



City of Colorado Springs

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

Meeting Minutes - Draft City Council

City Council meetings are broadcast live on Channel 18.

Monday, November 10, 2014

1:00 PM

Council Chambers

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 Pastor Ronnie Wilson, Gathering Stones Church.

The Pledge of Allegiance was led by President King.

3. Changes to Agenda/Postponements

Eileen Gonzalez, Council Administrator, stated item 12.D., PSST Funds Reallocation, did not appear on a work session agenda but was discussed during the Council budget work session meetings.

4. Councilmember Comments

Councilmember Collins thanked the CSPD for performing a recent operation resulting in the arrest of several criminals making Colorado Springs a safer place.

Councilmember Knight wished a happy birthday to the US Marine Corp and thanked them for their service to our Country.

Councilmember Knight stated he pulled agenda item 5.B.A. off the Consent Agenda at the last meeting because an appointment to the DRE Citizen Advisory Board had not been vetted by Council. He found out after the meeting that the individual nominated did not even know she had been nominated to serve. Councilmember Knight reminded everyone to follow the nomination process.

Councilmember King recognized there are a number of people present to discuss an ordinance presented by Councilmember Miller, adding there are strong feelings associated with this issue and asked all present

to conduct themselves in a civil manner. President King then read a statement regarding his stance on the issue and presented a proposal to postpone the discussion on agenda item 11.E. to allow time for Council to work on the item.

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.)

Councilmember Knight requested agenda item 5A.A. be removed from the Consent Calendar.

5A. Second Presentation:

- 5A.B. 14-0654** Ordinance No. 14-94 amending the zoning map of the City of Colorado Springs relating to 2.2 acres located at 3025 North Hancock.
(Quasi-Judicial Matter)

This Ordinance was finally passed on the Consent Calendar.

5B. First Presentation:

- 5B.A. 14-0665** Boards and Commissions

This item was approved on the Consent Calendar.

- 5B.B. 14-0696** City Council Meeting Minutes October 28, 2014

The Meeting Minutes were approved on the Consent Calendar.

- 5B.C. 14-0612** Consent to the inclusion of additional property within the boundaries of the Dublin North Metropolitan District No. 3

This item was approved on the Consent Calendar.

- 5B.D. 14-0679** A Resolution Appointing a Member of the Board of Directors of the Fountain Valley Authority to Fill a Three-Year Term Effective January 1, 2015 and Ending December 31, 2017

This resolution was adopted on the Consent Calendar.

- 5B.E. 14-0680** A Resolution Re-Appointing Wayne Vanderschuere to the Homestake Steering Committee and the Board of Directors of the Aurora-Colorado Springs Joint Water Authority

The resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, 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

6. Recognitions

There were no Recognitions.

7. Citizen Discussion

There was no Citizen Discussion.

8. Mayor's Business

Mayor Bach reminded Council and Citizens of the Community Forums on City High Priority Backlogged Capital Improvements scheduled through the end of November and first part of December.

8.A. 14-0626 Introduction of the 2014/2015 Ticket to Success Class

Donna Nelson, Spirit of the Springs Specialist, presented the 2014-2015 Ticket to Success Class and thanked Councilmember Gaebler for helping form the program. Students Trinity Hope and Levi Diaz provided short presentations on their experiences in the program.

Mayor Bach thanked the students, teachers and families for their participation in and support of the Ticket to Success program.

9. Items Called Off Consent Calendar

5A.A. 14-0568 Ordinance No. 14-66 amending Section 201 (Definitions) of Part 2 (Definitions); Section 702 (Wastewater Discharge; Prohibitions), Section 703 (Wastewater Discharge; Limitations), and Section 705 (Silver Source Control) of Part 7 (Prohibitions - Limitations on Wastewater Discharge); Section 901 (Reporting Requirements) and Section 903 (Inspection, Sampling, and Analysis) of Part 9 (Industrial Wastewater Monitoring and Reporting); Section 1002 (Manifest System), Section 1004 (Vehicle Maintenance Requirements) and 1005 (Financial Assurance Requirements) of Part 10 (Liquid Waste Hauler Requirements); Section 1102 (Discharge Permit; Application For), 1104 (Significant Industrial User Discharge Permit; Conditions), 1106 (Discharge Permit; Duration), 1108 (Liquid Waste Hauler Permit; Application For), 1109 (Liquid Waste Hauler Permit; Conditions) and

1112 (Modification for Permits and Control Mechanisms of Part 11 (Permit and Control Mechanism System); and Section 1201 (Enforcement Generally; Remedies Cumulative) and 1207 (Affirmative Defenses) of Part 12 (Enforcement) of all Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended

Councilmember Knight explained he pulled this item off the Consent Calendar because the EPA study is not complete and suggested this item be postponed to the to December 9, 2014 meeting to allow Council time to consider citizen comments gathered by the EPA.

Motion by Councilmember Knight, seconded by Councilmember Collins, that the Ordinance be postponed to a date certain, the December 9, 2014 City Council meeting. The motion passed by a vote of 8-1-0.

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

No: 1 - Gaebler

10. Utilities Business

There was no Utilities Business.

11. Unfinished Business

11.A. 14-0634 Ordinance No. 14-95 approving the annual budget for Colorado Springs Utilities and appropriating monies for the several purposes named in the annual Colorado Springs Utilities Budget for the year ending December 31, 2015

Citizens Darcey Nicklasson and Kathy Loo requested confirmation that DSM funds will be available for 2015 renewable resource projects they have planned in the downtown area. Councilmember Miller responded, stating Demand Side Management (DSM) goals can be met, adding that the finance committee decided to keep the funding at the same level for 2015 since all available funds for 2014 have not been used.

Jerry Forte, CEO, CSU, will confirm reductions in the budget will not affect the solar rebate program and will work with the developers on how much they can expect to receive in 2015. Kenny Romero, Manager of DSM and Renewable Energy for CSU, stated the renewable energy funds requested in the budget should be available if customers apply early in the year.

Councilmember Miller stated he will not support this based on the failure to separate the external economic vitality expenditures from this budget.

Councilmember Gaebler stated she previously voted against this because of the reduction of the DSM, however; she is planning to support this today due to the commitment CSU staff have shown to support this program.

Motion by President Pro Tem Bennett, seconded by Councilmember Knight, that the Ordinance be finally passed. 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

- 11.B. 14-0635** Ordinance No. 14-96 identifying and accepting the annual sources of funds for Colorado Springs Utilities for the year ending December 31, 2015

There were no questions or comments on this agenda item.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance be finally passed. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

- 11.C. 14-0651** Ordinance No. 14-97 amending the zoning map of the City of Colorado Springs relating to 17.05 acres located at the northeast corner of Voyager Parkway and New Life Drive, north of New Life Church at 11305 Voyager Parkway.
(Quasi-Judicial Matter)

There were no questions or comments on this agenda item.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Ordinance to approve the zone change of 17.05 acres from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development: Multi-family residential, 30 dwelling units per acre maximum, uses as permitted in the PBC zone district excluding Medical/Recreational Marijuana Center, Motor Vehicle Service Station and Sexually Oriented Businesses, 45-foot maximum building height), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

- 11.D. 14-0602** Authorization of Dublin North Metropolitan District No. 2 to Issue up to \$2,000,000 in Debt as a Limited Tax General Obligation Loan

There were no questions or comments on this agenda item.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that

the Resolution approving the issuance by the Dublin North Metropolitan District No. 2 of a Taxable Limited Tax General Obligation Loan in principal amount not to exceed \$2,000,000 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

11.E. 14-0557

An ordinance submitting a Charter amendment to the electors of the City of Colorado Springs for the general municipal election to be held April 7, 2015 relating to voting requirements for funding or financing a stadium and event center

Councilmember Miller provided an introduction to the discussion, explaining the two changes to the proposed ordinance that were made to this version, removing the word "planning" and any reference to the Urban Renewal Authority from the proposal.

President King, as he mentioned earlier, presented a second proposal on this issue for Council to consider and reiterated his request that Council postpone this item to allow further review of the documents.

Councilmember Bennett stated he can support the proposal presented by President King, but it needs to be reviewed by the legal department prior to approval. Councilmember Bennett suggested postponing a decision on this item to allow the City Attorney to review the documents.

Councilmember Gaebler stated this Council supports allowing citizens to vote on using tax payer funds to build a stadium.

Councilmember Miller stated the definition of public funds is where his proposal and Councilmember King's proposal differ, adding he believes all tax funds collected are public funds, whether property tax or sales tax.

Laura Neumann read a statement and spoke in support of postponing the decision to a later date. Councilmember Miller addressed Ms. Neumann's statement, defending his views and sources of information. Ms. Neumann stated she feels Councilmember Miller presented inflated cost figures associated with construction of the stadium; Councilmember Miller explained how he arrived at the figures and discussed tax revenue, potential income and jobs. Councilmember Miller stated he does not feel the stadium falls into the role of government as roads and other forms of infrastructure do. Ms. Neumann stated her views and

further explained some of the statements included in her document. A summary of Councilmember Miller's response is on file at the City Clerk's Office.

Citizens George Preston, Nick Ragain, Leslie Klein, Dick Celeste, Tony Feldman, Dennis Hisey, Amy Lathen, Todd Dierdorff, William Murray, Craig Ochs, Janet Sawyer, Jeremy Fields, Harris Kalofonos, Jeff Greene and Harry Salzman spoke in favor of the City for Champions project and Council delaying the vote on this agenda item to allow for further discussion.

Citizens Kathy Smith, Emily Andersen, and Anita Miller spoke in favor of Council voting on Councilmember Miller's proposed ordinance today.

Councilmember Knight stated he has looked over the proposal in conjunction with the citizen initiated petition that is being circulated and there has been nothing added to the proposal, he feels therefore; that is it legally sound. Councilmember Knight also stated discussion today has centered on Council being for or against C4C, this is not the case, this is about the authority Council has to spend tax payer money and the ethical stance being taken. He feels this should be an ordinance, not a charter change and yes, the people should vote on this.

Discussion ensued among Councilmembers about postponing this item to allow Councilmembers and the City Attorney's office to review the proposals and make an informed decision.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Ordinance be postponed to a date certain, the December 9, 2014 City Council meeting. Request City Attorney office to review the alternative option offered by President King and report back at the December 9, 2014 Council meeting. The motion passed by a vote of 5-4-0.

Yes: 5 - Bennett, Gaebler, King, Martin, and Snider

No: 4 - Collins, Knight, Miller, and Pico

12. New Business

12.A. 14-0436

A resolution to authorize an intergovernmental agreement with the Colorado Department of Transportation to accept grant funding to add, replace, and restore bus stop shelters.

Craig Blewitt, Transit Services Manager, provided an overview of the grant request. There were no Councilmember questions or comments on this item.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the resolution to authorize an intergovernmental agreement with the Colorado Department of Transportation to accept grant funding to add, replace, and restore bus stop shelters be adopted. 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. 14-0610

A resolution endorsing a study commissioned by the Colorado Springs Convention & Visitors Bureau to build a fact-based case for the funding required to effectively market and promote the Pikes Peak Region as a destination

Councilmember Martin stated the proposal now states private funds will be used to cover the cost of the study rather than LART funds. Jim Cassidy, CFO, CVB, confirmed they have secured private funding to pay for the study.

Councilmembers Collins, Knight, and Miller spoke in opposition of Council supporting this study.

Councilmember Gaebler asked why the LART Committee is seeking Council's support. Mr. Cassidy stated the LART Committee is looking for support from many organizations to validate the importance of the study to the community.

President King asked if this is about process improvement or funding. Mr. Cassidy stated it is an analysis to see if the funding is correct.

Councilmember Knight expressed concerns about current use of funds and this study supporting the need for additional funds.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the resolution endorsing the study be adopted. The motion failed by a vote of 4-5-0.

Yes: 4 - Bennett, Gaebler, Martin, and Snider

No: 5 - Collins, King, Knight, Miller, and Pico

12.C. 14-0611

Ordinance No. 14-98 amending Sections 204 (Employee Insurance Benefits) of Part 2 (Salaries and Benefits) of Article 4 (City Employees) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to benefits.

Mike Sullivan, Human Resource Director, provided an overview of the minor change to code intended to bring the City into compliance with

PPACA requirements.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Ordinance amending Section 204 (Employee Insurance Benefits) 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. 14-0688** A resolution abandoning and transferring \$2,375,000 in PSST funds from the voter-approved Fire Department Complex (FDC), Phase IIB capital improvement project to the voter-approved Station 1 Renovation project.

Christopher Riley, Fire Chief, stated this is a re-evaluation and prioritization of financial needs.

Councilmember Knight stated he will support this and he hopes the PSST will grow, but if the allotted funds are not needed, he requested the fire department take this issue back to the voters. Chief Riley agreed to monitor the situation and take appropriate action.

Councilmember Miller expressed appreciation for the prioritization of projects and added he will not support this because of the lack of fire coverage in the north end of town.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the resolution abandoning and transferring \$2,375,000 in PSST funds from the voter-approved Fire Department Complex (FDC), Phase IIB capital improvement project to the voter-approved Station 1 Renovation project be adopted. 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.E. 14-0558** A resolution approving the City's Investment Policy

Kara Skinner, CFO, provided an overview of the investment policy stating it has been approved by the investment advisors and committee.

Motion by Councilmember Gaebler, seconded by Councilmember Pico, 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. 14-0673** An ordinance approving the salary ranges for City Personnel

Mike Sullivan, Human Resource Director, presented a proposed two

percent mid-point salary increase based on a benchmark survey.

Councilmember Snider asked which cities were included in the survey, Mr. Sullivan explained how the survey was conducted and the recommendation calculated.

President King asked if this increase is outpacing inflation, Mr. Sullivan stated the City adjustment rate is just above the inflation rate.

Councilmember Knight stated his calculations show this to be a .9 percent increase, Mr. Sullivan explained how the two percent figure was calculated based on the market average.

Councilmember Knight addressed concerns about how the City Attorney and City Auditor's salaries are set. Steve Cox, Chief of Staff and Mr. Sullivan explained that the proposed ordinance is intended to set a salary range for City employees and that Council will have the opportunity to set salaries for the City Attorney and the City Auditor at a later date. Mr. Cox supported the statement that the document suggests an increase in the salary ranges, not specific positions. Mr. Sullivan agreed to meet with Councilmembers in private to discuss additional questions and concerns.

Motion by Councilmember Knight, seconded by Councilmember Miller, that the Ordinance be postponed to the November 24, 2014 City Council Work Session with the first reading at the regular meeting on November 25, 2014. The motion failed by a vote of 4-5-0.

Yes: 4 - Collins, King, Knight, and Miller

No: 5 - Bennett, Gaebler, Martin, Pico, and Snider

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Ordinance repealing Ordinance No. 13-59 and adopting the City of Colorado Springs 2015 Salary Structure for municipal employees be approved on first reading. 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.G. 14-0457

Ordinance No. 14-100 making and certifying the 2014 tax levy for taxes payable in 2015 at 4.279 mills upon each dollar of assessed valuation within the corporate limits of the City of Colorado Springs.

Kara Skinner, CFO, explained this is the same mill levy as 2014. There were no Councilmember questions or comments on this item.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that

the Ordinance making and certifying the 2014 tax levy for taxes payable in 2015 at 4.279 mills upon each dollar of assessed valuation within the corporate limits of the City of Colorado Springs 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.H. 14-0694

Ordinance No. 14-101, the annual appropriation Ordinance adopting the annual budget and appropriating monies for the several purposes named in said Budget for the year ending December 31, 2015.

Councilmember Knight clarified it is the legislative branch version of the document being approved today.

Councilmember Pico stated his concerns about storm water not being adequately addressed as the budget was based on the assumption that the storm water agreement would pass but it did not pass. He suggested some funds be shifted to flood control and storm water.

There was discussion between Councilmembers and Ms. Skinner about the funds included in the budget to address storm water and how some items in the budget could be adjusted to cover storm water needs. Mr. Cox stated he does not believe Council should address the issues brought up by Councilmember Pico in the meeting tonight.

Councilmember Bennett requested Council be included in future discussions regarding storm water from the beginning. Mr. Cox agreed to this request.

Councilmember Miller suggested delaying this discussion to allow Council to address storm water needs.

Motion by Councilmember Knight, seconded by President Pro Tem Bennett, that the Legislative Branch Version of the Ordinance approving the annual budget and appropriating monies for the several purposes named in said budget for the year ending December 31, 2015 be approved on first reading. The motion passed by a vote of 5-4-0.

Yes: 5 - Bennett, Gaebler, King, Knight, and Martin

No: 4 - Collins, Miller, Pico, and Snider

13. Public Hearing

There was not a public hearing.

14. Added Item Agenda

There were no Added Agenda items.

15. Executive Session

There was not an Executive Session.

16. Adjourn

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

Sarah Johnson
City Clerk