



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, April 25, 2016

1:00 PM

Council Chambers

1. Call to Order

- Present** 8 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, and Councilmember Andy Pico
- Excused** 1 - Councilmember Tom Strand

2. Changes to Agenda

Council President Bennett announced the Stormwater IGA was signed by the Pueblo City Council at 9:45 this morning.

Council President Bennett requested the Executive Session be moved to the end of the meeting today.

Eileen Gonzalez, City Council Administrator, stated City Staff has requested agenda item 7.B. be heard prior to agenda item 7.A. and informed Council agenda items 8.A and 8.C. will be presented today and again tomorrow for a vote.

Consensus of Council agreed to these changes to the agenda.

3. Regular Meeting Comments

There were no Regular Meeting Comments.

4. Review of Previous Meeting Minutes

- 4.A. [16-327](#) City Council Work Session Meeting Minutes April 11, 2016

Presenter: Sarah Johnson, City Clerk

Sarah Johnson, City Clerk, stated she received communication from Councilmember Knight stating he would like the minutes amended to reflect that he was excused from the meeting prior to Mr. Skorman

speaking and to include his request for a summary of the 646 citizen comments regarding the proposed land exchange.

The meeting minutes were approved as amended.

Councilmembers Murray and Collins requested information requested in meetings be provided prior to the next Council meeting. Council President Pro Tem Gaebler requested Councilmembers ensure their requests along with a stated time for response are included in the summary comments presented by Ms. Gonzalez at the close of each meeting.

5. Executive Session

5.A. [16-320](#) Closed Executive Session

Presenter:

Wynetta Massey, City Attorney

David Andrews, Legislative Counsel, stated the item to be considered is a personnel discussion regarding Council appointees.

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.

5A. Open

5B. Closed

6. Staff and Appointee Reports

6.A. [15-00787](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Eileen Gonzalez, City Council Administrator, stated the planner is in the Council packets. There were no questions or comments on this item.

6.B. [16-00139](#) 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. [16-00128](#) A Briefing Regarding the Upcoming Douglas-Fir Tussock Moth/Western Spruce Budworm Treatment in North Cheyenne Cañon and Blodgett Peak Open Space

Presenter:

Jay Hein, City Forester - Parks, Recreation and Cultural Services Department

Jay Hein, City Forester, provided an overview of the damage caused by these insects and the proposed treatment plan. Complete information about the product to be used is on the City Website.

Councilmember King asked how much the application costs per acre. Mr. Hein stated the cost per acre is \$79 and they are hoping to time the treatment so they only have to spray once.

- 7.B. [16-00078](#) A Resolution Supporting the Proposed Land Exchange between the City of Colorado Springs and the Manitou and Pike's Peak Railway Company, COG Land and Development Company, PF LLC, and The Broadmoor Hotel, Inc., collectively referred to as "Broadmoor"

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services
Chris Lieber, Parks Development Manager - Parks, Recreation and Cultural Services

Chris Lieber, Park Development Manager, provided an update on the recommendation of the Parks and Recreation Advisory Board, the process being followed and changes to the agreement since the previous Council meeting. Mr. Lieber outlined the process of approval from the Palmer Land Trust and the Master Plan development process for the property. Mr. Lieber requested a meeting be scheduled to review the appraisal with Council.

Consensus of Council agreed to have the appraisal released to them the week of May 1st when it is available. The appraisal will be reviewed in the May 9, 2016 City Council Work Session, and there will be a Town Hall meeting Monday May 9, 2016 at 6 pm for citizen comments and discussion. Council elected to include this item on the May 24, 2016 City Council agenda for a vote.

Councilmember Murray requested clarification on the 1885 vote to buy

the Strawberry Hill property. Mr. Lieber explained the Strawberry Hill area is a small portion of the property included in that purchase which included a large portion of North Cheyenne Canon.

Britt Haley with the City Attorney's Office outlined the terms, conditions and restrictions of the proposed real estate exchange.

Councilmember Murray requested additional information about the purchase of the property in 1885 and a copy of the State Act that allowed the purchase. Ms. Haley will provide the requested information. Councilmember Murray asked if a vote would be a better method of handling this exchange. Ms. Haley stated that the City Attorney's Office has identified the proposed resolution as the legal method for pursuing this kind of transaction per City Code and the Real Estate Manual.

Councilmember Knight questioned the appraisal process and asked why the difference between the property values will be recognized as a tax deductible donation to the City. Ms. Haley stated that, per the Real Estate Manual, the respective property owners appraising their own property is acceptable and that if there is an excess value in favor of The Broadmoor, City Council must accept the value by recognizing the difference in the appraised values.

Councilmember Knight asked how the plan to acquired property adjacent to Bear Creek Park and then donate it to the County affects the value of the land. Ms. Haley stated the planned use of the property acquired does not affect the appraisal value or the property exchange. Mr. Lieber stated there has been some discussion about donating the property adjacent to Bear Creek Park to the County, but there is not an agreement regarding this plan at this time.

Councilmember Knight asked about the term "fees simple" in the conveyance of title document. Ms. Haley will meet with Councilmember Knight to explain this term.

Councilmember Knight asked about ethical implications of The Broadmoor providing the City use of the property to include free meals for a fundraiser event. Mr. Damioli will provide a cost estimate of this provision for review under the City Code of Ethics.

Ronn Carlentine, Real Estate Manager, referred Council to section 4.5 of the City Real Estate Manual (REM), adding the City is following the

guidance provided in the manual to be sure this exchange is done properly. Mr. Carlentine continued to discuss the provisions of the REM and how the proposed land exchange has followed the guidance provided therein.

Councilmember Murray asked if the zoning of the property can be changed after the exchange and how this would affect the value of the property. Mr. Lieber stated the zoning and the conservation easement limit the use of the property. Mr. Carlentine explained the appraiser must determine the highest and best use for the property when performing the appraisal. The best use for the property is included in the appraisal report, which in this case is for parks.

Jack Damioli, President and CEO of The Broadmoor, reviewed the proposal from The Broadmoor's perspective, including a summary of the changes to the proposal based on citizen response.

Councilmember King asked for an estimated cost and time-frame of the planned mitigation of the property. Mr. Damioli stated the minimal cost for the planned mitigation is \$550,000, and the process would start as soon as they have possession of the land, after the conservation easement is approved.

Councilmember King asked if there will be horse riding trails going across the meadow. Mr. Damioli stated the trails will not go through the meadow, but will be properly constructed around the property to preserve the meadow.

Councilmember Murray asked if the Broadmoor is involved in any legal matters or litigation with the City of Colorado Springs at this time. Mr. Damioli stated no.

City Council continued to discuss The Broadmoor's plans for the property at length with Mr. Damioli.

Citizen Kent Obee, spoke in opposition of this proposal. Bill Louis, Attorney, representing the opposition, reminded Council they have the power to change process, suggested this proposal should be taken to a vote, and cautioned the PK zone is referred to as public use. Mr. Lewis provided Council a copy of CORA as it pertains to this proposal and requested public access to the appraisals be granted. Mr. Lewis stated Public Trust Doctrine applies to this case and suggested the City require

collateral to ensure the Broadmoor performs the work done in the agreement.

Citizen Gary Butterworth spoke in support of the proposal, based on the preservation of trails and open space for the citizens of this region. The Parks Department has the expertise to make good decisions about park property for our community and they also have the best interest of the citizens as a priority.

Councilmember Collins asked the other Councilmembers if they have been to the area and stated research through a CORA request indicates no citizen complaints about trash in the area have been recorded.

Jackie Hilaire, Chair of the Parks Advisory Board, provided a summary of the recommendation of the Parks Board regarding this property. The Parks Board supports the proposal for the following reasons; the exchange benefits the City, advances the Parks Master Plan, The Broadmoor is a trusted business partner and has committed to improving the property, and the process has been transparent, robust and complete.

Gary Pfeffer, Co-Chair Parks Advisory Board, stated he feels what the City is gaining from the exchange by virtue of the Broadmoor's commitment, validates the exchange.

Councilmember Knight asked about U.S. House Bill 2223, regarding a land exchange between The Broadmoor and the U.S. Forest Service. Mr. Lieber stated that land exchange involves property adjacent to Barr Trail. Through that land exchange, The Broadmoor will grant an easement to Barr trail to the Forest Service, there are plans for additional bailout points on the Manitou Incline. Councilmember Knight requested a map of this proposed land exchange. Mr. Lieber will provide the map to Council.

Councilmember King asked how the third party review of the appraisal is structured. Mr. Carlentine stated the third party appraiser is looking at the technical aspects of the appraisal. All of the information regarding the appraisal, and the appraisal process will be provided to Council.

Councilmember Knight asked why there is a change in wording under the additional conditions from "shall" to "will". there is nothing governing

the Broadmoor to ensure they perform the work. Ms. Haley will follow-up on these concerns.

Councilmember Murray asked about enforcement of the conservation easement. Ms. Haley stated that conservation easement is a binding and enforceable agreement. The conservation easement holder in this property would be the Palmer Trust and they will be responsible for enforcing the restrictions in this case.

7.C. [16-315](#)

A Presentation on Exploring the Expansion of Bus Service to Northern Hospitals

Presenter:

Craig Blewitt, Transit Services Manager

Craig Blewitt, Transit Services Manager, provided a summary of the 2040 plan and the potential inclusion of transit service to the hospitals located on the north side of town. Mr. Blewitt outlined the assessment process for determining the need for service.

Council President Bennett reminded them to include the planned Children's Hospital in the stake holder process.

Council President Pro Tem Gaebler expressed concern about this creating a variance from the 2040 plan, which includes the need to improve current routes prior to expanding service. Mr. Blewitt explained they are looking to expand to these service areas while aligning with the 2040 plan. Ms. Gaebler suggested organizations requesting routes be pursued for support.

Councilmember Knight agreed with the inclusion of Children's Hospital and stated his feedback from bus riders indicated improvement of the current service offered is more important than expanding service areas. He suggested they approach the Colorado Springs Health Foundation for support.

Councilmember Pico endorsed the plan to evaluate the need for expanded bus routes to include these hospitals.

Councilmember Murray asked if there is any opportunity to request funds from Medicare or other governmental agencies for these services. Mr. Blewitt stated they will explore this option.

7.D. [16-00220](#) Colorado Springs Office of Sustainability - Announcement

Presenter:

Ryan Trujillo, Contract Compliance & Sustainability Manager, Finance

Ryan Trujillo, Contract Compliance & Sustainability Manager, announced the revival of the Sustainability Office. Mr. Trujillo defined sustainability and what it means to the community, along with providing a summary of the goals of this group of volunteers.

Councilmember Bagley suggested Blue Star Recycling as a resource.

Councilmember Knight stated the lack of detail is concerning to him. He would like to know more about the roles and responsibilities of the group and how they will fund initiatives adding this seems intergovernmental and very formal.

Bret Waters, Deputy Chief of Staff, stated at this time, this group is in the forming stages. There will likely be recommendations coming to Council from this group in the future, but at this point they are a work group looking into options to promote sustainability.

Councilmember Pico stated the PPACG did not endorse the former sustainability plan and he has concerns about the feasibility of this program.

7.E. [16-273](#) Update to Council on the Shooks Run Project

Presenter:

Travis Easton, Public Works Director

Travis Easton, Public Works Director, introduced this presentation and stressed the importance of this initiative which will help define and brand Colorado Springs.

Aaron Egbert with City Engineering provided details of the proposed project including the process and vision of the project and the potential positive impacts to the community. The department is recommending a Facilities Master Plan for the corridor to allow the project to span the time frame necessary for completion. They will return to City Council with a more detailed proposal in August.

Dan Krueger with Felsburg, Holt and Ullevig, who performed the

economic analysis of the project, provided an overview of the economic opportunities represented by this corridor, including, parks, bike paths, botanical gardens and other amenities.

Councilmember Knight spoke in support of making this a very nice area and suggested the development of public and or private partnerships to support this endeavor. He cautioned against including private property in the plans unless there is a public safety concern and stated golf courses and walking trails are not a good mix.

Councilmember Pico stated this project encompasses some planned key infrastructure projects and endorsed the plan while expressing concern about funding sources.

Councilmember King asked when the last flood in this area was. Mr. Egbert stated a flood in 2013 washed out some bridges on the golf course which have been replaced using FEMA funds.

8. Items for Introduction

- 8.A.** [16-304](#) A resolution approving and authorizing the Mayor to execute an 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. Engineering Manager

Res/Ord Number: 44-16

Mike Chaves, P.E. Engineering Manager, provided a brief overview of this proposal. There were no questions or comments on this agenda item.

- 8.B.** [16-324](#) A Resolution Authorizing The Acquisition Of Property Owned By Mark T. Elliott And Jodene M. Elliott Pursuant To The Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP)

Presenter:

Tim Mitros, Engineering Program Manager, Office of Emergency Management

Res/Ord Number: 45-16

Tim Mitros, Engineering Program Manager, explained this proposed project, along Shook's Run, requires Council approval due to the

expenditure of more than \$50,000. FEMA is covering 75% of the cost. There were no questions on this agenda item.

8.C. [16-329](#)

Ordinance No. 16-57 creating a twelve (12) month moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location of a currently operating medical marijuana facility within the City limits

Presenter:

Councilmember Larry Bagley

Res/Ord Number: 16-57

Councilmember Bagley presented an overview of the proposed moratorium recommended by the Marijuana Task Force.

Councilmember Knight stated some of the ordinances include the language "substantially detectable odor" while others do not. Mr. Bagley stated it is difficult to define what constitutes detectable odor and the task force is willing to amend the language to create consistency with all of the ordinances. Councilmember Knight will make motions tomorrow to amend the ordinances to remove the word, "substantially" from the language.

Councilmember Pico asked why the recommended moratorium is for a year rather than six months. Mr. Bagley stated City Planning Staff requested this amount of time to research the zoning issues and the group also wanted to evaluate State and Federal actions involving this industry that may have an effect on the City's actions.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Knight attended the first lecture presented in the new Polaris Hall at the Air Force Academy. One of the presenters wrote the City's code of ethics.

Councilmembers Pico, Bagley and Knight expressed concern about the panhandlers in the medians throughout the City. David Andrews stated the City is restricted in enforcing these ordinances based on State cases. Mr. Waters stated staff is aware of the situation and addressing concerns. Councilmember Murray asked if the ACLU suit involving panhandling has been made public. Mr. Andrews stated it would be best to refrain from additional remarks on that topic until the status of that

case is known.

10.A. [16-00188](#) Briefing & discussion relating to refugee resettlement

Presenter:

Councilmember Andres Pico

Councilmember Pico provided an update on the research he has performed since the previous discussion about this matter. Mr. Pico discussed terrorist threats including the United States, Colorado Springs and individual citizens of this City and how terrorists are acquiring access to this country. Mr. Pico outlined the screening process and the estimated number of refugees that would be relocated to Colorado Springs.

Councilmember King commented on the number of languages represented by these population groups and the cost of providing required translations and interpreters to the schools.

Meeting Summary Comments

Ms. Gonzalez stated the following requests have been made during the meeting.

Councilmember Murray requested an economic impact analysis of the marijuana related items prior to the meeting tomorrow. This item was delivered by Kara Skinner via email April 25, 2016.

Councilmember Collins - asked when Councilmember Knight's request for information regarding the costs of the pedestrian bridge in south downtown will be delivered. Councilmember Knight noted he was told that information will be discussed in the budget process meeting scheduled for Friday April 29.

Council President Bennett stated Staff will brief Council on the appraisals of the property included in the Broadmoor-Parks land exchange in the work session scheduled for May 9. The vote on this item has been delayed until May 24, 2016. Details on release of the appraisal documents pending.

Councilmember Murray requested information from Attorney Britt Haley regarding the State Act on which the 1885 vote to raise money to buy property in North Cheyenne Canon was predicated. Ms. Haley will provide that information to Council prior to the May 9, 2016 work

session.

Councilmember Knight will get clarification offline from Ms. Haley and Mr. Carlentine on the “fee simple” language included in the Broadmoor-Parks land exchange resolution. This information will also be distribute to all Councilmembers.

Councilmember Knight asked Jack Damioli, for an estimated cost of the Broadmoor-sponsored City events included as a quid pro quo in the agreement so that it can be evaluated by the City Attorney’s Office for compliance with the City’s Code of Ethics.

Bill Louis notified Council that he would be filing a lawsuit relating to immediate release of the appraisals in the Broadmoor-Parks land exchange.

Councilmember Knight requested a summary of the citizen comments regarding the land exchange by close of business April 26. He also requested a copy of House Bill 2223. Chris Lieber will provide a summary of the citizen comments along with a map of the parcels noted in that piece of legislation by the end of this week.

Councilmember Knight questioned the reason for the language change from “will” to “shall” in the land exchange resolution. Ms. Haley will respond to this inquiry by end of this week.

Councilmember Knight asked if the drainage control manual governs this exchange. David Andrews will follow-up on this request.

Councilmember Knight stated he will request an amendment to the marijuana related agenda items including the term, “substantially detectible”, removing the word “substantially” lending consistency to the related items

Councilmember Bennett stated Mr. Barber will be the first to speak during Citizen Discussion tomorrow.

Ms. Gonzalez stated next year’s evaluations for the City Auditor and the City Council Administrator will be discussed at the first work session in March 2017.

11. Adjourn

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

Sarah Johnson, City Clerk