

City of Colorado Springs

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

Meeting Minutes

Council Work Session

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled

event.

Monday, June 12, 2017	1:00 PM	Council Chambers

1. Call to Order

 Present
 9 Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem

 Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight,
 Councilmember Bill Murray, Councilmember Andy Pico, President Richard

 Skorman, and Councilmember Tom Strand
 Strand

2. Changes to Agenda

Item 5B.A. Closed Executive Session has been moved to the end of the agenda.

3. Regular Meeting Comments

Eileen Lynch Gonzalez, City Council Administrator, stated Item 4B.D. relating to the 30th Street Corridor Improvements has been added to the June 13, 2017 City Council meeting agenda and Public Hearing Items 12.A. and 12.B. were requested to be postponed until the June 27, 2017 City Council meeting.

Councilmember Murray requested Items 4A.B. Penrose St. Francis Zone Change and 4B.C. LART Fund Supplemental Appropriation in the amount of \$235,642 be removed from the June 13, 2017 City Council meeting Consent Calendar.

4. Review of Previous Meeting Minutes

4.A. <u>17-1051</u> City Council Work Session Meeting Minutes May 22, 2017

Presenter: Sarah B. Johnson, City Clerk

Attachments: 5-22-2017 Work Session Final

The minutes of the May 22, 2017 Work Session meeting were approved by Consensus of Council.

5. Executive Session

5A. Open

5B. Closed

5B.A. <u>17-1063</u> In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves legal advice and consultation with the City Attorney regarding a pending contract litigation matter.

Presenter: Wynetta Massey, City Attorney

Council President Skorman polled Council regarding the desire to proceed with a Closed Session. At least two-thirds of Council agreed to proceed in closed executive session.

6. Staff and Appointee Reports

6.A. <u>17-836</u> Financial Report - City of Colorado Springs

Presenter: Charae McDaniel, Acting Budget Director

Attachments: 061217 June 2017 Financial Update Presentation w Grant slides

Charae McDaniel, Acting Budget Director, presented the June 2017 Financial Report which included the activity through April 2017. Overall general fund revenue is \$4.5 million above budget. The total general fund expenditures is trending approximately \$700,000 under budget. Sales tax is trending at \$6.5 million above budget for the year and is exceeding budget expectations in all areas except department/discount stores. Grant fund remaining appropriation is \$34,332,180.

Councilmember Strand asked if the Colorado Springs Utilities surplus payments revenue was down due to water. Ms. McDaniel responded that it was because of electric and gas sales revenue being down and that it comprised 99% of the \$2 million in revenue. Councilmember Strand inquired about how long the Code Enforcement job openings have been open. Ms. McDaniel said that they will provide additional information on those vacancies.

Councilmember Knight asked what the revenue expectations of the TABOR surplus were. Ms. McDaniel responded that they have

information regarding the inflation factor, but do not have the local growth factor which includes construction and destruction. The El Paso County Assessor's Office has provided information on construction, but will not have information on destruction until the end of August.

Councilmember Murray inquired as to what fund the estimated \$8.8 million in excess TABOR cap revenue would be placed in. Ms. McDaniels said it would be in the restricted portion of the general fund balance which is also considered a component of the reserves. Councilmember Murray also asked for clarification of the \$6.5 million component of TABOR above budget calculation. Ms. McDaniel explained that this amount was an end of year calculation.

Councilmember Geislinger asked for an itemization of the types of building permits requested, in particular the affordable housing units. Ms. McDaniel stated that they will research ways to provide the information on next month's report.

6.B. <u>16-691</u> Agenda Planner Review

Presenter: Eileen Lynch Gonzalez, City Council Administrator

Attachments: 061217 Agenda Planner Review MEMO

Councilmember Knight asked when the Comcast fee will be voted on and Eileen Lynch Gonzalez, City Council Administrator said it is scheduled for June 27, 2017. Councilmember Knight also asked for the schedule regarding the Development Plan Approval Cycle Ordinance. Councilmember Gaebler said that Meggan Herington, Assistant Director of Planning, said the Code Scrub Committee will be reviewing it again and do not have a date for the return of the item to Council.

Councilmember Murray reminded Council that the Stormwater fee status needs to be added as a priority to future Council Work Sessions due to the possibility of adding it to the November ballot. Jeff Greene, Chief of Staff, said a committee will be formed soon to expedite the process.

Councilmember Knight asked if there would be opportunity to withdraw once the Intent to participate form is filed with the El Paso Clerk and Recorder in July. Sarah Johnson, City Clerk, said July 28, 2017 is the 100 days prior date for Intent to participate. Within two weeks of that date, the County will draft Intergovernmental Agreements (IGA) with the cost estimates and will be on an August Council agenda for approval. After the IGA is signed in early August, there is a small window of opportunity to withdraw, but all other participating communities would have to be notified their portion of the coordinated election cost would have to be recalculated.

7. Presentations for General Information

7.A. <u>17-962</u> Human Relations Commission Annual Report and Briefing

Presenter: Brenda Dukart, Chair Courtney Stone, Vice-Chair

Attachments: 061217 HRC memo

061217 HRC slides

Courtney Stone, Vice-Chair of the Human Relations Commission, gave Council a brief history on the formation of the Human Relations Commission (HRC), reviewed their mission and intentified their commissioners.

Councilmember Geislinger asked for a general overview of the requests that they are receiving from the community. Ms. Stone replied that housing and transportation are the largest issues creating barriers for people's inclusion into the community. Pastor Bill Chaney, HRC member said they are attempting to bridge the gap between the Police Department and neighborhood residents. The HRC also deals with patrol issues, domestic violence, discrimination issues, landlord/tenant issues, as well as a bringing solutions to the individuals such as a food pantry, resource fairs and PlanCOS. President Skorman expressed that Council would like to help facilitate their mission.

7.B. <u>17-1058</u> Academy Boulevard Great Streets Plan Progress Report

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

Attachments: Powerpoint

AcademyInDExport6_1_17 ULI Report

Carl Schueler, Comprehensive Planning Manager, explained the overview of the Academy Boulevard Great Streets Plan which included transit information, vacancy rates, community health projects, and the House Bill 1326: Justice Reinvestment Crime Prevention Initiative. An Urban Land Institute report was also included in his report.

Councilmember Gaebler said that the 2014 EOZ Action Plan was a great first step, but a Master Plan which includes a transit overlay similar to the completion of North Nevada is the next step necessary to achieve redevelopment and urban renewal. Mr. Schueler said that Plan COS will be hosting a community meeting at the Southeast YMCA on July 20, 2017 as it relates to the Southeast area.

Councilmember Geislinger asked who will be administrating the House Bill 1326: Justice Reinvestment Crime Prevention Initiative. Mr. Schueler said that information will be provided. Councilmember Knight said that Rustic Hills, Citadel, and Fountain to Hancock are three areas with unique needs and that Council needs to ask the community what those needs are.

Councilmember Geislinger requested demographic information on the age of residents. Mr. Schueler said that the northern area held the oldest population due to aging in place and the southern area held the youngest population due to the military. Mr. Schueler agreed to provide additional demographic information.

8. Items for Introduction

8.A. <u>17-1055</u> A Resolution authorizing the acquisition of property owned by AMERCO Real Estate Company for the Tejon Street Roundabout Project

> Presenter: Travis Easton, P.E. Public Works Director Mike Chaves, P.E. Engineering Manager

Attachments: Uhaul Acquisition Res 05-31-17

Uhaul legal exhibits 5-31-2017

UHaul Parcel Vicinity Map

Signed Resolution 65-17

Mike Chaves, P.E. Engineering Manager, presented the Resolution to proceed with the request for acquisition of property owned by AMERCO Real Estate Company for the Tejon Street Roundabout Project. Mr. Chaves discussed the traffic congestion and delays that the City identified in 2009. Public meetings were held in affected areas to get ideas and suggestions with the solution outcome being an oval shaped roundabout. Mr. Chaves would like to start construction late fall or early winter and anticipates it will take a year to complete.

Councilmember Bennett asked if the project was time sensitive with CDOT. Mr. Chaves said the design phase needs to be completed by the end of the year.

8.B. <u>17-1047</u> A Resolution Rescinding Resolution No. 120-11 and Resolution No. 153-11 and Establishing Medical Marijuana Business Application and License Fees and Charges

Presenter: Chris Wheeler, Senior Analyst, Fiscal & Strategic Planning Office, Finance Nina Vetter, Strategic Plan & Business Process Administrator, Finance

Attachments: MMJ_FeesRES-2017-05-31

MMJ FeesRES-2017-05-31 ExhibitA MMJ Fees_2011_Comparison-2017-05-31 MMJ Fees to Council -06.12.17

Bret Waters, Deputy Chief of Staff, explained that medical marijuana fees have not been assessed since inception in 2011 and that the proposed increase has been presented to the Medical Marijuana Working Group on several occasions.

Chris Wheeler, City Finance, stated that the City followed the Government Finance Officers Administration (GFOA) Best Practices guidelines for establishing fees and charges. Ms. Wheeler said the City currently has an established plan for a City-wide comprehensive fee review. The proposed application fee increase is 13.64% and the proposed annual renewal fee increase is 44.44%. Total revenue impact would be an increase of \$282,200.00.

Councilmember Murray stated he would like the revenue to be allocated directly to the City Clerk's Office. Sarah Johnson, City Clerk, clarified that Item 8.C., a supplemental appropriation Ordinance, details the allocation of the fee distribution to all entities involved. Mr. Waters said the funds would be allocated to the City Clerk's Office, a position related to the industry, and law enforcement.

Councilmember Knight said the Budget Committee was supportive of the proposed increase.

8.C. <u>17-1057</u> An ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$100,000 for increased revenue and expenditures related to the updated Medical Marijuana Business Application and License Fees Schedule and associated enforcement expenditures

Presenter:

Chris Wheeler, Senior Analyst, Fiscal and Strategic Planning Office, Finance Nina Vetter, Strategic Plan and Business Process Administrator, Finance

Attachments: Ordinance for MMJ Fee Revenue & Exp Increase

Please see comments in agenda item 8.B.

8.D. <u>17-1012</u> A resolution authorizing the submission of Passenger Facility Charge (PFC) Application #22 to the Federal Aviation Administration increasing the total PFC funds to be collected for capital improvements at the Colorado Springs Airport

Presenter: Greg Phillips, A.A.E., Director of Aviation Colorado Springs Airport

Attachments: Draft_PFC 22_Resolution - Application.docx

FINAL_PFC 22_Table 1 - Previous Council Actions.pdf

FINAL PFC 22 Table 2 - Financial Implications.pdf

Final_PFC 22_Exhibit A - Project_Description.docx

ColspALP10-CIP.EX05-PFC.22.B.pdf

Airport Advisory PFC #22 Letter of Support May 2017.pdf

Final PFC #22 Submittal City Council.pptx

Greg Phillips, Director of Aviation, stated the revenue for the airport is generated from tenants, users and Passenger Facility Charges (PFC). Since inception, the airport has submitted twenty-one PFC requests prior. The PFC generates approximately \$3.2 million in revenue for the airport each year and the fee has not changed since 2001. PFC revenue is used for capital projects evaluated and agreed to by the airlines. Mr. Phillips reviewed the process and timeline for PFC #22. He explained the project summary of airfield construction, fleet improvements, and terminal infrastructure. Mr. Phillips also explained the itemization of the \$4.9 million into nine projects over a three year period and the PFC Collection Authority Allocation.

Councilmember Pico asked if the application would allow the airport to

collect the current charge without changing it. Mr. Phillips confirmed there would not be an impact on airline ticket fees or to users.

8.E. <u>17-957</u> An ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$6,000,000, which is the amount of the 2016 fiscal year revenue above the 2016 fiscal year revenue and spending limitations (TABOR cap), approved by voters in the April 2017 municipal election to be retained and spent for stormwater projects

Presenter: Charae McDaniel, Acting Budget Director

Attachments: Ordinance for Supplemental for TABOR \$6M

Charae McDaniel, Acting Budget Director, said that voters approved by 65.59% for the City of Colorado Springs to use and retain up to \$6 million of excess revenue in excess of the TABOR limit. Ms. McDaniel said that this appropriation Ordinance is requesting that the revenue be appropriated into the Stormwater capital improvement project account. Ms. McDaniel indicated that the balance would originate from the restricted category of the fund balance.

8.F. <u>17-986</u> A Resolution Supporting the City of Colorado Springs Inspire Initiative Grant Application to Great Outdoors Colorado on Behalf of the Pikes Peak Coalition

Presenter: Karen Palus, Parks, Recreation and Cultural Services Director Tilah Larson, Senior Grants Analyst

<u>Attachments:</u> <u>6-12-17 - City Council Presentation - Inspire Implementation Grant</u> GOCO InspireInitiative-RES-2017-06-01

Tilah Larson, Senior Grants Analyst, indicated that the Inspire Initiative Grant Application began two years ago to get youth and families engaged in the great outdoors and that they are currently applying for a \$3 million grant from Great Outdoors Colorado (GOCO). Their target community is the Hillside and Adams neighborhoods incorporating the Hillside Community Center and Prospect Lake area. Several public meetings were held to get community feedback, input and response. Ms. Larson explained the project improvements to the Prospect Lake Beach House, providing a transportation hub, a water education center, expanding the playground area, creating a learn-to-fish zone, and a parking lot nature walk area. She said the Fountain Park response was the request for a youth-dedicated bike park. Ms. Larson also presented a list of partnerships. Councilmember Gaebler asked if the north side of the lake amenities would be included. Ms. Larson said those projects are no longer included in current grant request because they had to reduce the Master Plan Amendment by \$2 million.

Councilmember Gaebler asked for a list of priorities with the current funding. Ms. Larson said she will be meeting with coalition members to identify the priorities and that at this point the nature play opportunities, programming at beach house, the transportation hub, and bike area are the priority projects and will provide a list of those priorities once finalized.

Councilmember Geislinger asked how this area would be utilized during the winter. Ms. Larson said they are challenging program providers to provide activities during fall and winter to see what they can offer the communities.

Councilmember Bennett said Prospect Lake is an asset that is not fully utilized and that the Fountain bike park is meeting a critical need for the community. Councilmember Avila also expressed support for the project with the Prospect Beach House.

8.G. <u>17-998</u> A Resolution Approving an Intergovernmental Agreement Regarding the School Yard Initiative Grant to the Academy For Advanced and Creative Learning

Presenter:

Karen Palus - Director of Parks, Recreation and Cultural Services Tilah Larson - Senior Grants Analyst

Attachments: 6-12-17 - IGA - AcademyACL(final draft)

6-12-17 - School Yard Powerpoint - IGA

Resolution 124-16

<u>GOCO_AcademyforAdvancedandCreativeLearningIGA-RES-2017-0</u> <u>5-31formatted</u>

Tilah Larson, Senior Grants Analyst, said she was approached by the Academy for Advanced and Creative Learning and Thomas Edison Elementary to submit a grant on their behalf to Great Outdoors Colorado (GOCO). An Intergovernmental Agreement (IGA) was created between those schools and the City regarding the terms of sponsorship.

8.H. <u>17-1000</u> A Resolution Approving an Intergovernmental Agreement Regarding the School Yard Initiative Grant on Behalf of Thomas Edison Elementary Presenter:

Karen Palus - Director of Parks, Recreation and Cultural Services Tilah Larson - Senior Grants Analyst

 Attachments:
 6-12-17 - IGA - Edison(reviewed draft)

 6-12-17 - School Yard Powerpoint - IGA

 GOCO
 EdisonElementaryIGA-RES-2017-05-31Formatted

 Resolution 125-16

Please see comments in agenda item 8.G.

8.I. <u>17-1014</u> Federal Transit Administration Authorizing Resolution

Presenter: Craig Blewitt, Transit Services Division Manager

Attachments: FTA GoverningBodyRES-2017FINAL

Craig Blewitt, Transit Services Division Manager, said an updated Resolution for the Federal Transit Administration (FTA) is required to reflect the current Council/Mayor form of government. Approximately \$9 million a year is received in federal funding that supports Colorado Springs public transit program. The City is required to formally identify who is authorized to file applications for that funding and sign annual certifications and assurances for grants. Mr. Blewitt explained that the existing Resolution is obsolete.

8.J. <u>17-1037</u> A Resolution authorizing the Mayor to execute and administer the revised agreement between the City of Colorado Springs, the Pikes Peak Rural Transportation Authority (PPRTA) and the Colorado Department of Transportation (CDOT) for the Fillmore and I-25 Interchange Project

Presenter: Kathleen Krager, Traffic Division Manager Travis Easton, P.E. Public Works Director

Attachments: IGA-CDOT-I-25Fillmore-2017-05-24

Exhibit A-Fillmore St IGA

Kathleen Krager, Traffic Division Manager, explained the Intergovernmental Agreement (IGA) for the I-25 and Fillmore Interchange Project which was completed this year. This interchange was built using Responsible Acceleration of Maintenance and Partnerships (RAMP) funding that CDOT implemented in 2012 which required a \$7 million dollar local match using PPRTA funding from the Chestnut relocation. The interchange was a \$13 million improvement in which the City provided another \$1 million using PPRTA funding. Ms. Krager said this IGA has been three years in legal review and presented the new IGA to have PPRTA use the \$1 million of program money that was put into the interchange. Councilmember Bennett stated that the money is already in the PPRTA account.

8.K. <u>17-1038</u> A Resolution authorizing the Mayor to execute and administer the revised agreement between the City of Colorado Springs, the Pikes Peak Rural Transportation Authority (PPRTA) and the Colorado Department of Transportation (CDOT) for the Old Ranch Road and Powers Interchange Project

Presenter: Kathleen Krager, Traffic Division Manager Travis Easton, P.E. Public Works Director

Attachments: IGA-CDOT-OldRanch-2017-05-26

Exhibit A--Old Ranch Rd IGA

Kathleen Krager, Traffic Division Manager, presented the Intergovernmental Agreement (IGA) for the Old Ranch Road and Powers Interchange Project stating CDOT agreed to manage the project and pay costs over \$8.6 million. The City has been paying the \$8.6 million and now requests an IGA so that PPRTA can make payments to CDOT.

8.L. <u>17-1039</u> A Resolution Authorizing the Mayor to Execute and Administer an IGA between the City of Colorado Springs (City) and the Colorado Department of Transportation (CDOT) for Landscaping Costs Associated with the I-25 / Cimarron Expressway Interchange Project

Presenter: Kathleen Krager, Traffic Division Manager Travis Easton, P.E., Public Works Director

Attachments: Landscape I-25-Cimarron

LandscapeCimmRES-2017-06-07 (2)

Kathleen Krager, Traffic Division Manager, presented the Intergovernmental Agreement (IGA) for the landscaping costs associated with the I-25/Cimarron interchange project. Ms. Krager said that due to the project being over budget, CDOT reduced the landscaping element. The original sustainable landscaping plan was designed by a City committee of citizens, urban planners, and downtown businesses and Mayor Suthers offered \$1.5 million to fund it.

Councilmember Knight agreed with the value of the landscaping, but

requested the source of funds. Jeff Greene, Chief of Staff, stated that CDOT is willing to proceed with the landscaping project and the City will look at the Public Works Department budget and incoming revenue for 2018. Ms. Krager explained that the payment is not due until December 31, 2018.

Councilmember Murray asked if the City would be responsible for maintenance. Ms. Krager stated the landscaping will be the City's responsibility to maintain, but will be a minimal maintenance requirement. Mr. Greene said Karen Palus, Director Parks and Recreation, will be addressing the additional cost within the confines of her existing budget.

Ms. Krager stated that this project should be viewed as a capital improvement project, explained the importance of the project being the entrance to downtown. Charae McDaniel, Acting Budget Director, said it will go through the budget process as a high priority capital improvement project in the 2018 budget and Mr. Greene said the Mayor is confident that the City can fund it.

8.M. <u>17-1040</u> A Resolution Authorizing the Mayor to Execute and Administer the revised Agreement between the City of Colorado Springs, the Pikes Peak Rural Transportation Authority (PPRTA) and the Colorado Department of Transportation (CDOT) for the I-25 / Cimarron Street Reconstruction Project

Presenter: Kathleen Krager, Transportation Manager Travis Easton, P.E., Public Works Director

Attachments: Resolution I-25 Cimarron

Exhibit A Cimarron St

Kathleen Krager, Transportation Manager, said that the City had originally agreed to pay \$5 million and then an additional \$2.05 million from transportation program funds due to escalated CDOT project costs for the I-25/Cimarron interchange project. Ms. Krager said this project is expected to be completed by December 2017 for a total cost of \$7,050,000.00.

There were no questions or comments from Councilmembers on this item.

8.N. <u>17-994</u> 2018 Audit Plan Approval

Presenter:

Denny L. Nester, City Auditor, Office of the City Auditor

Attachments: 2018 Audit Plan Draft

2018 Audit Plan slides

Denny L. Nester, City Auditor, presented the 2018 Audit Plan for the Office of the City Auditor. Mr. Nester described their mission statement and office structure. He explained that their first initiative is to evaluate the size of their resource pool and he proposed a budget shift of approximately \$175,000 for two audit professional positions from Colorado Springs Utilities to the City. Mr. Nester said in order to determine highest risk, projects are scored by a matrix (Risk Assessment Model). He reviewed the budget percentages for the City, Colorado Springs Utilities and Colorado Springs Airport. Mr. Nester explained the need for prioritizing audit requirements based on priority and necessity. He reviewed the 2018 Audit Plan beginning with City Code requirements, discussed the proposed Colorado Springs Utilities and City audit project plan as well as identified the audits that would be conducted as approved by the Audit Committee.

Councilmember Bennett recommended approval of the 2018 Audit Plan on behalf of the Audit Committee.

Councilmember Gaebler inquired if other enterprise charges are separated out. Mr. Nester said that enterprise audit costs are historically charged to the general fund with the exception of Colorado Springs Utilities and Colorado Springs Airport. Councilmember Knight said the enterprises should pay for Audit services. He also asked how the \$175,000 increase would impact the City's budget. Jeff Greene, Chief of Staff said the Mayor's Office supports the Auditor's request regarding moving the two positions from the Colorado Springs Utilities budget to the City's budget.

Councilmember Strand said he supports the audit plan and suggested moving one auditor position at this time and possibly one at a later time if that is a better option.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Councilmember Strand reminded Council of the Western Street breakfast being held June 21, 2017 at 5:00AM to embrace the pride of Colorado Springs' western heritage. He also mentioned that he had attended a Pro Rodeo Association event and the Olympic Museum and Hall of Fame groundbreaking ceremony. Councilmember Strand spoke about the Mt. Carmel Center update and their work with veterans and their families.

Councilmember Geislinger said that he was with the Colorado Springs Pride group that met at City Hall on June 11, 2017.

Councilmember Pico stated that he had received a request from El Paso County Commissioner VanderWerf asking for a representative of Council to become a member of a board for the Pikes Peak Brewing Institute as an economic development tool. Eileen Lynch Gonzalez, City Council Administrator, will provide Councilmembers requested further information.

Councilmember Murray expressed the critical need to quickly and thoroughly review items being considered for the November ballot.

Councilmember Avila said the Council/Mayor workshop should be held three to four times a year. She attended a Shades of Colorado Springs event. She also attended the Mt. Carmel Center of Excellence tour as well as the Mt. Carmel festival where they encouraged people to be part of the community. She invited everyone to attend the Southeast YMCA event on June 28, 2017 for a PlanCOS event.

11. Adjourn

There being no further business, Council was adjourned.

Sarah B. Johnson, City Clerk