



# 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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Monday, May 23, 2016

1:00 PM

Council Chambers

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### 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 asked if Council is in agreement to waive attorney-client privilege of a memorandum of opinion of the City Attorney dated May 20, 2016, and a follow up memorandum of today, concerning no legal requirement for an election on the proposed North Cheyenne Canon-Strawberry Fields land exchange transaction. Consensus of Council agreed to waive privilege on this information. David Andrews, Legislative Counsel will provide this information to Wynetta Massey, City Attorney.

Council President Bennett requested agenda item 7.A. be moved to immediately follow agenda item 4.A. Consensus of Council agreed to this agenda change.

### 3. Regular Meeting Comments

Councilmember Knight stated he will pull agenda item 4.B.C. from the Consent Calendar for tomorrow. He would like to discuss this City initiated annexation request with City Staff.

Council President Bennett suggested agenda item 11.C., the proposed land exchange, be moved to the end of the meeting tomorrow to begin no earlier than 3pm. The plan is to have a Staff presentation, and then allow one hour for supporters and one hour for those in opposition to express themselves. Consensus of Council agreed to this agenda change.

### 4. Review of Previous Meeting Minutes

4.A. [16-403](#) City Council Work Session Meeting Minutes May 9, 2016

Presenter: Sarah Johnson, City Clerk

The meeting minutes were approved as presented.

## **5. Executive Session**

### **5A. Open**

5A.A. [16-397](#) Open Executive Session

Presenter:

Wynetta Massey, City Attorney

The Civil Action Investigation Committee has recommended that the City represent Ms. Fabos, Ms. Palus, Mr. Lieber and Mr. Carlentine as required by the Colorado Governmental Immunity Act in Case No. 16CV31188.

The Civil Action Investigation Committee has recommended that the City represent Officers Sheldon and Rekar and Chief Carey as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act, and that the City reserve the right to not pay any award of punitive damages in Case No. 15-cv-975-JLK.

Consensus of Council agreed with the recommendations of the Civil Action Investigation Committee in these two cases.

### **5B. Closed**

There was not a closed executive session.

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

6.A. [15-00789](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Eileen Gonzalez, City Council Administrator, stated Utilities Staff has requested a discussion about property at Pikes Peak International Raceway be added to the Work Session June 13, 2016.

Council President Bennett noted items 5-10 under New Business on the June 14, 2016 agenda all relate to the airport.

6.B. [16-00140](#) 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.

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

7.A. [16-402](#) Update on National Cyber Intelligence Center

Presenter:  
Lt. Gen. (RET U.S. Army) Edward Anderson

Lt. General Edward Anderson provided an overview of this proposal and spoke about cyber security threats and the importance of this proposed center to mitigating these threats.

Councilmember Strand asked if the size of the facility is appropriate. Lt. Anderson stated he feels the space is adequate and they should be able to fill it, the business plan will provide additional detail.

Councilmember Murray asked if the National Security Agency (NSA) would consider providing certification based on the NCIC locating here. Lt. Anderson stated NCIC involvement with NSA to date has been educational and stated NCIC must interact with the NSA and law enforcement.

Lt. Anderson will provide additional information at future City Council meetings as this plan develops.

7.B. [16-308](#) Girls of the West, Pikes Peak Range Riders and Pikes Peak or Bust Rodeo

Presenter:  
Corliss Palmer, Director, Girls of the West; Allison Mitchell, 2016 Girl of the West; Jamie Tyler, 2016 Aide to Girl of the West

Mark Coors, President of the Pikes Peak Range Riders, provided a brief history of the Range Riders organization and thanked Council for their time. Rich Bender, President of the Pikes Peak of Bust Rodeo, thanked Council for their support. Corliss Palmer, Director, Girls of the West, spoke about the Girls of the West program and introduced Allison

Mitchell, 2016 Girl of the West, and Jamie Tyler, 2016 Aide to Girl of the West. The girls gave an overview of the 2016 rodeo events.

**7.C.**    [16-396](#)            An Update Regarding an Observatory on Pikes Peak

Presenter:

Jack Glavan, Manager - Pikes Peak - America's Mountain

Jack Glavan, Manager, Pikes Peak, America's Mountain, provided an update on the application process for a special permit requesting an observatory be constructed on the summit of Pikes Peak.

Council President Bennett and Councilmember Knight requested regular updates on this project.

**7.D.**    [15-00698](#)           Colorado Springs Convention & Visitors Bureau (CVB) - Q1 2016 Performance Measures

Presenter:

Doug Price, President & CEO, Colorado Springs Convention & Visitors Bureau

Doug Price, President and CEO, CVB, provided a summary of the report. There were no Councilmember questions or comments on this report.

**7.E.**    [16-334](#)            Public Art Commission of the Pikes Peak Region - Briefing and Update

Presenter:

Brian Elyo, Chair, Public Art Commission

Brian Elyo, Chair, Public Art Commission, provided a brief history of the Public Art Commission and noted the efforts of the commission to become more active.

Councilmember Strand, Council representative on the Commission, spoke about the efforts of the commission to advance the public arts program.

Council President Pro Tem Gaebler expressed appreciation for the work being done and commented on efforts to obtain LART funds to assist with public art displays.

**7.F.**    [16-319](#)            Colorado Springs Regional Joint Land Use Study Briefing

Presenter:

Rob McDonald, Executive Director, Pikes Peak Council of Governments

Rachel Beck, Policy and Communications Manager, Pikes Peak Council of Governments, provided an overview of the study process and intended results. The study is currently at the public input phase with planned completion in 2017 and implementation beginning in 2018.

Councilmember Knight questioned the how development can be coordinated with the survey while the survey is in process. Ms. Beck stated the lines of communication are very good and a technical group provides regular updates to the survey group. Mr. Wysocki agreed to have the technical committee work with Council to implement development plans in conjunction with preliminary survey findings. Ms. Beck also agreed to provide frequent updates regarding survey findings to Council.

Councilmember Pico stated the objective of this study is not to supersede current Council processes, but to provide information allowing Council to make the best decisions possible.

## **8. Items for Introduction**

- 8.A.**    [CPC LUM  
16-00003](#)    An Ordinance amending the Comprehensive Plan 2020 Land Use Map reflecting changes from July 1, 2013 through June 30, 2015. - Legislative

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Development Department

Res/Ord Number: 16-61

Carl Schueler, Comprehensive Planning Manager, presented an overview of the updated Land Use Map, highlighting land use and zoning changes made to the map since July 12, 2013. This map is part of the Comprehensive Plan.

Councilmember Pico asked how the recently approved infill chapter of the Comprehensive Plan relates to this map. Mr. Schueler stated the recently approved infill chapter is still in the conceptual phase, this map reflects actual action by City Council. Peter Wysocki, Director of Planning and Community Development, continued to discuss the Comprehensive Plan and this map with Council.

Councilmember Collins requested and was provided a color copy of region D and asked how this relates to the redrawing of the Council districts. Mr. Wysocki stated the Council districts are totally unrelated to any political, police or fire related districts.

**8.B.** [CPC CA  
16-00044](#)

A resolution adopting the North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations, for strategic planning purposes.

(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director  
Carl Schueler, Comprehensive Planning Manager

Res/Ord Number: 62-16

Carl Schueler, Comprehensive Planning Manager, provided a summary of this proposal which will support the strategic planning process.

Councilmember Pico commented on the document being outdated and about the inclusion of references to the Birdsall Power Plant possibly posing a conflict of interest. Mr. Schueler acknowledged timing and plans have changed due to the Drake Power Plant fire.

Councilmember Strand discussed concerns about the dated document and the slow progress of the plans with Mr. Schueler. Mr. Schueler explained this was never adopted as a formal City Policy in 2014 and work is in progress; adoption of this resolution will allow work to continue in this area.

Councilmember King asked about transportation plans to connect UCCS and the North Nevada corridor to the downtown area. Mr. Schueler stated there are plans in the works to improve transportation in the new plan in conjunction with the redevelopment of the area.

Councilmember Murray asked if there is anything in this document that the proposed resolution will accelerate; Mr. Schueler stated this is an alignment process that does not fundamentally change anything but puts the Planning Department in better decision making position.

**8.C.** [CPC CA  
16-00043](#)

A resolution adopting the South Academy Economic Opportunity Zone Action Plan for strategic planning purposes.

(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director  
Carl Schueler, Comprehensive Planning Manager

Res/Ord Number: 63-16

Carl Schueler, Comprehensive Planning Manager, explained this is a very different area and plan from the North Nevada corridor, but basically the same idea as the previous proposal.

Mr. Wysocki stated these plans need to be adopted because if they are not formally adopted, they are just reports. Establishing this as policy allows City Staff to incentivize redevelopment.

Councilmember Collins stated progress has been slow. She stated the Victory Outlook Church does not want to be covered over and suggested the building previously occupied by Sam's Club be converted to an "Event Center" in an attempt to revitalize the area.

Councilmember Murray expressed concern about priorities and resources, suggesting the Mayor allot funds for these revitalization projects.

Jeff Greene, Chief of Staff, spoke in support of City Council formally adopting these plans, stating Council will be making a statement to the community about the importance of rejuvenating these two areas.

**8.D.**    [16-391](#)

A resolution increasing drainage basin fees for the Sand Creek drainage basin.

(Legislative)

Presenter:

Peter Wysocki, Planning Director, Planning and Community  
Development  
Elizabeth Nijkamp, Civil Engineer III

Res/Ord Number: 59-16

Elizabeth Nijkamp, Civil Engineer III, explained this item is site specific to the Sand Creek drainage basin only. An adjustment to the fees has been recommended by a planning study performed on the drainage needs of this area.

**8.E.**    [16-392](#)

A resolution establishing 2016 Drainage Basin Fees, Bridge Fees and

Detention Pond Facility and Land Fees.

Presenter:

Peter Wysocki, Planning Director, Planning and Community  
Development

Elizabeth Nijkamp, Civil Engineer III

Res/Ord Number: 58-16

Elizabeth Nijkamp, Civil Engineer III, explained how drainage fees are collected and managed by the City. The proposed fee increase is based on an annual study conducted by City Engineering staff. Ms. Nijkamp and Council discussed the fee estimation, collection and reconciliation process at length.

Councilmember Knight asked if, since this report is delayed, there is evidence the HBA estimate is more accurate than the Staff recommendation. Ms. Nijkamp will provide those figures to Council.

**8.F.**     [16-398](#)

A Resolution to Extend the Term of the Cable Television Franchise being Operated by Comcast of Colorado/Pennsylvania/West Virginia, LLC (locally known as Comcast)

Body

Presenter:

Bret Waters, Deputy Chief of Staff, Mayor's Office

Res/Ord Number: 64-16

Bret Waters, Deputy Chief of Staff, explained the City is currently in negotiations with Comcast and is requesting a six month extension of the current franchise agreement as the City does not believe the negotiations will be complete at the end of the current agreement.

Councilmember Murray asked about franchise fees. Mr. Waters explained the plan is to return to Council to discuss the franchise fees prior to finalizing an agreement.

Councilmembers expressed concern about the length of the extension and urged Mr. Waters to expedite the process. Mr. Waters stated if an agreement is reached in less than the requested six months, he will return to Council with a recommendation.

Councilmember King stated the cable industry is rapidly changing and suggested a shorter agreement term in order to allow both entities to adapt to technology changes.



Councilmember Pico spoke in opposition to increasing cable fees to support the 311 system and raising fees on cable TV systems which is becoming an obsolete technology.

Councilmember Knight explained the franchise fees with the different entities are reactive to each other and expressed concern about the franchise agreement vote being in conjunction with the Council elections and possibly causing a conflict of interest.

Renee Congdon with the City Attorney's Office stated the agreements with the other franchisees are connected. They are planning to provide this information to Council for a vote before the end of December which will not conflict with the City Council elections.

**8.G. [16-401](#)**

A resolution endorsing the appointment of a Council President's Special Marijuana Working Group to study the issue of marijuana regulation within the City of Colorado Springs and make recommendations to Council and City staff

Presenter:

Councilmember Larry Bagley

Res/Ord Number: 50-16

Councilmember Bagley explained this resolution will establish the working group discussed as part of the moratorium approved by Council in the last meeting. The group membership will be determined by the Council President and will include members specified in the resolution.

## **9. Items Under Study**

There were no items under study.

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

Council President Pro Tem Gaebler addressed her concern about obtaining information from City Staff and requested Council support in obtaining information about a pedestrian bridge planned in conjunction with the Olympic Museum. Mr. Greene stated he is aware of this request, the meeting to discuss the proposed facility plans was last Friday and Staff will provide Council the requested information as soon as possible.

Councilmembers Knight and Strand attended a meeting Saturday, they passed along the following citizen concerns and suggestions; include Council meeting videos on YouTube, 2C tax money not being used to

repair pot holes and concern about the increase in and safety of panhandlers.

Councilmembers Pico and Knight commented on erosion problems due to stormwater at the Air Force Academy. The problems appear to have been caused by development upstream from the academy property generating increased flow prior to addressing potential, required drainage solutions. Mr. Wysocki stated he may be able to assist with a resolution for this problem based on a stormwater agreement between the City and the Academy. He will work toward resolving this issue.

Councilmember Strand praised Russell Middle School for an event honoring veterans and expressed appreciation for the recent City Employee Picnic at Rock Ledge Ranch.

Ms. Gonzalez reviewed the Councilmember requests from the meeting today, the requests are as follows:

Consensus of Council, in cooperation with the Mayo, agreed to release the City Attorney's memo dated May 20, 2016 and follow-up dated May 23, 2016 regarding issues related to the land exchange. The City Attorney's Office noted a typographical error in the memo Council received, this will be corrected prior to release.

Council would like to hear from Bob Sallee in September regarding progress on the observatory on Pikes Peak.

Councilmember Gaebler needs information from staff relating to the pedestrian bridge plans near the Olympic Museum.

Councilmembers Knight and Strand attended a community meeting on Tomah Drive, they heard public misunderstandings about use of 2C funds and requested staff to please continue to educate the public on these matters.

Councilmembers Pico and Knight visited the USAFA, for a discussion regarding The Farm development building rooftops before building stormwater facilities, leading to increased runoff on USAFA property. The Councilmembers asked if there is anything the City can do to remedy this situation which is causing erosion problems. Peter Wysocki will provide a response.

## **11. Adjourn**

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

Sarah Johnson, City Clerk