



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, June 13, 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

Council President Bennett stated agenda item 5.B., the Closed Executive Session, will be moved to the end of the meeting.

3. Regular Meeting Comments

Councilmembers Pico, Collins and Strand requested agenda item 4.B.E., the 2016 Action Plan for the use of Federal Block Grant Funds, discussion be pulled off the Consent Calendar for tomorrow.

4. Review of Previous Meeting Minutes

4.A. [16-424](#) City Council Work Session Meeting Minutes May 23, 2016

Presenter: Sarah Johnson, City Clerk

Councilmember Pico requested his comments about a potential Cable fee increase funding the 311 system be added to the minutes.

Councilmember Pico also requested the Councilmember Comments and open discussion section be amended to state the stormwater erosion concerns at the Air Force Academy are due to construction upstream from the academy.

The minutes were approved as amended.

5. Executive Session

5A. Open

There was not an Open Executive Session.

5B. Closed

5B.A. [16-421](#) Closed Executive Session

Presenter:

Wynetta Massey, City Attorney

David Andrews, Legislative Counsel, stated the purpose of this session is to discuss a land acquisition matter and to receive legal advice and consult with the City Attorney regarding an enforcement matter.

Council President Bennett polled Council regarding the desire to proceed with the discussion in a closed session. Consensus of Council agreed to proceed with the Closed Executive Session.

6. Staff and Appointee Reports

6.A. [15-00762](#) Financial Report - City of Colorado Springs

Presenter:

Kara Skinner, Chief Financial Officer

Councilmember Strand asked when the sales and use tax report for the previous month is released. Kara Skinner, CFO, stated the report for last month was released earlier today and should be in the Councilmember inboxes.

Councilmember Strand expressed concern about the variance report. Ms. Skinner explained the method used for calculating the year-to-date budget column. Events leading to this variance include staff receiving three pay checks in April and the CIP funds being transferred early in the year. The payroll variance will stabilize next month and a portion of and the CIP funds will be transferred back into the general fund in accordance with a resolution approved by City Council.

Councilmember Strand requested the dollar amount of use tax in April. Ms. Skinner will provide this information to Council.

Councilmember Murray commented on the lack of concern about the apparent trend indicating revenue is down and expenditures are up as compared to last year. Ms. Skinner stated the executive branch is watching revenue closely. There are indications that the coming tourist season may help revenue recover throughout the summer months. Ms.

Skinner explained the increased expenditures are included in the 2016 budget. The executive branch will continue to monitor the trends and will make changes to control expenditures if finances become concerning. Councilmember Murray requested Council received financial information as soon as possible.

Councilmember Knight asked why the spending profile from the previous year is used to calculate department budgets rather than having department heads estimate expenditures. Ms. Skinner stated spending profiles are typically consistent from year to year. Planned large expenditures are considered in the budget process.

Councilmember King asked if the sales and use tax figures in the report are gross or net and how the net figures for the urban renewal districts compare to last year. Ms. Skinner stated the report includes gross revenue figures and she will provide the urban renewal information to Council later this week.

Council discussed the possibility of changing the financial report schedule in order to provide Council with financial information in a timelier manner with Ms. Skinner.

6.B. [15-00790](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Council President Bennett stated agenda item 12, the Banning Lewis Ranch master plan amendment, scheduled for the June 28, 2016 meeting will be postponed until after the annexation of the property is complete.

7. Presentations for General Information

7.A. [16-368](#) Human Relations Commission Annual Report and Briefing

Presenter:

James Cheney, Chair; Brenda Dukart, Vice-Chair, Anja Wynne, Past Chair

James Cheney, Chair of the Human Relations Commission, presented an overview of the activities and accomplishments of the Commission and requested more engagement with Council. Council President Bennett suggested Ms. Gonzalez schedule a meeting to discuss the engagement process between Council and the commission.

Councilmember Strand thanked the commission and asked about the commission's work with homelessness in our community. Mr. Cheney stated he works closely with the Police Department and the Colorado Springs Rescue Mission to address homelessness.

Councilmember Strand asked if violation of human rights and discrimination are problems commonly seen by the commission. Mr. Cheney stated most of the problems he sees are more economically driven.

7.B. [16-419](#)

A Presentation on the Pedestrian Bridge-Vermijo Avenue to America the Beautiful Park

Presenter:

Kathleen Krager, Transportation Planning Manager

Jeff Greene, Chief of Staff

Kathleen Krager, Transportation Planning Manager, presented a brief history and overview of the proposed pedestrian bridge.

Councilmember Pico asked if cyclists will be asked to walk their bikes over the bridge. Ms. Krager stated the plan is to allow them to use the elevator and then ride across. If this becomes problematic, cyclists may be asked to walk their bikes across.

Council President Pro Tem Gaebler expressed appreciation for the explanation and the project and requested additional information about the time-line, if there is a public process and if the Parks Department is involved. Ms. Krager stated the land exchange is in process, an appraiser has been hired to appraise the properties. Parks is involved and there will be public involvement as the design evolves. There has already been considerable public involvement as this bridge has been in conceptual phases in the early 1990's. Council President Pro Tem Gaebler would like to see a bike share station near the park and the bridge. Ms. Krager stated she would like to see a bike share station in the park or included in the Olympic Museum design.

Councilmember Murray requested the land exchange be kept separate from the bridge and reviewed project finances with Ms. Krager. Bob Cope, City Economic Development Manager, further explained the

financial plans for this proposal. Mr. Cope stated the project will be considered City infrastructure and explained the USOC has approved the project as infrastructure for financial purposes. Councilmember Murray requested a complete financial report on this project.

Councilmember Knight asked what previous Councils have done with this project. Ms. Krager explained it was included in a URA agreement which has since been dissolved for various reasons and stated the land exchange will benefit both the developer who currently owns the property and the City. Councilmember Knight requested a Council representative be included in the land exchange process. Ms. Krager stated Staff is working to keep this process open and transparent.

Councilmember Knight asked where the required matching funds for the potential TIGER Grant will come from. Ms. Krager explained her plans to meet the matching fund requirement. Councilmember Knight reminded everyone this is part of the C4C agreement.

Councilmember Murray requested this land be included in an open bid process.

Jeff Greene, Chief of Staff, provided clarification about the previous plan for the property, the importance of the land exchange to the success of this project and reiterated previous agreements regarding the intent of the City to build this pedestrian bridge.

Council President Bennett expressed appreciation for the research and comparison to the similar bridge in Denver.

Councilmember Knight responded to Mr. Greene's comments, stating Council did not receive the same information used to support the proposal referred to by Mr. Greene and that the appraisal for the land exchange should be based on the highest and best use for the property. Councilmember Knight requested the City obtain an appraisal independent of the stipulations placed on the property and then consider the work needed to mitigate the property.

Council President Pro Tem Gaebler stated there is a current law suit on the City property to be transferred to the developer and the City will bear the cost of the law suit, not the developer. Councilmember Murray requested information on the lawsuit. Mr. Greene stated this cannot be

discussed in public; a closed session can be scheduled for further discussion of this matter.

8. Items for Introduction

- 8.A.** [16-408](#) A Resolution Approving Modifications to a Declaration of Protective Covenants and Authorizing Execution of Such Modified Declaration of Protective Covenants

Presenter:

Bethany Burgess, Senior Attorney

Jerry Forte, Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 56-16

Bethany Burgess, Senior Attorney, explained this request to modify deed restrictions on the property which would allow the property to be used as a law enforcement training facility.

Councilmember Knight stated he believes this is a great use of the property but he has concerns about odors from the sludge facility on the property being a potential source of citizen complaints. Ms. Burgess stated there are express prohibitions included in the agreement intended to avoid this type of situation.

Councilmember Knight expressed concern about the language in the agreement being too vague to assure the desired use of the property is adhered to. Ms. Burgess stated she does not believe this is problematic because there are legal definitions of the terms used to describe the approved uses.

Councilmember Murray asked if the public will be allowed access to the facilities. Police Chief Peter Carey stated the public may, at some time, be allowed access to the driving facilities, but will never have access to the shooting ranges.

Councilmember Strand asked about the funding of this project. Chief Carey stated the funding sources are still being identified. They have obtained some grant funds and are working to finalize the financial details.

- 8.B.** [16-414](#) An ordinance amending Section 201 (Definitions) and 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport Advisory Commission) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as

amended, authorizing economic development agreements with businesses performing commercial activities at the Colorado Springs Airport

Presenter:

Dan Gallagher, Director of Aviation, Colorado Springs Airport

Res/Ord Number: 16-66

Dan Gallagher, Director of Aviation, presented a summary of this request for a minor amendment to the commercial aeronautical zone based on growth and development that has exceeded expectations.

Councilmember Knight expressed concern about the language included in the new proposal being too vague. Mr. Gallagher explained the job provisions and other requirements included in the original agreement still apply. These changes allow construction companies to benefit from building in the CAZ. All other requirements included in the 2004 CAZ agreement still apply.

Councilmember Murray questioned the Mayor's role in this agreement and stated this agreement seems too open. Mr. Gallagher explained the Executive Branch will sign the agreement and the information included in the Council packets is not the entire agreement, only the proposed changes to the agreement. This is only for construction economic development, not open to all businesses.

- 8.C.** [16-415](#) An ordinance amending Section 102 (Definitions) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to commercial activity

Presenter:

Dan Gallagher, Director of Aviation, Colorado Springs Airport

Res/Ord Number: 16-67

Please see comments in agenda item 8.B.

- 8.D.** [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

Carl Schueler, Comprehensive Planning Manager, provided a detailed summary of the proposed changes to the Planning Commission appeal process included in City Code.

Councilmember Murray asked about the denial of those outside of a defined area, the right to appeal. Mr. Schueler stated there are instances which would allow the appeal process to take place and individuals are always allowed to participate in an appeal filed by another party.

Councilmember Knight asked questions about the documents provided to Council. Mr. Schueler explained the process and the intent of the documents provided to Council.

Councilmember Knight expressed concern about the ability of a developer to automatically bump a hearing to a later meeting date and the difficulty of an appellant, possibly an inexperienced property owner, to understand and follow the process. The process should be the same for the applicant and the appellant. Mr. Schueler explained the thought is the applicant is often the appellant, the applicant is usually the one making the investment based decision and creating the delay would be self-imposed. Councilmember Knight stated appeals will likely increase as in-fill and redevelopment continues.

Councilmember Knight asked if this is a staff recommendation based on the opinion of the code scrub committee. Mr. Schueler stated there was not any opposition to this portion of the proposal by any of the entities involved.

Councilmember Strand shared the concerns expressed by Councilmember Knight and shared industry practitioners' concerns about risk of delay based on frivolous complaint. Mr. Schueler explained developers are often in time-sensitive situations to which delays can be detrimental.

Councilmember Strand stated there are also situations that time can resolve without intervention. Mr. Schueler stated there are times this is true, under this proposal the applicant always has that opportunity to delay proceedings and the appellant can also request a delay.

Councilmember Murray asked about the stakeholders and the process. Mr. Schueler explained the process and the noted the identified stakeholders of this process.

Bob Cope, City Economic Development Manager, commented on the cost of delaying development projects.

Councilmember Knight presented a summary of his involvement and concerns regarding the planning appeal process. His three main concerns are; the time-frame in which an appeal has to be filed, the ability of the filer to make corrections to the appeal if necessary and the ability of Council to bump an appeal to a later date. He endorsed the Planning Commission decision to increase the filing time to 12 days. Councilmember Knight requested these changes be made to the proposal prior to the next Council meeting. Council discussed the best procedure to include these changes in the final document with legislative counsel.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Strand complimented the Sertoma and Kiwanis Clubs for the soapbox derby held Sunday June 12th, thanked everyone who participated in the Mayor's golf tournament and spoke about the CML Conference he and Council President Pro Tem Gaebler plan to attend June 22 through 24 in Vail.

Council President Bennett requested Councilmembers interested in attending the Impact DC trip in Washington, D.C., coordinated by the Regional Business Alliance, in September coordinate plans in order to avoid too many members missing Council meetings.

11. Adjourn

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

Sarah Johnson, City Clerk