



# 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.*

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Tuesday, June 10, 2014

1:00 PM

Council Chambers

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### 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

Pastor Phil Steiger, Living Hope Church, led the invocation. Boy Scout Troup 10 led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Council Administrator Gonzalez stated there were no changes to the Agenda recommended; however, she noted that Council did receive a corrected Boards and Commissions memo from the one published in the agenda packet which will be the one to be presented under the Consent Calendar.

### 4. Councilmember Comments

Councilmember Miller described the need to be able to have the Urban Renewal Authority meetings held in City Hall to allow for the video recording of the meetings for transparency purposes. Councilmember Miller had learned that although there are audio recordings of the meetings, those recordings are held in the custody of the URA Administrator and not readily available to the public. Councilmember Bennett stated he will pass the request to the URA Board.

### 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.** [14-0292](#)

Approval of the Minutes of the May 27, 2014, Regular Council meeting.

- 5B.C.** [14-0255](#) A resolution finding a petition for annexation of the area known as Saddletree Village Annexation consisting of 14.18 acres to be in substantial compliance with Section 31-12-107(1), C.R.S. and setting a hearing date of July 22, 2014 for the Colorado Springs City Council to consider the annexation of the area. (CPC A 13-00111)

### Approval of the Consent Agenda

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

- 6.A.** [14-0156](#) A Resolution of Appreciation and Gratitude to the Incline Friends for their Partnership with the Mt. Manitou Incline

Sandy Yukman accepted the Recognition on behalf of the Incline Friends.

### 7. Citizen Discussion

Former Mayor, Lionel Rivera, and former City Attorney, Pat Kelly, proposed that Council submit to the citizens of Colorado Springs at this November's election a charter amendment that would allow City Council to hire their own staff, structure their staff organization to meet their legislative and budget oversight responsibilities, ensure that the City funds these positions in the annual budget and only allow the City Auditor and City Council to terminate those employees.

Carl Strow described a culture of corruption in government.

### 8. Mayor's Business

Deputy Chief of Staff Waters stated the Executive Branch would like to emphasize the Mayor's proposal for the unfunded Capital Improvement Program presented by Chief of Staff Cox at Work Session yesterday. Mr. Waters stated, as an example, it would take \$65 million annually to resurface our streets, and repair curbs and sidewalks in the way that they should be and existing resources will not do that. They are willing and eager to work with Council on this issue.

### 9. Items Called Off Consent Calendar

- 5B.B.** [14-0299](#) Boards and Commissions

Councilmember Miller stated he had called this item off Consent to confirm the required interviews had been conducted. Council Administrator Gonzalez

confirmed the interviews had been conducted.

**Motion by Councilmember Gaebler, seconded by Councilmember Martin, that Appointments to Boards and Commissions be approved per the corrected memo as previously described and submitted to Council. The motion passed by a vote of 9-0-0.**

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

- 5B.D.** [14-0267](#) Ordinance No. 14-34 amending the zoning map of the City of Colorado Springs relating to 9,115 square feet located at 3775 East LaSalle Street. CPC ZC14-00021

Councilmember Miller called this item off Consent to clarify questions he had on the request for a rezone from R-5 to C-5 and whether notification procedures had been fully carried out. Lonna Thelen, Planner II with Land Use Review, responded to Councilmember Miller's questions confirming Land Use Review criteria includes looking at the adjacent properties to ensure compatibility for the intended use and described the multiple notifications provided.

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

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

- 5B.E.** [14-0270](#) 3775 East LaSalle Street - Zone Change and Development Plan

Councilmember Miller had no further questions on this related item.

**Motion by Councilmember Miller, seconded by Councilmember Martin, that the Development Plan be approved. 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.** [14-0281](#) Ordinance No. 14-35 approving a supplemental appropriation for Colorado Springs Utilities for the year ending December 31, 2014 for the purpose of funding external economic development organizations

**Sponsors:** User

Bill Cherrier, Chief Planning and Finance Officer for Colorado Springs Utilities, described the request for the supplemental appropriation for funding external economic development organizations. The proposals include \$255K for Colorado Springs Regional Business Alliance; \$50K for Colorado Springs Technology Incubator; and, \$5K for the Colorado Procurement Technical Assistance Center.

Kanda Calef, Business Chamber of Southern Colorado, spoke against the supplemental appropriation.

Councilmembers Miller, Knight, Pico, Collins all described their reasons for not

supporting the ordinance including funds going to an entity that supports political interests, a need to cut costs, and duplicative economic development activities between the City and Utilities.

Councilmembers Gaebler, Martin, and Snider described their support for the ordinance to encourage business growth and employment opportunities.

Bill Murray spoke against the ordinance.

**Motion by Councilmember Snider, seconded by President Pro Tem Bennett, that the Ordinance be approved on first reading. 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

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance be approved with amended funding allocations: \$210K for Regional Business Alliance, \$35K for Colorado Springs Technological Incubator; and \$5K for Procurement Technical Assistance Center. The motion passed on a vote of 5-4-0.**

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

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

## 11. Unfinished Business

- 11.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

**Motion by Councilmember Gaebler, seconded by President Pro Tem Bennett, 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.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 Collins stated she would not support the ordinance due to license fees being included.

**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, Knight, Martin, and Snider

**No:** 3 - Collins, Miller, and Pico

- 11.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

**Motion by Councilmember Martin, seconded by Councilmember Gaebler, that the Ordinance be finally passed. The motion passed by a vote of 8-1-0.**

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

**No:** 1 - Miller

- 11.D.** [14-0221](#) Ordinance No. 14-33 approving salary of the City Auditor

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

## 12. New Business

- 12.A.** [14-0170](#) A Resolution approving and authorizing an Intergovernmental Agreement (IGA) between the City of Colorado Springs and the Colorado Department of Transportation (CDOT) in an amount not to exceed \$680,000 for the Circle Drive Bridge Damage Repair Project; and to approve the transfer of \$225,000 from the grants pool to a new project account for the Circle Drive Bridge Damage Repair Project.

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Resolution 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.** [14-0232](#) Ordinance No. 14-36 modifying section 1006 (Board Created; Appointments) of Part 10 (Public Safety Sales and Use Tax Fund) of Article 6 (City Funds) of Chapter 1 (Administration, Personnel and Finance) of the code of the City of Colorado Springs 2001, as amended, pertaining to composition of the Public Safety Sales Tax Oversight Committee.

Leslie Hickey, Finance, Planning and Analysis Manager for CSFD Fiscal Division, provided explanation for the ordinance change made to better represent the current number of City Council districts.

**Motion by Councilmember Knight, seconded by Councilmember Pico, that the Ordinance be approved on first reading. The motion passed by a vote of 9-0-0.**

- 12.C.** [14-0157](#) Resolution of acceptance for a Great Outdoors Colorado Local Government Park and Outdoor Recreation Grant in the amount of

\$350,000 for the Manitou Incline Trail Enhancement Project

Sarah Bryarly, Parks, Recreation and Cultural Services, described the request for the approval of the acceptance of the Great Outdoors Colorado Local Government Park and Outdoor Recreation Grant.

Councilmember Collins stated she would be supporting the resolution to accept the grant since it did not obligate the city to appropriate any additional funds or to undertake any financial obligations.

Sandy Yukman, on behalf of Incline Friends, spoke to support the approval of the ordinance to accept the grant funds.

**Motion by Councilmember Knight, seconded by President Pro Tem Bennett, that the Resolution be adopted. The motion passed by a vote of 9-1-0.**

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

Meeting went into Recess - Meeting Reconvened

**12.D.** [14-0237](#) Resolution of Acceptance for a Lease/Joint Use Agreement with Ragain Sports Regarding the Use of Sand Creek Stadium for a USL Pro Soccer Franchise

Kurt Schroeder, Manager of Parks Maintenance, Open Space and Trails, provided an overview of the history of the park site which was included in a 1983 City approved Master Plan with Sand Creek Park master planned in 1988 to include the world class soccer stadium and the baseball stadium. The soccer field was built to world class specifications although the US Soccer Federation relocated to Chicago in 1990 when the World Cup was coming to the US for the first time.

Nick Ragain, CEO of Ragain Sports, presented a video illustrating the excitement professional soccer games can bring to the arena. He explained Ragain Sports is a Colorado-based organization with a commitment to the success for the community. He described their intended \$2 million investment in improvements to the stadium most of which will remain if and when the league relocates in the future. He expressed a willingness to work collaboratively with the Sky Sox to ensure a compatible event scheduling.

Tony Ensore, Sky Sox President, stated that the arrangement would pose great harm to the Sky Sox and requested Ragain Sports find another location for their program. His primary concern was that the overlay of the schedule will impact the Sky Sox in a negative way and described they currently host about 200 non-Sky Sox events each year which could pose some conflict.

David Elmore, owner of the Sky Sox, explained the nature of the franchise, the only one in the league individually owned. He stated he chose Colorado Springs initially with the encouragement of the USOC. He expressed concerns relative to the scope of attendance proposed for the soccer games and questioned the values detailed in the proforma and the longevity of the soccer

franchise to succeed in the proposed location. Thus, he expressed that this would be a temporary arrangement that could negatively impact the Sky Sox.

Councilmembers asked multiple questions relative to the design and considered alternative ways to accommodate the request while emphasizing the need to avoid any negative impact for the Sky Sox.

Ed Bircham, Paul Merritt, Dick Burns, John Wells, Jon DeStefano, Kevin Yee, Steve Trittschuh, Andy Brooks, Stephen Randal spoke in support of the joint lease agreement.

Bill Murray, Harry Salzman, Kanda Calef, Carl Strow, Janice Moglen spoke against the joint lease agreement.

Karen Palus, Parks, Recreation, and Cultural Services Director, described the original intent of the park was as a shared use facility and that it has been intended to be so since inception 27 years ago. She described the agreement incorporates a minor amount of exclusive use of the facilities, a proposed office area as well as locker room facilities, with everything else accommodating public use. She stated they will continue to honor the original agreement with the Triple-A baseball team having first preferential authorization. She stated the City has agreed to continue the level of service they currently provide, with the Switchbacks responsible for all things above and beyond in the maintenance category. Ms. Palus confirmed they conducted a significant amount of stakeholder processes and that when it was brought to the Parks Advisory Board it was unanimously approved. She stated they have worked dedicatedly towards a win-win solution for all parties.

**Motion by Councilmember Martin, seconded by Councilmember Snider, that the Resolution be adopted. 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

### 13. Public Hearing

There was no Public Hearing scheduled.

### 14. Added Item Agenda

There were no topics scheduled for the Added Item Agenda.

### 15. Executive Session

There was no Executive Session requested.

### 16. Adjourn

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

*Sarah B. Johnson, City Clerk*

