



Colorado Springs

El Paso County

Manitou Springs

Green Mountain Falls

**BOARD OF DIRECTORS
REGULAR MEETING MINUTES
Wednesday, December 10, 2008 - 1:30 p.m.
PPACG Main Conference Room
15 S. 7th Street, Colorado Springs**

MEMBERS PRESENT

El Paso County Directors

Commissioner Sallie Clark, Chair

Commissioner Dennis Hisey

Commissioner Wayne Williams

City of Manitou Springs Director

Mayor Eric Drummond

City of Colorado Springs Directors

Vice Mayor Larry Small, Vice Chair

Councilmember Jerry Heimlicher

Mayor Lionel Rivera

Town of Green Mountain Falls Director

Mayor Tyler Stevens

OTHERS PRESENT

Mr. Ed Icenogle, Legal Counsel

Mr. Rob MacDonald, Board Secretary

Ms. Barb Louricas, Recording Secretary

Mr. Rick Sonnenburg, Program/Contracts Manager

Ms. Beverly Majewski, Financial Manager

Citizens and Member government employees

1. CALL TO ORDER

El Paso County Director Clark established a quorum and called the meeting to order at 1:35 p.m. Introductions were made.

2. APPROVAL OF THE AGENDA

El Paso County Director Clark added Agenda Item No. 5B, Term Extensions for Approval on the Citizens Advisory Committee, to the agenda.

Manitou Springs Director Drummond made a motion to approve the agenda as amended. El Paso County Director Hisey seconded the motion. The motion passed by unanimous vote.

3. PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

Mr. Vince Rusinak wanted to make the PPRTA Board aware of two items and handed out a *Gazette* article titled, "Area Transit Cash Likely Won't Be Cut in 2009."

Colorado Springs Director Rivera arrived at 1:37 p.m.

Mr. Rusinak highlighted the article that discusses the funding reduction planned by the City of Colorado Springs in the street resurfacing program and Transit. Mr. Rusinak read section 4.0 from the PPRTA ballot questionnaire regarding member governments using PPRTA funds.

Mr. Rusinak was also questioning the use of eminent domain regarding the Woodmen Road widening and interchange/I-25 to Powers Boulevard. Mr. Rusinak has a business issue of his own with eminent domain and the Woodmen Valley Shopping Center has a second issue with eminent domain. Mr. Rusinak read Colorado Statute 43-4-604, 605, and 620 regarding authority of the Board of Directors, specifically as it relates to delegating authority regarding eminent domain, as well as being sued. Mr. Rusinak indicated that the PPRTA ballot initiative states that the PPRTA has no authority to exercise eminent domain.

El Paso County Director Williams arrived at 1:40 p.m.

Mr. Ed Icenogle, PPRTA Legal Counsel, indicated that the Establishing IGA states in Section 7.11 that in no event shall the PPRTA be authorized to exercise the power of eminent domain and certain other activities. To his knowledge, the PPRTA has not been asked to authorize the use of eminent domain and has not authorized the use of eminent domain. Mr. Icenogle indicated that the only role of the PPRTA is to fund projects through its member governments.

El Paso County Director Williams indicated that the decisions to exercise eminent domain were given to sponsoring governments.

Colorado Springs Director Rivera indicated that a report on maintenance of effort was given to the PPRTA Board at their last meeting. The report showed that the City of Colorado Springs spent \$18.1 million in 2004 for maintenance of effort and in 2009 the City will spend \$21.5 million on maintenance of effort. For Transit activities, the 2004 expenditures were \$5.7 million and for 2009 the expenditures will be \$7.6 million.

4. APPROVAL OF MINUTES FROM THE NOVEMBER 12, 2008 REGULAR BOARD MEETING

El Paso County Director Williams made a motion to approve the minutes. Colorado Springs Director Small seconded the motion. The motion passed by unanimous vote.

5. CITIZEN ADVISORY COMMITTEE MONTHLY REPORT

Mr. Tom Harold, Chair of the Citizens Advisory Committee (CAC), gave a report on the December 3, 2008 meeting.

- Recommended Board approval of contracts for the City of Colorado Springs and El Paso County
- Received updated information from Transit specialized transportation providers
- Addressed unresolved budget issues: 1) CCOST recommendation for specialized transportation funding for \$490,000 using Transit reserves; PPRTA CAC recommends a funding level of \$310,000 and 2) unresolved maintenance of effort issue that came from the Colorado Asphalt Pavement Association (CAPA) that has been resolved by the City of Colorado Springs maintenance of effort report
- Seeking additional information for maintenance of effort; City of Colorado Springs will provide cost factors

Mr. Harold requested a one-month extension on the approval of At Large and At Large Alternate PPRTA CAC members to fill the seats that will be expiring on December 31, 2008. Mr. Harold indicated that there has been little interest in the vacancies that were advertised.

El Paso County Director Clark requested that outreach activities be increased.

Manitou Springs Director Drummond made a motion to approve a one-month extension for selection of At Large and At Large Alternate positions on the PPRTA CAC. Colorado Springs Director Heimlicher seconded the motion. The motion passed by unanimous vote.

6. PUBLIC HEARING FOR PROPOSED INCLUSION OF THE TOWN OF RAMAH INTO THE PPRTA

El Paso County Director Clark opened the public hearing at 2:24 p.m. for the proposed inclusion of the Town of Ramah into the PPRTA.

Mr. Rick Sonnenburg, PPRTA Program/Contracts Manager, requested that the PPRTA Board of Directors vote on a resolution to include the Town of Ramah in the PPRTA. Mr. Sonnenburg indicated that it needs to be by an absolute two-thirds vote of the Board, which means six affirmative votes.

Ms. Pam Smith, Board of Trustees of the Town of Ramah, said the citizens of Ramah are excited to participate in the PPRTA.

El Paso County Director Clark asked for public comment from the audience. There was none.

The public hearing was closed at 2:27 p.m.

El Paso County Director Williams made a motion to adopt the Resolution Approving the Inclusion of the Town of Ramah into the Pikes Peak Rural Transportation Authority. Green Mountain Falls Director Stevens seconded the motion.

El Paso County Director Clark indicated that the notice of the public hearing was duly noticed by being: posted in a general circulation newspaper, mailed to the Colorado Department of Local Affairs and Colorado Transportation Commission, and mailed by the Town of Ramah to all property owners within the Town limits.

The motion passed by unanimous vote (8-0).

7. FINANCIAL REPORTS

Ms. Beverly Majewski, PPRTA Financial Manager, reported that October sales and use tax receipts are \$5,142,309, which is behind the October budget by \$638,575. The year-to-date sales and use tax receipts as of October are \$56,802,694, which is \$326,785 behind the year-to-date budget. Interest earnings are \$1,361,649, as of November 30, 2008, which is \$638,351 behind budget. Ms. Majewski said if the trend continues of tax receipts and interest being behind budget, there will be a negative carryover for the 2009 budget.

Ms. Majewski indicated that member government staffs are aware of the shortfall. Member governments have requested to appropriate a portion of the non-TABOR reserves and warned that balancing the 2008 budget may be difficult in May 2009.

8. FY 2009 BUDGET PUBLIC HEARING AND APPROVAL OF BUDGET

El Paso County Director Clark opened the public hearing at 2:32 p.m.

Ms. Beverly Majewski reported that at the October PPRTA Board meeting, the public hearing date for approval of the FY 2009 PPRTA budget was set. The date, time, and place have been duly noticed. The budget was delivered to the Board in October. Member governments have requested that non-TABOR reserves be appropriated for the following expenditures:

- City of Colorado Springs Transit, specialized service providers-\$310,000
- City of Colorado Springs Maintenance, critical bridge repair -\$1 million
- City of Colorado Springs Capital, advance Austin Bluffs corridor improvements—\$1.7 million
- El Paso County Capital, advance County Line Road upgrades-\$771,000

The member governments requested that the PPRTA Board approve the appropriation of non-TABOR and not be repaid in the following year. The 2008 non-TABOR reserves that were appropriated have been repaid.

Colorado Springs Director Small indicated that the policy matter should be taken up in 2009 because repayment would not be due until the 2010 budget year.

El Paso County Director Williams indicated that with the downturn in the economy, and specifically the PPRTA budget being behind budget projections, it is not prudent to appropriate reserves.

Colorado Springs Director Rivera asked the staff of Colorado Springs what projects would be cut if budget reductions were required.

Mr. Cam McNair, Colorado Springs City Engineer, indicated that there are two current capital projects, Woodmen Road corridor and Proby Parkway. Of the two projects, Proby Parkway would be delayed. Mr. McNair reported that maintenance programs include street overlay, concrete, traffic, and bridge programs.

Mr. Saleem Khattak, Colorado Springs Street Division Manager, indicated that concrete or resurfacing projects can be reduced. Project scope can also be reduced.

El Paso County Director Clark asked for public comment. There was none.

The public hearing was closed at 3:15 p.m.

Manitou Springs Director Drummond departed the meeting at 3:15 p.m.

Colorado Springs Director Small made a motion to approve the Resolution to Adopt the PPRTA Budget and the Resolution to Appropriate Sums of Money. El Paso County Hisey seconded the motion.

Colorado Springs Director Rivera said that drawing on the reserves is not prudent and would like to be more conservative in preparing the budget. He does support the appropriation of Transit reserves for the specialized services providers.

El Paso County Director Williams supports advancing funds from one capital project to another so that projects can be advanced, which will be paid back in later years. He would approve appropriating a 2009 budget of \$69 million.

Colorado Springs Director Rivera suggested that Colorado Springs' staff reallocate money from Proby Parkway to Austin Bluffs corridor improvements and reallocate maintenance funding.

Colorado Springs Director Small made a motion to amend his original motion to appropriate \$1.7 million from Proby Parkway to the Austin Bluffs corridor improvements, include the appropriation of Transit reserves in the amount of \$310,000 for specialized service providers, and appropriate City of Colorado Springs maintenance reserves for critical bridge repairs in the amount of \$1 million. El Paso County Director Hisey concurred with the amendment.

El Paso County Director Williams proposed an amendment to the motion that the Austin Bluffs corridor improvements capital funding be increased by \$1.7 million and Proby Parkway capital funding be decreased by \$1.7 million; and he suggested not to appropriate \$1 million in maintenance funding for bridge repair and request Colorado Springs' staff to reappropriate maintenance funds within the Colorado Springs' budget. The motion failed for lack of a second.

El Paso County Director Williams asked if there is a legal ability to advance unused capital project funds to maintenance funds and pay back the funding in a later year. Mr. Icenogle indicated that it would be a year-to-year allocation.

El Paso County Director Williams made a motion to amend the motion to reduce the total budget from \$70.8 million to \$70 million. The motion failed for lack of a second.

The motion passed by majority vote (6-1) with one dissenting vote by El Paso County Director Williams.

Ms. Beverly Majewski indicated that if there is less revenue, Transit may have a negative 2008 carryover plus the possibility of less 2009 revenue to appropriate for operations.

A break was taken from 3:45 p.m. to 4:00 p.m.

Colorado Springs Director Heimlicher departed the meeting at 4:00 p.m.

Green Mountain Falls Director Stevens departed the meeting at 4:03 p.m.

9. 2008 CAPITAL, MAINTENANCE, AND PUBLIC TRANSPORTATION CONTRACTS

City of Colorado Springs

Mr. Cam McNair, Colorado Springs City Engineer, requested the approval of the following contracts and change orders:

1. Lawrence Construction Co. Change Order, Capital (Cimarron Street Bridge over Conejos Street), \$252,885.51
2. Nolte Associates Change Order 4, Capital (Capital Project Management and Construction Inspection), \$988,428
3. Nolte Associates Change Order 5, Maintenance (Roadway Maintenance Program), \$987,675.48
4. Multiple, Capital and Maintenance (City/PPRTA engineering services contracts), 2009 extensions for open contracts
5. Colorado Springs Utilities, Maintenance (Roadway Maintenance Program), not-to-exceed \$100,000
6. Tall Timbers Tree and Shrub Service, Maintenance (Curb/Gutter/Sidewalk and ADA Pedestrian Ramp Maintenance), \$40,000
7. LONCO, Inc. Change Order, Maintenance (Nevada Avenue Bridge Rehabilitation at Van Buren Drainageway), \$43,888

8. Wavecore Concrete Cutting, Inc., Maintenance (Curb/Gutter/Sidewalk Maintenance), not-to-exceed \$100,0000

El Paso County Directory Hisey made a motion to approve eight contracts for the City of Colorado Springs. Colorado Springs Director Small seconded the motion. The motion passed by unanimous vote.

Mr. Rob MacDonald requested that the Board review invoices for two pickup trucks that were not in the maintenance budget for the City of Colorado Springs.

Ms. Peg Richardson, Colorado Springs Street Division, explained the process and purpose for the purchase of two trucks for field inspection personnel at a cost of \$34,000. The PPRTA Board was satisfied with the explanation.

El Paso County

Mr. André Brackin, El Paso County Public Services Department County Engineer, requested the approval of one contract.

1. Wilson & Co. Contract Amendment # 3, Capital (Marksheffel Road Improvement), \$177,225.45

El Paso County Director Hisey made a motion to approve one contract amendment for El Paso County. Colorado Springs Director Rivera seconded the motion. The motion passed by unanimous vote.

10. ADMINISTRATIVE ACTIONS AND REPORTS

PPRTA Attorneys' Hourly Rates for 2009

Mr. Rick Sonnenburg said that the contract was approved at the September Board meeting, and the hourly rates were not available at that time.

El Paso County Director Williams inquired about the increase in paralegal rates. Mr. Icenogle said that he will leave all of the rates at the 2008 level.

El Paso County Director Williams made a motion to approve the 2008 billing rate structure for 2009 for the Icenogle, Norton, Smith, Gilida, Pogue Law Firm. Colorado Springs Director Small seconded the motion. The motion passed by unanimous vote.

Board Appointments and Administrative Actions for 2009

Mr. Sonnenburg said that the Board members need to be reappointed by their respective member government on an annual basis. Mr. Sonnenburg indicated that the reappointment letter has been received from the City of Colorado Springs.

El Paso County Director Clark said that she anticipates the members for El Paso County to also stay the same.

Mr. Sonnenburg indicated that the officers need to be selected at the January meeting, according to the Board's bylaws. The Chair will be selected from the Colorado Springs' directors, and the Vice Chair will be selected from the El Paso County directors. The Secretary to the Board will also need to be designated.

Mr. Rick Sonnenburg indicated that the PPRTA CAC appointments will need to be made at the January 14, 2009 meeting. Mr. Sonnenburg requested that the Board appoint an Ad Hoc Subcommittee of the Board to review the applications.

Colorado Springs Director Rivera made a motion to appoint the Chair (El Paso County Director Clark) and Vice Chair (Colorado Springs Director Small) to the Ad Hoc Subcommittee. El Paso County Director Hisey seconded the motion. The motion passed by unanimous vote.

El Paso County Director Williams made a motion to accept the appointment of Mr. Steve Meyer to the PPRTA CAC on behalf of the El Paso County HAC. El Paso County Director Hisey seconded the motion. The motion passed by unanimous vote.

Request for Additional Information in Quarterly Reports

Mr. Rick Sonnenburg said a request came from a member of the PPRTA CAC to provide additional cost detail by the member governments.

El Paso County Director Williams made a motion to approve the request by the PPRTA CAC that the City of Colorado Springs and El Paso County provide additional expenditure information to be included in the quarterly report (2nd quarter) on an annual basis. Colorado Springs Director Small seconded the motion. The motion passed by unanimous vote.

Staff Field Review Report

There were no questions.

11. OTHER REPORTS

Quarterly Report from Member Governments

There were no questions.

City of Colorado Springs Monthly Change Order Report

There were no questions.

City of Colorado Springs Monthly Right-of-Way Report

There were no questions.

City of Colorado Springs Transit Services Monthly Update

There were no questions.

12. PPRTA MEMBER ANNOUNCEMENTS

There were no announcements.

13. ADJOURNMENT

El Paso County Director Clark adjourned the meeting at 4:30 p.m.