the shared office space, on behalf of the City Council President.

- 8.I. [15-00398](#) An ordinance approving the salary of the City Council Administrator

Please see comments in agenda item 8.H.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Strand stated he and Council President Bennett attended the 25th Anniversary of the ADA Act celebration luncheon at the Independence Center today and read a proclamation from Council recognizing and committing to continue working to meet ADA standards. Councilmember Strand thanked the Police and Fire Departments for awards presented to retail establishments not selling tobacco products to minors. Councilmember Strand toured the USOC with the RBA and commended the efforts of the athletes and trainers there. Councilmember Strand has been appointed to the Arts Commission of Pikes Peak.

Samantha Gunther, Administrative Assistant, was recognized in the CS Business Journal as a rising professional.

Councilmember Knight repeated his request for documents prior to the cable franchise agreement public listening session; this includes the current Comcast customer service standards and an updated draft of negotiated changes to the agreement.

Councilmember Murray provided a synopsis of the citizen concerns discussed in the At-large Councilmember public forum last week.

Ms. Gonzalez stated staff will request to postpone item 12.A. on the agenda for tomorrow due to a posting error.

11. Adjourn