



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 pm.*

Tuesday, September 9, 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 Victoria Heim, Chaplain for Seniors.
The Pledge of Allegiance was led by President King.

3. Changes to Agenda/Postponements

Eileen Gonzalez, City Council Administrator, stated Council would like to move item 12.A. up in the agenda as the plan is to vote to postpone this discussion. Planning staff requested to move item 12.F to the beginning of New Business. Consensus of Council agreed to these changes to the agenda.

4. Councilmember Comments

Chief Chris Riley of the Colorado Springs Fire Department introduced, Paulina Wozniczka, Fire Cadet from Poland participating in the International Fire & Rescue Network's, In-Firenet program.

Councilmember Miller stated the State's Economic Development Commission will finalize the City for Champions resolution this week and expressed his concerns about this plan.

Councilmember Gaebler announced this is Care and Share's Hunger Action month and next week is Local Food Week.

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:

- 5A.A.** [14-0412](#) Ordinance No. 14-61 Establishing 2015 Operating and Occupancy Rates for Non-Signatory Airlines and Other Users at the Colorado Springs Municipal Airport

This Ordinance was finally passed on the Consent Calendar.

5B. First Presentation:

- 5B.A.** [14-0551](#) City Council Regular Meeting Minutes August 26, 2014

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.

- 5B.B.** [14-0554](#) Boards and Commissions

The motion passed by a vote of 9-0-0.

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

6. Recognitions

- 6.A.** [14-0370](#) A Resolution to Support September 2014 as National Preparedness Month in the City of Colorado Springs

Councilmember Knight read the proclamation and thanked City staff and our partners for all their work in resolving emergency situations and helping citizens with disaster and emergency preparedness.

Motion by Councilmember Knight, 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

7. Citizen Discussion

Citizen Charles Barber spoke about the conservative nature of Colorado Springs under Mayor Bach's leadership.

Citizen Miguel Lousell requested Council honor senior citizens through remembering senior day October 1st.

Citizen Kyleah Daily, representing the community transit committee, Citizen John Teisher, representing the community transit coalition and Citizen Gary Fornander, representing Colorado Common Cause, requested an increase to the transit budget for 2015 to fund improvements to the transit system.

Councilmember Gaebler stated she and Councilmember Martin will offer office hours on a bus line the morning of September 29th and the afternoon of September 30th.

Victoria Heim spoke about a medal presented to citizen E.W. Ohlson, WW II veteran. Mr. Ohlson expressed his concern about care he received as a veteran through the VA and his difficulties getting settled in the community.

Citizen Dottie Harman voiced her concerns about the need for a Charter Review, and requested earlier public access to Council agendas.

8. Mayor's Business

The next City for Champions community meeting will be held at the Southwest YMCA on September 16, 2014 from 6:00 pm until 7:30 pm.

9. Items Called Off Consent Calendar

10. Utilities Business

10.A. [14-0546](#) A Resolution Setting the Electric Cost Adjustment Effective September 12, 2014

Councilmember Bennett announced an electric cost rate reduction effective September 12, 2014 as a result of Drake unit 7 coming back into function.

Councilmembers Miller and Bennett expressed appreciation to CSU

staff for their work in getting the power plant functioning after the fire.

Motion by President Pro Tem Bennett, 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

11. Unfinished Business

- 11.A.** [14-0444](#) Ordinance No. 14-62 Amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the Subdivision Storm Drainage Fund in the Amount of \$2,000,000 for the Purpose of Reimbursements to Developers for Eligible Major Drainage Improvements

Councilmember Miller asked how this fund works and if it has been proven as an effective way to fund drainage system maintenance. Kara Skinner, CFO responded that the intent of this fund was to create the drainage system, not pay for continued maintenance.

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

12. New Business

- 12.A.** [14-0506](#) A resolution of the City Council of the City of Colorado Springs concerning the retention of outside legal counsel

Per President King's recommendation, discussion on this resolution was postponed to a date certain, September 23, 2104.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the resolution be postponed to a date certain. Proposed date, Septemebr 23, 2014. 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.B.** [14-0377](#) Ordinance No. 14-63 amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the Cemeteries Fund in the amount of \$73,900 for the purchase of vehicles, equipment and a computer system upgrade

Will DeBoer, Cemetery Operations Administrator, reiterated his request for an increase in spending authority.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance for a supplemental appropriation to the Cemeteries Division in the amount of \$73,900 for the purchase of replacement equipment and a computer system upgrade 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

12.C. [14-0502](#) A Resolution Authorizing Abandonment of the Cottonwood Creek at La Madrina project (\$150,000) and Transfer of \$150,000 to Stormwater Design for High Priority Projects

Tim Mitros, Development Review and Stormwater Manager, explained that the funds designated for this project will be redirected to another project, adding that Colorado Springs Utilities completed the work and is asking to be reimbursed for about half of the cost.

Councilmember Miller asked how funds budgeted for specific projects are re-designated. Ms. Skinner explained this is an abandonment of funding, not the project and a resolution is required to reallocate funds .

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, 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.D. [14-0524](#) A resolution approving the assignment of 2014 Private Activity Bond Volume Cap Allocation to El Paso County

Bob Cope, City for Champions Manager, explained how receipt of these funds is based on qualifying projects and recommended these funds be transferred to El Paso County to benefit the local area. Aimee Cox, Community Funds Manager, provided additional information on the notification process and provided an explanation of how the City and County work together to manage the funds. Ms. Cox also explained how the City and County working together can assure the funds stay available.

Councilmember Knight requested that in the future, if funds are not going to be used, staff request to transfer the funds earlier in the year. Ms. Cox agreed to this request.

Councilmember Pico asked if funds could be used for schools or other entities, Mr. Cope responded that the fund use is limited to residential and narrowly defined industrial projects.

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

the Resolution assigning the \$21,585,500 unused City of Colorado Springs' 2014 Private Activity Bond volume cap allocation to El Paso County for projects allowed under the Allocation Act 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.** [14-0296](#) A Resolution to approve the Transit Services Division's 2014 Title VI Program, which documents how services are provided without regard to race, color, or national origin

Brittany Goode, Senior Grants Analyst, provided a brief overview of the program, adding this update has been approved by the Citizens' Transportation Advisory Board (CTAB). There were no questions regarding this resolution.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Resolution be adopted as presented. 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.F.** [14-0542](#) A resolution finding a petition for annexation of the area known as Capital Annexation No. 1 consisting of 60.06 acres to be in substantial compliance with Section 31-12-107(1), C.R.S. and setting a hearing date of October 14, 2014 for the Colorado Springs City Council to consider the annexation of the area.

Councilmember Knight asked if this was the first hearing on this annexation. Peter Wysocki, Planning and Development Manager, responded that this request was on the consent calendar a few months ago and explained that this is the second step in the approval process.

Councilmember Miller asked if the planned October 14, 2014 hearing date provides adequate time for City Staff to prepare. Mr. Wysocki responded that this is enough time. Councilmember Miller requested documents on this hearing be presented to Council as available.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the resolution setting October 14, 2014 as the hearing date for consideration of Capital Annexation No. 1 and authorizing the City Clerk to advertise the hearing 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.** [14-0522](#) A resolution confirming recommended expenditures from the Lodgers

and Automobile Rental Tax (LART) Special Fund for inclusion in the 2015 budget

Councilmember Martin commented on the work done by the LART Committee and provided clarification about certain aspects of the plan. Councilmember Martin also discussed the LART Committee's efforts to increase LART revenue and explained how the committee has set aside contingency funds to allow for flexibility, adding that changes can be made to this plan dependent on Council approval.

Councilmember Miller asked about the representation on the Board and the focus on economic development. Councilmember Martin provided the names and titles of the Board members and explained the committee felt economic development should be derived from the general funds.

Councilmember Miller asked if there is a stipulation stating two thirds of budget goes to the Colorado Springs Convention and Visitors Bureau (CVB), Councilmember Martin explained that this is per contract, not a legal obligation.

Councilmember Miller asked why there is such a disparity in funds provided to events. Councilmember Martin explained that the committee plans to define a "City Sponsored Event" and develop a process to provide consistency with the amount of funds provided.

Councilmember Miller asked if the amounts transferred to the general fund go to defer the cost of events sponsored by non-profit organizations. Councilmember Martin explained that nonprofit organizations receive a discount on City services and those funds cover the difference between the regular and reduced rates.

Councilmember Knight requested the committee consider adding Pickle Ball to the LART sponsored events for 2015. Councilmember Martin stated the committee was reluctant to provide funding to the Pickle Ball event because they showed a profit the last time, adding the LART committee does not want to fund for profit events.

Councilmember Collins stated that the LART committee also considers financial accountability in proposals.

Fred Veitch, Chair, LART Citizens Advisory Committee, explained the

committee does have reserves to fund additional events in 2015.

Councilmember Bennett asked how many of the 35 applicants complained about the application process. Mr. Veitch responded that the committee has received positive feedback about the formal application process and few complaints.

Councilmember Bennett asked about certain events that are for profit, Mr. Veitch responded that they are looking to eliminate funding for for profit events.

Councilmember Miller asked how much effort applicants should put into evaluating the economic impact of an event. Mr. Veitch responded that an estimate is all that is requested, an economic study is not required or expected.

Councilmember Miller stated he has an issue with two thirds of the budget going to the CVB, therefore; he cannot support this at this time.

Motion by Councilmember Martin, seconded by Councilmember Gaebler, that the resolution as amended to include the Friends of Pikes Peak Pickle Ball request for \$10,585 cash and \$335 in-kind contributions 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.H. [14-0545](#) A Resolution Authorizing the Donation of the Property Known as Jones Park for a Public Purpose to the United States Forest Service through the National Forest Foundation

Mark Shea, Planning Supervisor, CSU, provided an overview of the history and plan for this property.

Jerry Forte, CEO, CSU requested clarification on the cultural survey required to move forward with the National Environmental Policy Act (NEPA) process. Mr. Shea stated that survey is planned to be completed this fall.

Marcus Selig, Director Colorado Programs, National Forest Foundation (NFF), provided an explanation of how the NFF partners with organizations to maximize funds to develop areas. Councilmember Knight asked where NFF funding comes from and why these funds could potentially expire if not used. Mr. Selig explained that NFF is a

congressionally funded nonprofit and resources are available this fiscal year but the funds for 2015 are uncertain.

Oscar Martinez, National Forest Service District Ranger, explained how the NEPA process works and how it applies to this property. Mr. Martinez responded to Council questions about the NEPA process and the results of not moving forward with this issue today.

Councilmember Bennett asked if the Forest Service intends to keep this land open to public activities. Mr. Martinez responded yes. President King requested how quickly the recreational aspects of the area can be developed. Mr. Martinez responded that this area has presented several unique challenges to the NEPA process requiring additional time.

Susan Davies Executive Director of The Open Space and Trails Coalition (TOPS), Carol Beckman, President, Friends of the Peak, and John Foulks, Chairman of the Cheyenne Mountain Chapter of Trout Unlimited spoke in support of transferring the Jones Park property to the US Forest Service.

Citizens John Vance and Jim Lockhart spoke in favor of transferring the land to the US Forest Service.

Sallie Clark, El Paso County Commissioner, spoke about El Paso County's ability to manage this property and the unique challenges associated with it. Ms. Clark also explained the funding options available to the county and the plan to continue following the NEPA process in developing this land and the financial and other resources available through the County.

Councilmember Martin asked about communication with TOPS regarding following NEPA and limiting traffic on the land, Ms. Clark stated she understands TOPS wants to make sure the NEPA process is followed and that traffic would be limited to what is already in the plan.

Jeff Greene, County Administrator, reinforced that the County will support and abide by the NEPA plan and commitments that have been made.

Tim Wolken, Community Services Director, stated that if the County gets the property they will continue to follow the NEPA process and pointed

out that the County has not been involved in this process from the beginning but will pick up and carry on if given the opportunity.

Kanda Calef, citizen spoke in favor of putting the property up for a bidding process.

Michael Chaucee spoke in favor of the property going to El Paso County.

Councilmember Knight asked about the value of the land. Mr. Shea responded that a previous appraisal of the land estimated the value to be about \$4 million adding that the identification of limitations and restrictions to the land will alter the appraised value.

President King and Council discussed the process that should be followed regarding voting on the resolution options available today. A decision was made to vote on the resolution to transfer the land to the US Forest Service.

Councilmembers Knight and Miller stated they cannot support donating this land to any entity until the value of the land is established, pointing out the fiduciary responsibility of Council.

Councilmember Pico stated Council's priority is to protect the utilities ratepayers and he feels Council needs to know how much the land is worth and if there are private entities interested in purchasing it prior to making a decision.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Resolution authorizing the donation of the property known as Jones Park for a public purpose to the United States Forest Service through the National Forest Foundation. 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

Council then proceeded to request CSU have an appraisal of the land done and move forward with the NEPA study.

Motion by Councilmember Knight, seconded by Councilmember Pico, that the Resolution be postponed to a date certain. Proposed date, September 23, 2014 City Council meeting. Direct CSU staff to report back to the Utilities Board on the appraisal timeline and process. Direct City Attorney to review President King's two alternative draft resolutions. The motion passed by a vote of 5-4-0.

Yes: 5 - Collins, King, Knight, Miller, and Pico

No: 4 - Bennett, Gaebler, Martin, and Snider

- 12.I.** [14-0340](#) Consideration of alternative resolutions pertaining to allowing a vote of the citizens of Colorado Springs on retail marijuana establishments within the City of Colorado Springs

President King, explained the draft of the resolution presented to Council has been updated with the changes discussed in yesterday's meeting.

Kara Skinner, CFO, requested additional time to work on the potential tax figures to be included in the ballot language.

Councilmember Gaebler suggested Council vote on the resolution to include the first ballot question, deciding whether to put the recreational marijuana question on the ballot, if that passes, Council can then discuss the taxation question. There was no further discussion on this issue.

Motion by Councilmember Gaebler, seconded by Councilmember Martin, that the resolution allowing a vote of the citizens of Colorado Springs on retail marijuana establishments within the city of Colorado Springs with the removal of all references to providing for a sales and use tax thereupon be adopted. The motion failed by a vote of 3-6-0.

Yes: 3 - Collins, Gaebler, and Martin

No: 6 - Bennett, King, Knight, 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