



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, January 12, 2016

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. Invocation and Pledge of Allegiance

The Invocation was led by Rabbi Mel Glazer, Temple Shalom.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Agenda items 4.B.C. and 4.B.E. will be pulled off the Consent Calendar per Councilmember Knight's request.

Staff requested agenda item 11.D. will be postponed to the January 26, 2016 meeting.

4. 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.)

4A. Second Presentation:

- 4A.A.** [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

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [15-00735](#) Ordinance No. 15-102 annexing to the City of Colorado Springs that area known as Mountain Valley Preserve consisting of 44.71 acres (Legislative Matter)
Res/Ord Number: 15-102

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [15-00736](#) Ordinance No. 15-103 amending the Zoning Map of the City of Colorado Springs relating to 37.35 acres located east of Marksheffel Road and south of Dublin Boulevard establishing the PUD/AO zone. (Legislative Matter)
Res/Ord Number: 15-103

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [16-00028](#) City Council Meeting Minutes December 8, 2015

The Meeting Minutes were approved on the Consent Calendar.

- 4B.B.** [16-00029](#) City Council Special Session Meeting Minutes, December 16, 2015

The Special Session Meeting Minutes were approved on the Consent Calendar.

- 4B.D.** [15-00691](#) Annual Designation of the City Clerk's Office as the public place for posting of public notices for public meetings.

This item was approved on the Consent Calendar.

- 4B.F.** [16-00017](#) Ordinance No. 16-1 amending and correcting Ordinance No. 15-89 for the Another Attic, Ltd., Zone Change
Quasi-Judicial

Res/Ord Number: 16-1

This Ordinance was approved on first reading on the Consent Calendar.

- 4B.G.** [15-00747](#) A Resolution Re-Appointing Brett Gracely to the Homestake Steering Committee and the Board of Directors of the Aurora-Colorado Springs Joint Water Authority

Res/Ord Number: 1-16

The resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Murray, seconded by Councilmember Strand, 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.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

5. Recognitions

There were no recognitions.

Council President Bennett stated he and the Mayor signed a proclamation recognizing Martin Luther King week.

6. Citizen Discussion

Citizen Charles Barber spoke about a proposal to develop a legacy loop.

Citizen John Heavey and Terry Estey shared their frustrations with Comcast.

Citizen Douglas Bruce voiced his concerns related to alleged financial corruption in the local government.

Citizen Yolanda Avila spoke about the importance of public transportation.

Citizen David Hopkins spoke about converting parking meters to charging stations for electric cars and installing charity collection boxes on the streets to deter panhandling.

7. Mayor's Business

There was no Mayor's business.

8. Items Called Off Consent Calendar

4B.C. [16-00009](#) Appointments to Boards and Commissions

Councilmember Knight stated he pulled this item off the Consent Calendar due to concerns about some of the appointments. The item was divided to allow Council to consider the appointments to each entity separately.

Motion by Councilmember Knight, seconded by Councilmember Collins, to

approve the appointment of Bernard Byers, Kate Perdoni and John Khoury to the Public Arts Commission. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

Councilmember Knight stated he is concerned about not having Council representation in the decision of nominees. Council President Pro Tem Gaebler suggested there may be some confusion about which group appointments are being made to and suggested Council postpone this item to allow time to seek clarification on this matter.

Motion by Councilmember Bagley, seconded by Councilmember Murray, to postpone consideration of the appointments to the Trails and Open Space Coalition Working Committee to a date certain, the January 26, 2016 City Council Meeting. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

Councilmembers Knight and Pico expressed support and appreciation for the appointment of Councilmember Murray to this group and stressed the importance of this committee fostering good relationships with the local military installations.

Motion by Councilmember Knight, seconded by Councilmember Bagley, to approve the appointment of Councilmember Murray to the Joint Land Use Study Policy Committee. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

4B.E. [15-00774](#)

The City Clerk reports that on January 12, 2016 there was filed with her a petition for the annexation of The Reserve at Northcreek Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Sarah Johnson, City Clerk, provided and updated copy of the petition to Council.

Mike Schultz with Land Use Review explained the updated copy of the petition provided to Council with should clarify the petition request. The decision before Council today is to formally accept the annexation request for consideration.

Councilmember Knight stated he pulled this item off the Consent Calendar because a portion of the property lies below the Air Force Academy flight path and the property owner should be aware that a residential development plan for this portion of the property may not be approved. Councilmember Knight suggested the annexation request and

development plan be submitted together to prevent future discrepancies with the property.

Motion by Councilmember Murray, seconded by Councilmember Strand, to refer the petition and map to City Administration. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

9. Utilities Business

There was no utilities business.

10. Unfinished Business

- 10.A.** [15-00596](#) Ordinance No. 15-100 adding Section 210 of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the possession of marijuana paraphernalia by persons under the age of eighteen (18), and providing penalties for the violation thereof

Res/Ord Number: 15-100

Councilmember Collins asked how Teen Court is involved with this. Frederick Stein, City Attorney, stated any juvenile defendant would be offered Teen Court if it is an eligible option for their case.

Councilmember Collins stated she does not support this because she does believe young people should be held accountable for poor decisions made during their youth which may affect them for the rest of their lives.

Councilmember Murray stated he does not support this because the schools do not support it.

Council President Pro Tem Gaebler stated this gives the City the ability to adjudicate this type of behavior.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance be finally passed. The motion passed by a vote of 7-2-0.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 2 - Collins, and Murray

11. New Business

- 11.A.** [15-00715](#) Ordinance No. 16-2 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

Councilmember King asked about the size of the signs on the buses. Craig Blewitt, Transit Services Manager, provided an illustration of the signs. Councilmember Pico stated he has seen one of the signs and they are highly visible.

Councilmember Knight asked about the penalty for this infraction. Mr. Stein referred Council to the section of City Code regarding this type of infraction, adding the maximum penalty is a \$500 fine.

Citizen Steven Bluecher requested information on the training provided to bus drivers regarding the use of the signals. Mr. Blewitt stated bus drivers will be trained on the law, using the signal and to use caution when entering traffic.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the Ordinance be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 11.B.** [15-00703](#) Ordinance No. 16-3 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

Councilmember Knight stated the funds will be placed into a single account to be spent on the work as needed.

Jeff Greene, Chief of Staff, stated the City's goal is to be transparent and make the best decisions about spending taxpayer funds to complete the needed repairs. The City Auditor's office will review the process.

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

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

- 11.C.** [15-00695](#) Ordinance No. 16-4 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

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

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

- 11.D.** [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

Motion by Councilmember Knight, seconded by Councilmember Bagley, that the Resolution be postponed to a date certain, the January 26, 2016 City Council Meeting. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 11.E.** [16-00015](#) Ordinance No. 16-5 vacating of undeveloped City right-of-way for Wolff Place east of 23rd Street consisting of .22-acre.

-Legislative

Res/Ord Number: 16-5

Council President Bennett polled the audience regarding opposition to this agenda item. No one in opposition was identified.

Lonna Thelen, Principal Planner, Land Use Review, provided an

overview of this proposed vacation of right-of-way.

Councilmember Murray expressed his disagreement with vacating property without compensation to the City for the property. Ms. Thelen explained the property, which was originally purchased by the adjacent property owners and donated to the City for public access, will be returned to the adjacent property owners. Councilmember Murray asked about a zone change for the property. Ms. Thelen stated a zone change is not proposed in this situation and would require separate action by Council.

Wynetta Massey, City Attorney, explained when the property was originally platted, the land was given to the City by the property owners for public access purposes, now that the City has determined it will not use the property, the property can be vacated.

Councilmember Knight expressed concern about vacations allowing property owners to build larger dwellings without approval of the neighbors. Ms. Thelen explained property improvements involving construction will require additional approval by the Land Use Department which would include notification of neighbors.

Councilmember Pico clarified the property was taken from the property owners for the purpose of constructing public streets. Since the City does not intend to use the property, it will revert to the property owners. There was no cost to the City for the property and no compensation for returning the property to the owners.

Motion by Councilmember Strand, seconded by Councilmember Bagley, that the Ordinance vacating the right-of-way for Wolff Place east of 23rd Street, based on the finding that the request complies with the review criteria in City Code Section 7.7.402.C (Review Criteria for the Vacation of Right-of-Way) be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

11.F. [16-00018](#) Ordinance No. 16-6 vacating a public right-of-way consisting of 1.48 acres located between 6795 and 6910 Templeton Gap Road

Legislative

Res/Ord Number: 16-6

Council President Bennett polled the audience regarding opposition to this agenda item. No one in opposition was identified.

Meggan Herington with Land Use and review provided an overview of this vacation of right-of-way request.

Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, that the Ordinance vacating of the right-of-way between 6795 and 6910 Templeton Gap Road based on the finding the request complies with the review criteria in City Code Section 7.7.402.C (Review Criteria for the Vacation of Right-of-Way) be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

12. Public Hearing

There was not a public hearing.

13. Added Item Agenda

There were no added agenda items.

14. Executive Session

There was not an executive session.

15. Adjourn

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

Sarah Johnson
City Clerk