



City of Colorado Springs

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

Meeting Minutes - Final City Council

*City Council meetings are broadcast live on Channel 18,
beginning at 1:00 p.m.*

Tuesday, May 27, 2014

3:00 PM

Council Chambers

**Upon conclusion of the Work Session, Council will reconvene no earlier than
3:00PM**

1. Call to Order

Present: 9 - President Pro Tem Merv Bennett, Councilmember Helen Collins, Councilmember Jill Gaebler, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Joel Miller, Councilmember Andy Pico, and Councilmember Val Snider

2. Invocation and Pledge of Allegiance

The Invocation was led by President Pro Tem Bennett. President King led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

There were no Changes to the Agenda requested.

5. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

5A. Second Presentation:

5B. First Presentation:

5B.A. [14-0258](#) Approval of the Minutes of the May 13, 2014, City Council Regular Session meeting.

Approval of the Consent Agenda

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

10. Utilities Business

10.A. [14-0246](#) A Resolution Setting the Electric Cost Adjustment Effective June 1, 2014

Sponsors: User

Due to a family emergency for Jerry Forte, CEO of Utilities, President King stated they would allow Agenda Item 11, a Utilities matter, to be presented out of order at this time.

Mr. Forte described the request for an Electric Cost Adjustment (ECA) increase created by the Drake outage and the need to replace Utilities' baseload coal-fired generation with higher cost gas-fired generation and/or purchase power from other electric providers in the region. He responded to a prior question from Council that Utilities was not covered with replacement power insurance with that decision being based on its high cost and no warranted value.

Bill Cherrier, Chief Financial and Planning Officer, explained the ECA technical and underlying metrics of the cost increase.

PUBLIC TESTIMONY:

Those who spoke against the ECA increase: Carol Sterman, Raven Martinez, Eric Verlo

Deputy Chief of Staff Waters referenced a letter from the Mayor dated May 20, 2014, to City Council listing that an electrical increase will impact the City's municipal government budget, that a significant budget gap is already projected for 2015, that there is no appropriated funds to cover the increased expense, and respectfully requested that City Council waive the increase for the City or provide direction for funding the additional expense.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Resolution be adopted. The motion passed by a vote of 7-2-0

Yes: 7 - Bennett, Gaebler, Knight, Martin, Miller, Pico, and Snider

No: 2 - Collins, and King

7. Citizen Discussion

Dennis McCormick spoke to inform Council and citizens of the many papers he has recorded with the County Clerk and Records' Office.

Carl Strow described governmental corruption and his perception of the need to recall Colorado Springs' Mayor.

Raven Martinez described a lack of addressing flood damage creating dangerous areas in a green zone behind her home. Councilmember Knight asked that Ms. Martinez send the photos to him and stated Public Works, once they know, are very responsive to assessing the needs.

Lindsay Deen, Luther Bonow, Nate Warren, Sara Griffin, Mark Slaugh, Joe Bruno, Trent Lindguard spoke to support a City Council initiative to remove the

ban on recreational marijuana sales in Colorado Springs.

Kanda Calef expressed frustration in obtaining information she had requested regarding City Charter amendment filings.

8. Mayor's Business

Deputy Chief of Staff Waters stated there was no further Mayor's business for presentation.

9. Items Called Off Consent Calendar

- 5A.A.** [14-0081](#) Ordinance No. 14-28 amending Sections 102 (Definitions), 106 (Animals Kept on Premises; Sanitary Requirements), and 110 (Specific Animals Prohibited; Exceptions) of Article 7 (Regulation of Animals - General Provisions), adding Section 108 (Registration of Hoofed Pets) to Article 8 (Regulation of Animals - Dogs and Cats), and amending Section 102 (Hoofed Animals Kept On-Premises; Zoning Requirements) of Article 9 (Regulation of Animals - Hoofed Animals), all of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to hoofed pets.

Sponsors: Gaebler

Councilmember Miller explained he had pulled this item from Consent to ensure that the changes were read for the benefit of the public. Attorney Renee Congden described the change was to mirror the pot bellied pigs code section with a limit of two hoofed pets and a total maximum of all pets, including dogs and cats, limited to four per household.

Motion by Councilmember Gaebler, seconded by President Pro Tem Bennett, that the Ordinance be finally passed. The motion passed by a vote of 9-0-0

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

5B.B. [14-0256](#) Boards and Commissions

Citizen Raven Martinez requested this item be pulled to confirm whether there may be a conflict of interest for Dave Lux's appointment to the Colorado Springs Downtown Development Authority (DDA) since he is a co-owner of Concept Restaurants and his partner, Luke Travins, was recently appointed by the Mayor to the *City for Champions* RTA Advisory Board.

President Pro Tem Bennett clarified that the Mayor has no authority for making appointments to the DDA.

Councilmember Gaebler commented that both Dave Lux and Luke Travins are long term business owners and have served the community in various capacities for many years.

Councilmember Miller stated he will not support the appointment.

Councilmember Knight expressed concern relative to the process that did not include a Councilmember in the interview sessions.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Appointments be approved. The motion passed by a vote of 6-3-0

Yes: 6 - Bennett, Gaebler, King, Martin, Pico, and Snider

No: 3 - Collins, Knight, and Miller

6. Recognitions

There were no recognitions scheduled.

11. Unfinished Business

- 11.A. [14-0162](#)** Ordinance No. 14-29 modifying Section 502 (Claims Reserve Fund) and 503 (Compromise or Settlement of Claims) of Part 5 (Claims Management) and Section 602 (Worker's Compensation Claim Reserve Fund) of Part 6 (Workers' Compensation) of Chapter 1 (Finance Management Procedures) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the requirements for the frequency of certain audits.

Councilmember Martin stated the Audit Committee did take a look at this and determined this is one area that, due to limited resources available to the City, could be reconsidered. It is still included in the Risk Assessment on an annual basis.

Motion by Councilmember Martin, seconded by President Pro Tem Bennett, that the Ordinance be finally passed. The motion passed by a vote of 6-3-0

Yes: 6 - Bennett, Gaebler, King, Martin, Pico, and Snider

No: 3 - Collins, Knight, and Miller

12. New Business

- 12.A. [14-0030](#)** Ordinance No. 14-30 amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the Bike Tax Fund in the amount of \$70,669 for the Purpose of Bike Trail Improvements

Tim Roberts, Transportation Planning Manager for Traffic Engineering, described the supplemental appropriation request. The funds will go to projects such as the 31st Street bridge and assured Council that the funds would not be going into any salaries.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance be approved on first reading. The motion passed by a vote of 8-1-0

Yes: 8 - Bennett, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

No: 1 - Collins

- 12.B.** [14-0091](#) Ordinance No. 14-31 creating a new Part 11 (Funeral Escorts) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to funeral escorts

Sponsors: Martin

Councilmember Martin described the background for the private funeral escort ordinances, Agenda Items 12.B. and 12.C. She stated it closely follows the security officer licensing structure. Ms. Gonzalez described the reason for dividing the subject into two separate ordinances was because it impacts two separate chapters of City Code.

Councilmember Collins described her desire to eliminate business license fees for anything other than liquor and medical marijuana.

Motion by Councilmember Martin, seconded by Councilmember Gaebler, that the Ordinance be approved on first reading. The motion passed by a vote of 6-3-0

Yes: 6 - Bennett, Gaebler, King, Knight, Martin, and Snider

No: 3 - Collins, Miller, and Pico

- 12.C.** [14-0260](#) Ordinance No. 14-32 amending Section 112 (Funeral Processions and Escort Officers) of Article 23 (Miscellaneous Rules of the Road) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to funeral escorts

There was no further discussion on the Funeral Escort ordinances.

Motion by Councilmember Martin, seconded by Councilmember Snider, that the Ordinance be approved on first reading. The motion passed by a vote of 8-1-0

Yes: 8 - Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Miller

- 12.D.** [14-0113](#) A Resolution Approving the City Council's 2015 Strategic Plan Pursuant to City Charter Section 3-10(c) to Provide for the Future of the City and for the Mayor's Consideration in the Development of the 2015 Municipal Administrative Budget

Councilmember Gaebler described the changes made to align with the Mayor's strategic plan.

Councilmember Miller stated he could not support the strategic plan because he is not comfortable with including the Economic Opportunity Zones as an initiative because he believes they have not been fully vetted.

Motion by Councilmember Gaebler, seconded by President Pro Tem Bennett, that the Resolution be adopted. The motion passed by a vote of 7-2-0

Yes: 7 - Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 2 - Collins, and Miller

- 12.E.** [14-0159](#) A resolution of the City Council of the City of Colorado Springs, Colorado, approving an extension of time for the Woodmen Heights Metropolitan District No. 1 to issue second subordinate tax-supported revenue refunding bonds, originally referred to as Series 2012C, with the related bond documents

Carl Schueler, Comprehensive Planning Manager, described the item, and presentation, was the same as presented to Council two weeks earlier at a Work Session: There had been no substantive changes.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Resolution be adopted. The motion passed by a vote of 7-2-0

Yes: 7 - Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 2 - Collins, and Miller

- 12.F.** [14-0165](#) A Resolution adopting Volume 1 and 2 of the City of Colorado Springs Drainage Criteria Manual

Steve Gardner, Engineering Programs Manager, described the background of the work to produce Volumes 1 and 2 of the Drainage Criteria Manual.

President Pro Tem Bennett asked if the State had made any significant changes. Mr. Gardner responded the State essentially wanted the City to take it from more of a guidance document to more of a criteria manual, changing the "shoulds" to "shalls," etc. He reported staff did as requested and the State was satisfied.

Motion by Councilmember Miller, seconded by Councilmember Pico, that the Resolution be adopted. The motion passed by a vote of 9-0-0

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.G.** [14-0209](#) A Resolution Authorizing Abandonment of the Cascade Avenue over Cheyenne Run Bridge Replacement Project (\$50,000) and Transfer of \$38,000 into the Downtown Transit Station Relocation Study Project

Craig Blewitt, Transit Services Manager, briefly overviewed the proposal to provide matching funds to accept a grant for the Downtown Transit Station Relocation Study. He stated the current location has safety, operational and esthetic problems.

Councilmember Miller described his lack of support of the resolution because once the results come in on the study, the project will not be something the City can afford. He would prefer to see the route system restored to its prior status.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Resolution be adopted. The motion passed by a vote of 6-3-0

Yes: 6 - Bennett, Gaebler, King, Knight, Martin, and Snider

No: 3 - Collins, Miller, and Pico

12.H. [14-0221](#) Ordinance No. 14-33 approving salary of the City Auditor

Citizen Raven Martinez spoke against the ordinance.

Councilmember Collins described her concerns for continuing supplemental appropriations and the practice of exceeding budgetary guidelines.

President Pro Tem Bennett provided that the Colorado Springs City Auditor also oversees the Colorado Springs Utilities which is a \$1.2 billion enterprise and that Colorado Springs Utilities does pay 60% of his salary.

Motion by Councilmember Martin, seconded by President Pro Tem Bennett, that the Ordinance be approved on first reading. The motion passed by a vote of 8-1-0

Yes: 8 - Bennett, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

No: 1 - Collins

13. Public Hearing

There was no Public Hearing scheduled.

14. Added Item Agenda

There were no Added Agenda Items.

15. Executive Session

There was no Executive Session requested.

4. Councilmember Comments

Due to the need to accommodate consideration of Agenda Item 10.A. earlier in the meeting, Agenda Item 4. Councilmember Comments, was moved to the end of the meeting.

Councilmember Miller described a legislative issue with a master plan update on a future agenda that will be coupled with a development plan that is quasi-judicial, yet the master plan is open for discussion. He stated he was planning a town hall meeting on the master plan, but was told by the City Attorney's Office it would be inappropriate to hold the town hall meeting on the master plan due to the relationship with the quasi-judicial development plan. He stated he understood citizens' needs to communicate about a movement of a community park for which they had possibly bought their homes with the planned site in mind.

Legislative Counsel Andrews cautioned continuing conversations on the master plan due to possible repercussions that could arise subjecting Councilmember Miller to recusal from the voting opportunity. Mr. Andrews encouraged a conservative approach at all times on matters of a quasi-judicial nature. Councilmember Miller responded that he wanted to make it clear that any of

his discussions outside of the quasi-judicial hearing will be specifically about the master plan change and that he will not participate in any *ex parte* communications. Councilmember Knight suggested a request to bifurcate the two. Mr. Andrews reiterated his recommendation for restraint.

Councilmember Miller described his multiple requests to obtain the underlying numbers to support the assumptions for *City for Champions*. He described the problems he sees going forward is that the numbers have no conservative values. He provided a presentation produced to understand the projections by reverse engineering the assumptions. He summarized that his outstanding questions evolve around what the premise is for the growth calculations.

16. Adjourn

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

Sarah B. Johnson, City Clerk