





Colorado Springs ♦ El Paso County ♦ Manitou Springs ♦ Green Mountain Falls ♦ Ramah

**PPRTA Board Meeting Minutes**

**Wednesday, November 12, 2014 – 1:30 p.m.**

**Pikes Peak Area Council of Governments Main Conference Room**

**MEMBERS PRESENT**

**City of Colorado Springs**

Councilmember Merv Bennett

Councilmember Jan Martin

**Councilmember Joel Miller, Vice-Chair**

**El Paso County**

**Commissioner Amy Lathen, Chair**

Commissioner Dennis Hisey

**City of Manitou Springs**

Mayor Marc Snyder

**MEMBERS ABSENT**

**Town of Ramah**

Mayor Keith McCafferty

**Town of Green Mountain Falls**

Mayor Pro Tem Tyler Stevens

**El Paso County**

Commissioner Peggy Littleton

**OTHERS PRESENT**

Staff of Member Governments and Citizens

**PIKES PEAK RTA STAFF PRESENT**

Mr. Rob MacDonald, Secretary

Mr. Rick Sonnenburg, Program/Contracts Manager

Ms. Beverly Majewski, Financial Manager

Ms. Jennifer Ivey, Legal Counsel

**1. Call to Order/Establish a Quorum**

Director Lathen established a quorum and called the meeting to order at 1:30 p.m.

**2. Approval of the Agenda**

There was a motion by Director Snyder, seconded by Director Hisey, to approve the Agenda with no revisions. The motion carried unanimously.

**3. Public Comment Period for Items not on the Agenda**

Mr. Jim Egbert, member of the Citizen Advisory Committee, spoke about the potential for repurposing \$250,000 to find alternative transit solutions through a competitive RFP process.

#### **4. Approval of the Minutes from the October 8, 2014 Regular Meeting**

Director Hisey made a motion, seconded by Director Snyder, to approve the minutes as presented. The motion carried unanimously.

#### **5. Citizen Advisory Committee Monthly Report**

Mr. Jim Godfrey, 2<sup>nd</sup> Vice-Chair of the PPRTA CAC, presented highlights from the November meeting.

#### **6. Financial Reports**

##### **A. Monthly Financial Reports**

Ms. Beverly Majewski, Pikes Peak RTA Financial Manager, presented the financial reports. The PPRTA received \$7,167,716 in Sales and Use Tax receipts for September, which was \$501,424 or 7.5% above the original monthly budget and 5.6% above the same period in 2013.

##### **7. FY 2015 Budget Presentation**

Ms. Majewski presented an overview of the draft FY 2015 Budget and the Administrative Budget. Member governments made presentations on their proposed Budgets for PPRTA funds for FY 2015, including capital, maintenance, and transit expenditures.

The public hearing for the draft 2015 Budget would take place at the December 10 PPRTA Board meeting.

#### **8. 2014 Capital, Maintenance, and Public Transportation Contracts**

##### **A. City of Colorado Springs**

Mr. Mike Chaves, City Engineering Staff, requested approval of the following contracts:

- 1) Matrix Design Group, Capital (Austin Bluffs Corridor): \$145,970.00
- 2) Tezak Heavy Equipment, Capital (Greencrest Channel PDM Grant): \$1,691,574 (\$422,893.46 PPRTA Portion)
- 3) Even-Pressier, Inc., Capital (On-Street Bikeways): \$247,247.06
- 4) Blue Ridge Construction, Capital (On-Street Bikeways): \$68,879.00
- 5) Mallon Development Co., Capital (On-Street Bikeways): \$31,879.36

Director Hisey made a motion, seconded by Director Snyder, to approve the contracts. The motion carried unanimously.

##### **B. El Paso County**

Mr. John Clack, County Engineering Staff, requested approval of the following contract:

- 1) Even-Pressier, Inc., Maintenance (Peyton Highway Bridge Deck Replacement): \$131,621.00

Director Hisey made a motion, seconded by Director Bennett, to approve the contract. The motion carried unanimously.

#### **9. Administrative Actions and Reports**

##### **A. Board Appointments and Administrative Actions for 2015**

Mr. Rick Sonnenburg, Pikes Peak RTA Program/Contracts Manager, said that the Directors should begin the process to pursue reappointment with their respective governing bodies if they wished to be reappointed for calendar year 2015. In addition, the process for a Chairperson and Vice-Chairperson should take place at the January 14, 2015 meeting.

Mr. Sonnenburg requested that the Board ratify the Town of Ramah's reappointment of Ms. Cindy Tompkins to the PPRTA CAC for a three-year term beginning January 1, 2015.

Director Miller moved to ratify the appointment. Director Hisey seconded the motion. The motion carried unanimously.

**B. City of Colorado Springs Commercial Aeronautical Zone Request (Mr. Andy Merritt / Mr. Andi Biancur / Mr. Dan Gallagher / Mr. Tom Binnings)**

The Board received a broad overview of the Colorado Springs airport's four core business centers and presentations on the request for an exclusion of the collection of the one percent PPRTA sales tax for the two business areas that could be excluded from the tax for commercial development to create jobs that would generate economic revenue to more than offset the loss in tax revenue.

Director Snyder made a motion to postpone Items 10A-10D to the December PPRTA Board meeting to allow for discussion of the Aeronautical Zone tax abatement request. Director Hisey seconded the motion. The motion carried unanimously.

**10. Other Reports**

**A. City of Colorado Springs Transit Services Monthly Update**

Postponed to the December meeting.

**B. Monthly Status Reports of Remaining "A" List Capital Projects**

Postponed to the December meeting.

**C. City of Colorado Springs Monthly Change Order and Property Acquisition Report**

Postponed to the December meeting.

**D. El Paso County Monthly Change Order and Property Acquisition Report**

Postponed to the December meeting.

**11. Executive Session**

Director Snyder moved to go into executive session pursuant to C.R.S. 24-6-402 (4)(b) for the purpose of receiving legal advice on specific legal questions regarding PPRTA Sales and Use Tax within the City of Colorado Springs Commercial Aeronautical Zone. Director Hisey seconded the motion.

The motion carried on a 5-1 vote, with Director Miller opposing the motion to go into executive session.

The executive session began at approximately 4:00 p.m. and ended at 4:55 p.m.

Legal counsel stated that no action was taken during the executive session. Director Snyder moved to come out of executive session. Director Martin seconded the motion. The motion carried unanimously.

Director Miller made a statement that he believed that there were comments made in executive session that were not eligible for an executive session.

**12. City of Colorado Springs Commercial Aeronautical Zone Request**

Following the executive session, Ms. Jennifer Ivey, PPRTA Legal Counsel, outlined the Board's legal options regarding the request. The most feasible option was the exclusion of the property as the RTA law and the establishing IGA allowed for exclusion, removing the property from imposition of the sales tax. The process needed to be initiated and noticed, 20 days prior to a public hearing where any objections from the public would be heard. It would take a vote of 2/3 of the entire Board membership to exclude any or all of the property proposed for exclusion.

Discussion took place on the benefits of the proposal and also the urgency of the request and timely notice being provided to the public.

Director Martin made a motion to initiate the process for exclusion of the airport zone with the goal of a public hearing at the December 10 PPRTA Board meeting to include contacting the City to supply a legal description of the property as well as a City attorney opinion of who has the authority to submit the petition. Director Bennett seconded the motion.

There was a friendly amendment to the motion to state "with the caveat that the timeline may change depending on the City attorney's opinion."

The motion carried on a majority vote, with Director Miller opposing the motion.

**13. PPRTA Member Announcements**

There were none.

**14. Adjournment**

Director Lathen adjourned the public meeting at 5:09 p.m.