



City of Colorado Springs

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

Meeting Minutes - Final Council Work Session

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Monday, July 11, 2016

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

Eileen Gonzalez, City Council Administrator, stated there has been a request to postpone agenda items 12.A, 12.B. and 12.C. to the July 26, 2016 meeting.

4. Review of Previous Meeting Minutes

4.A. [16-470](#) City Council Work Session Meeting Minutes June 27, 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. [16-472](#) Financial Report - City of Colorado Springs

Presenter:

Kara Skinner, Chief Financial Officer

Kara Skinner, CFO, presented a summary of the report.

Councilmember Strand requested a report from an expert in the automobile industry regarding the downturn in sale tax revenue from auto sales. Consensus of Council agreed to request the Regional Business Alliance (RBA) address this at the joint City Council RBA meeting scheduled for July 20, 2016.

Councilmember Pico requested Fines and Utilities Surplus be kept separate on future reports.

Councilmember Murray asked about the effect of negative interest rates on City finances. Ms. Skinner stated she will add information on the City's portfolio to future reports.

Councilmember King requested a report on the C4C funds received to date. Ms. Skinner stated the URA is the fiscal agent for those funds. She will request the information from the URA.

Councilmember King also requested an update on the 2C sales tax revenue collection to date. Ms. Skinner stated this information is included in the monthly sales tax reports provided to Council.

6.B. [15-00793](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Councilmember Pico reminded Council the Ethics discussion included on the agenda today will also be presented in the July 25, 2016 Work Session and then scheduled for a Council decision in the August 8, 2016 meeting.

7. Presentations for General Information

7.A. [16-228](#) Downtown Colorado Springs Update

Presenter:

Susan Edmondson, President & CEO, Downtown Partnership of Colorado Springs

Susan Edmondson, President and CEO, Downtown Partnership, presented an update of the activities and program in the downtown area.

Councilmember Murray requested an update on the effects of the pedestrian access act. Ms. Edmondson stated no data is available, but she has observed fewer large groups of people congregating on the sidewalks.

Councilmember Bagley asked if the City has considered including chalk art on the sidewalks in the art program. Ms. Edmondson stated she would like to find a way to include this art form.

Councilmember Strand asked how many downtown businesses have left the area recently. Ms. Edmondson said she does not have those figures available but the overall vacancy rate for downtown store fronts is very low.

Councilmember Strand asked about increased police foot patrols in the downtown area. Ms. Edmondson stated the foot patrols are very helpful and she would like to see an increased police presence in the downtown area.

7.B. [16-412](#) Pikes Peak Small Business Development Center (PPSBDC) Update

Presenter:

Aikta Marcoulier, Executive Director, PPSBDC

Aikta Marcoulier, Executive Director, PPSBDC provided an overview of the programs and activities of the organization.

There were no questions or comments on this item.

8. Items for Introduction

8.A. [16-420](#) A resolution approving and authorizing the Mayor to execute a revised amendment to an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) regarding funding for the Woodmen Road Widening Project

Presenter:

Mike Chaves, P.E., CIP Engineering Manager

Res/Ord Number: 73-16

Mike Chaves, Engineering Manager, stated this is a modification of an

item that was approved by City Council in April.

8.C. [CPC CA
16-00008](#)

An ordinance repealing and reordaining section 906 (appeals) of part 9 (notice, hearings and appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the code of the City of Colorado Springs 2001, as amended, pertaining to appeals.

(Legislative)

Presenter:

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

Peter Wysocki, Planning and Community Development Director, presented Council with copies of the updated proposal and reviewed the changes made since the previous meeting. Councilmember Knight provided additional information about the changes made to the proposal.

Councilmember Murray expressed concern about this proposal making it more difficult for citizens to file appeals. Mr. Wysocki stated he believes this is a balanced approach and citizens can file appeals if they have met specified criteria.

Councilmember Pico commented on property owner rights and the need to balance the process, which he feels this proposal is attempting to do.

Councilmember King asked where the balance is between the rights of property owners and developers. Wynetta Massey, City Attorney, stated the City needs to follow established City Code; any citizen has the right to file an appeal if City Code is not being followed. If the City follows Code and respects the rights of property owners and provides due process for citizens who feel their rights have been a grieved, that balance has been met.

Councilmember Strand asked what the term, "protected legal interest" means. Ms. Massey stated there is not a definition of this relating to who would have the right to appeal. State law leaves this to be determined by the local government. Once an appeal is accepted by the City, due process must be followed. Council can determine who has the right to appeal. The intent of this document is to narrow the scope of citizens having the right to file an appeal to parties of interest and streamline the appeal process.

Council President Pro Tem Gaebler requested additional information about the appeal process time-line. Mr. Wysocki explained the appeal would be presented to Planning Commission for verification that the established process has been followed, if so, Planning Commission would then forward the appeal to City Council for a decision.

Council President Gaebler asked what instigated this discussion. Mr. Wysocki stated this proposal was initiated by the code scrub and infill committee. Mr. Wysocki also stated developers see the current language as presenting a risk to development as any citizen can appeal any development under the current language.

Councilmember Murray asked why the City needs to make these changes to the appeal process. Mr. Wysocki stated the court has recommended the Planning Commission and City Council adopt criteria to be used in consideration of quasi-judicial appeal cases.

Councilmember Knight stated the current code requires an appellant to provide proof of a grievance and requested a definition of a grievance be included in the proposal. He also spoke about removing the language relating to striking the fees as the City would not appeal its own decision, this change also gives the City the right to appeal a Planning Commission decision.

Councilmember Knight commented on the proposal making the postponement process more equal. Sarah Johnson, City Clerk, expressed concern about the proposed language which allows the Council president to delay an appeal hearing to a later meeting by the agenda printing deadline. This does not allow adequate time to publish the appeal hearing dates. Mr. Wysocki will work with Ms. Johnson to assure the amended language accommodates the publication process.

Councilmember Knight initiated discussion about the linkage of the Parks Board appeal process included in the Planning Code Appeal section. Mr. Wysocki suggested the Parks Board may want to consider creating their own appeal process in their Code section. Councilmembers agreed with this suggestion. Bret Waters, Deputy Chief of Staff, will contact the Director of Parks, Recreation and Cultural Services regarding this idea and report back to Council by tomorrow.

Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended.

Presenter:

Tracy Lessig, Division Chief-Employment, City Attorney's Office
Andy Pico, City Council Member, District 6

Councilmember Pico presented a summary of the events leading to this proposal to amend the City Code of Ethics.

Tracy Lessig with the City Attorney's Office provided additional information about the City Code of Ethics, the Ethics Complaint Process and reviewed the proposed changes to the Code of Ethics the committee would like Council's recommendations on.

Craig Valentine, Commissioner, Independent Ethics Commission, spoke about the terms and provisions included in the proposed changes.

Council discussed the proposed changes with the commission members and Ms. Lessig. Ms. Lessig reviewed the items discussed by the commission and noted Council's recommendations on the following items:

The majority of Council agreed to keep the "dismiss and refer" option.

The majority of Council agreed to keep the "interest of justice" provision.

The majority of Council agreed to take out the "dismissed because violation was an oversight" provision.

The majority of Council agreed to add the ability of Council to refer a case back to the Ethics Commission.

The majority of Council agreed that cases will be heard by a hearing officer appointed by Council and the decision of the hearing officer will be final. Councilmember King suggested the selection of a hearing officer require a super-majority vote of Council, Consensus of Council agreed to this suggestion.

The majority of Council agreed fines should not be imposed.

The majority of Council agreed two of the gift exceptions should be accepted from 501(c)(3) organizations only.

This item will be presented for additional discussion in the July 25, 2016 Work Session.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Council President Bennett stated he and Councilmember Knight are scheduled to attend a 2C Advisory Committee meeting Wednesday and reminded Council of the City Council and Municipal Court Breakfast scheduled for Thursday morning at 7:30 and the VIP reception at the County Fair on Saturday. He also stated the El Pomar foundation is hosting a group from Croatia and Hungary to which he will be speaking on Thursday at 4pm and invited Councilmembers to join him for this event.

Councilmember Murray requested approval to use his Council funds to attend the Smart City's Conference July 27 and 29. Consensus of Council agreed to this expenditure.

Councilmember Knight stated Council was provided with a document about the City Council budget and reviewed the financial situation with Council. Mr. Knight solicited Council's ideas for handling excess funds. Councilmember Pico asked about the potential end of year budget surplus. Councilmember Knight stated the end of year surplus should not change much. Councilmember Pico suggested an additional column including the end of year figures be included in the report.

Councilmember King requested clarification on the ability of Councilmembers to accept drinks, meals and other items from vendors. Councilmember Knight clarified Councilmembers should use caution and pay for their own items if there is anything about the situation that could potentially raise questions about ethical standards being breached.

Councilmember Strand provided an update on the CSU power plant scrubbers.

11. Adjourn

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

Sarah Johnson, City Clerk