



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, December 7, 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

Council President Bennett stated the Closed Executive Session will take place at 3pm this afternoon. There are several items on the agenda today that will be presented in tomorrow's meeting for a decision by City Council.

Police Chief Peter Carey provided a briefing of the shooting incident that took place at the Planned Parenthood office Friday November 27, 2015. Mayor John Suthers commended the response teams for their efficiency in handling this situation.

3. Regular Meeting Comments

Councilmember Strand stated he will request agenda item 4.A.F., the construction defects item, be pulled off the Consent Calendar for tomorrow.

4. Review of Previous Meeting Minutes

4.A. [15-00743](#) City Council Work Session Meeting Minutes November 23, 2015

The meeting minutes were approved as presented.

5. Executive Session

A) Open

There was not an Open Executive Session.

B) Closed

B)A. [15-00750](#) Closed Executive Session

David Andrews, Legislative Counsel, stated the issue to be discussed involves legal advice and negotiation consultation with the City Attorney to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding a permitting matter.

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

6. Staff and Appointee Reports

6.A. [15-00495](#) Agenda Planner Review

There were no comments or questions on this agenda item.

7. Presentations for General Information

7.A. [15-00604](#) City Council Community Engagement Program Participant Presentations

Eric Phillips, Co-Founder of the City Council Engagement Program, provided an overview of the work done by the organization. Lorenzo Grant, program participant, summarized his experience with the program.

7.B. [15-00630](#) University of Colorado Health (UCH) Annual Update on Memorial Hospital Lease & Affiliation Agreement

George E. Hayes, President & CEO, Memorial Hospital - UCHealth, presented an update on the services provided by the system in conjunction with the lease agreement of the hospital.

Councilmember Strand asked what role the hospital played in the recent event at Planned Parenthood. Mr. Hayes stated the hospital has a robust emergency management program was well prepared for the scope of this situation; it would take a much larger event to really impact the hospital and present learning opportunities.

Councilmember King asked about unpaid services and what impact the national health insurance changes have had on the hospital's finances.

Mr. Hayes he would have to do some research to provide exact figures on this; however, he does not believe the national health insurance program has had a significant financial impact on the hospital.

Councilmember Murray requested additional information about the terms of the lease agreement being met. Gene Renuart, Chairman of the Board, stated this information will be included in the annual review which will be presented to Council in a future meeting.

Greg Raymond, Children's Hospital Colorado, Regional Vice President for Southern Colorado, provided additional information about the services UCH and Children's Hospital work together to provide to the community.

Councilmember Knight brought up the need for temporary housing facilities for families of Children's Hospital patients. Mr. Raymond stated they are working with the Ronald McDonald House to provide this service and are also looking for resources to meet transportation needs of these families.

Councilmember King asked about the market analysis on the need for the planned Children's Hospital. Mr. Raymond explained Children's Hospital has done extensive market analysis and is planning to build a facility that meets the demographic needs of the community.

8. Items for Introduction

- 8.A.** [15-00739](#) A resolution to authorize the Colorado Springs Airport to submit an application to and accept and execute a loan with the Colorado Department of Transportation State Infrastructure Bank - Aviation Division in an amount not to exceed \$5,000,000 to fund Passenger Facility Charge (PFC) projects at the Colorado Springs Airport

Res/Ord Number: 145-15

Dan Gallagher, Director of Aviation, provided information about this loan application intended to fund improvement projects at the airport and reduce the interest rate on previously borrowed money.

Councilmember King asked what the interest rate is. Mr. Gallagher stated the interest rate will be two and one-half percent over ten years.

- 8.B.** [15-00741](#) A Resolution approving the revision to Chapter 10 of The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests with respect to removing the

revocability of leases.

Legislative

Ronn Carlentine, Real Estate Services Manager, provided a summary of the proposed revision of Chapter 10 of the Real Estate Manual, in particular, the removal of the revocable lease clause when leasing City owned property.

Councilmember Knight asked what the motivation for making this change is and requested examples of City property that is leased out. Mr. Carlentine stated the City is attempting to standardize the leasing practice and provided examples of lease agreements in the City. Leasees would be more likely to invest in capital improvements for City properties if they were assured their leases would not be revoked by the City. Mr. Carlentine explained how a lease agreement would work and what role Council would have in the process. Councilmember Knight requested additional language defining lease requirements or allowing Council input into the leasing process be added to the document.

Councilmember Murray questioned the need for this action. Jeff Greene, Chief of Staff, stated this is an attempt to provide consistency as this process relates to City Code and stated a system of checks and balances for Council and the executive branch will be included when this returns to the next City Council meeting.

8.C. [15-00748](#) A Resolution Approving the 2016 Budget for Pikes Peak Regional Building Department

Res/Ord Number: 137-15

Todd Welch, representing the Pikes Peak Regional Building Department (RBD), provided a summary of the activities and funding sources of the organization along with an overview of the proposed budget.

Councilmember Bagley, City Council designee to the Pikes Peak Regional Building Commission, stated the budget has been approved by the commission.

Councilmember Murray requested additional information about the budget. Dorothy Herrera, RBD Finance Director, provided information about the funds and agreed to provide additional financial information including the balance in the capital reserve fund and a list of completed projects which have allowed the department to lower the 2016 budget.

Councilmember Knight asked what impact delaying approval of this item until the first meeting in January would have on the department. Mr. Welch stated there is not a provision in the IGA to allow them to operate without a budget. Councilmember Knight asked Kara Skinner, CFO, if she has reviewed and approves of this budget. Ms. Skinner stated she approves of the proposed budget and the IGA requires member approval of the budget.

Councilmember King requested additional information about the \$800,000 budget decrease. Ms. Herrera explained there was a planned construction project to the building for 2015 that has been cancelled. Discussion continued about the budget and expenditures and how funds are handled.

- 8.D.** [15-00719](#) An Ordinance amending provisions of the Pikes Peak Regional Building Code, 2011 edition, formerly adopted by Ordinance 11-34, as amended by Ordinance 13-6, and amending Sections 102 (Code Adopted by Reference) and 103 (Additions and Modifications) of Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended.

Ryan Tefertiller, Planning Manager, Planning and Development Department, presented a brief overview of the proposed Regional Building Code revisions.

Todd Welch with the Pikes Peak Regional Building Department (RBD) provided additional details about the proposed changes.

Councilmember Knight expressed concern about the provision allowing construction of a stand-alone deck without a requiring a permit approving the construction and location of the structure. Mr. Welch stated RBD does not inspect for set-back variance, that is a City inspection item.

Councilmember Knight requested this be reviewed by the City Planning Commission prior to Council approval.

Discussion continued between City Staff and Council about the benefits and drawbacks of seeking Planning Commissions review of these changes. Consensus of Council agreed to the City Planning Commission review of the Code revisions before returning to City

Council for a final decision.

- 8.E. [15-00670](#) Review and Approval of Decision and Order and Resolution Setting Electric Rates within the Service Area of Colorado Springs Utilities

Res/Ord Number: 138-15

Councilmember King asked if any changes have been made since the previous meeting. Chris Bidlack, City Attorney’s Office, Utilities Division, stated no changes, other than those discussed in the previous meeting, have been made.

- 8.F. [15-00671](#) Review and Approval of Decision and Order and Resolution Setting Natural Gas Fuel and Capacity Rates within the Service Area of Colorado Springs Utilities

Res/Ord Number: 139-15

Please see comments in section 8.E.

- 8.G. [15-00672](#) Review and Approval of Decision and Order and Resolution Setting Water Rates within the Service Area of Colorado Springs Utilities

Res/Ord Number: 140-15

Please see comments in section 8.E.

- 8.H. [15-00673](#) Review and Approval of Decision and Order and Resolution Regarding Changes to the Utilities Rules and Regulations

Res/Ord Number: 141-15

Please see comments in section 8.E.

- 8.I. [15-00715](#) An ordinance creating a new Section 103 (Yielding Right-Of-Way to Transit Buses) of Article 2 (Right of Way) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to yielding the right-of-way to transit buses.

Res/Ord Number: 16-2

Brian Vitulli, Transit Planning Supervisor, introduced this proposal to that would require motorists to yield to transit buses returning to traffic as already required by State law.

Councilmember Pico asked why this is necessary as buses are usually already in the lane of traffic. Mr. Vitulli stated there are some situations where bus stops are not in the traffic lane.

Councilmember Knight asked what the penalty for failure to comply will be, Frederick Stein with the City Attorney's Office stated possible penalties include a fine up to \$500 and/or probation; this does not include a possible drivers license point violation. Councilmember Knight would like to include the penalty in Code. Mr. Stein stated they are trying to be consistent with other areas of City Code.

Councilmember King asked if the lights on the new buses will blink. Mr. Vitulli stated the new buses will have the lights which will blink along with the turn signals. Older buses will have signs installed. As older buses are replaced, the lights will become standard equipment and the department has plans for an educational campaign educating motorists about this change.

- 8.J. [15-00703](#) An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to Adopt the Budget and Appropriate Monies in the Amount of \$50,000,000 for the Road Repair, Maintenance and Improvements Sales and Use Tax Fund for the Sole Purpose of Road Repair, Maintenance, and Improvements

Res/Ord Number: 16-3

Kara Skinner, CFO, explained next two items are formalities associated with the fund appropriation approved by voters in the November 3, 2015 election.

Councilmember Knight requested confirmation that, although the expenditures are intended for planned purposes, if other priorities arise, the funds can be reallocated as necessary. Ms. Skinner confirmed this is the case.

Councilmembers Pico and King requested a minor language change to the document, in the sixth whereas statement under Concrete Program, insert the word "be" to read "...Program will be used to repair...". Councilmembers Pico, King and Strand asked if the distribution of funds, listed as half for the Concrete Program and half for the Overlay Program, is flexible based on the actual cost of repairs and expressed concern about the defined expenditure amount. Ms. Skinner stated this should be a fairly accurate estimate of the required expenditures for the planned projects, but funds can be reallocated between the two programs if necessary. Councilmember Knight stated each program is required to have a specific allocated dollar amount, each project will be

paid for on completion and funds will roll over at the end of the year and each annual budget can change the allocation amount. The public works director has suggested this approach and Council should recognize his expertise and follow his advice. Ms. Skinner stated a representative from Public Works will be here to explain the process in the regular City Council meeting.

Councilmember Murray asked if the fund amounts need to be changed to reflect the funds will accumulate and be spent over time. Ms. Skinner explained this is not the allocation process but establishing the budget amount and giving the department the authority to spend the funds.

Ms. Skinner added there are multiple measures in place to be sure the process is transparent and appropriate. If federal funds are received, an appropriation to reallocate funds can be approved.

Council President Bennett was excused.

- 8.K.** [15-00695](#) An Ordinance Amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the Amount of \$2,100,000 to Transfer the Voter-Approved Retained Estimated 2014 Revenues Above the 2014 Fiscal Year Revenue/Spending Limitations to the Capital Improvements Program Fund, and to the Capital Improvements Program Fund in the Amount of \$2,100,000 for the Voter-Approved Park Trail Improvements

Res/Ord Number: 16-4

Please see comments in agenda item 8.J.

- 8.L.** [15-00744](#) Ordinance No. 15-101 Amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$1,345,000 for Transfer to the Colorado Springs Health Foundation

Res/Ord Number: 15-101

Kara Skinner, CFO, explained this is another supplemental appropriation to the 2015 appropriations ordinance giving her office the authority to transfer funds received from the Memorial Health System lease agreement to the Colorado Springs Health Foundation.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Knight spoke about the Pearl Harbor Day Memorial ceremony held at the RBD building.

11. Adjourn

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

Sarah Johnson
City Clerk