



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, November 10, 2015

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 Danny Davis, Minister, Westside First Wesleyan Church.

There was a moment of silence to honor the citizens slain in the shootings on October 31, 2015.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Eileen Gonzalez, City Council Administrator, stated agenda item 11.A. will be heard during Mayor's business.

Councilmember Knight requested agenda item 4.B.G. be pulled off the Consent Calendar. This item will be heard under Public Hearing.

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:

4B. First Presentation:

4B.A. [15-00683](#) City Council Meeting Minutes October 27, 2015

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [15-00617](#) Boards and Commissions

This item was approved on the Consent Calendar.

4B.C. [15-00649](#) Resolution Approving the Memorial Health System/Colorado Springs Health Foundation Funds Management Agreement

Res/Ord Number: 109-15

The resolution was adopted on the Consent Calendar.

4B.D. [15-00632](#) Ordinance No. 15-83 of the City of Colorado Springs, Colorado Providing for the Extension, Betterment, Other Improvement and Equipment of the City of Colorado Springs Utilities System; Providing for the Issuance and Sale of the Commercial Paper Notes, Series A in an Aggregate Principal Amount of Not to Exceed \$75,000,000 and Series B in an Aggregate Principal Amount of Not to Exceed \$75,000,000 Payable Out of the Net Revenues to be Derived from the Operation of the City of Colorado Springs Utilities System; Authorizing the Execution by the City of Two Dealer Agreements, Two Issuing and Paying Agent Agreements and Two Fee Agreements; and Providing Other Matters Relating Thereto

Res/Ord Number: 15-83

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

4B.E. [15-00654](#) Chilcott Ditch Company Share Acquisition

Res/Ord Number: 110-15

This item was approved on the Consent Calendar.

4B.F. [15-00655](#) Donala Water and Sanitation District Month-to-Month Water Services Agreement

Res/Ord Number: 111-15

This item was approved on the Consent Calendar.

4B.H. [15-00675](#) A resolution authorizing the use of eminent domain to acquire real property owned by Delores Art needed to complete the Woodmen Road Corridor Improvement Project

Res/Ord Number: 112-15

The resolution was adopted on the Consent Calendar.

4B.I. [15-00677](#) A resolution authorizing the use of eminent domain to acquire real property owned by Gerald R. Haag and Jacqueline V. Haag needed to complete the Woodmen Road Corridor Improvement

Project

Res/Ord Number: 113-15

The resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Bagley 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

5.A. [15-00681](#) A Resolution Proclaiming November as Hire a Veteran Month

Res/Ord Number: 114-15

Councilmember Bagley read the proclamation. Council Present Bennett acknowledged the 465 veterans working for the City.

Councilmember King paid tribute to his father-in-law, James Hickman, who served our country in the armed forces.

The resolution was adopted by a unanimous voice vote.

6. Citizen Discussion

Citizen Charles Barber spoke about the need for road repairs in our City.

Citizens Brooke Squires, Sara Griffin, Annabel Kirwan, Nori Rost, and Carolyn Cathey voiced their concerns about the open carry laws in our State.

Citizens Michael Hazard, David Tone, Carrie Baatz, Kellee O'Brien, spoke in opposition to the proposed sit/lie ordinance.

Citizens Whitney Galbraith, and State Representative Gordon Klingenschmitt spoke about anti-discrimination.

Citizen Laurie Wilson spoke about living on Platte Avenue and the need for traffic control.

Citizen Teddi Roberts requested an update on the progress of the task force assigned to work on the marijuana consumption club moratorium. Council President Bennett explained the process the moratorium will go

through, which does not include a task force.

Citizen Longinos Gonzalez spoke about his experience at a recent Urban Renewal Authority meeting.

Citizen Jaymon Johnson spoke about the regulation of marijuana consumption clubs.

Councilmember Murray spoke about the need for compassion and courtesy in our community and the need to reexamine the City's laws relating to open carry of firearms within the City.

7. Mayor's Business

Agenda item 11.A. was heard at this time.

8. Items Called Off Consent Calendar

Agenda item 4.B.G. will be heard under Public Hearing section of the meeting.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A.** [15-00629](#) An ordinance creating a six (6) month moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location of a currently operating medical marijuana facility within the city limits

Res/Ord Number: 15-79

Citizens John Harding, Paul Seeling, and Carolyn Cathey spoke in support of the proposed moratorium.

Citizens Joel Aigner, Mike Dorsey, Jason Warf, and Jaymon Johnson spoke in opposition to the proposed moratorium.

Councilmember Murray spoke in opposition to the proposed moratorium and encouraged citizens to continue to push for resolution.

Councilmember Knight spoke in support of this item and clarified the reasons behind this measure intended to protect citizens and the purpose for separating the consumption clubs from the medical

marijuana industry.

Councilmember King spoke in support of this item and the establishment of the task force to regulate this industry.

Council President Pro Tem Gaebler stated she believes Council should work on legislation to stop illegal production facilities, not focus on those legally doing business.

Councilmember Collins stated she sees this as crisis management and requested a member of the audience stop blaming the need for marijuana regulation on the local military presence.

Motion by Councilmember Knight, seconded by Councilmember Bagley, to approve an ordinance creating a six (6) month moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location of a currently operating medical marijuana facility within the City limits. The motion passed by a vote of 6-3-0.

Aye: 6 - Bagley, Bennett, King, Knight, Pico, and Strand

No: 3 - Collins, Gaebler, and Murray

11. New Business

11.A. [15-00659](#)

A resolution authorizing the City of Colorado Springs, by and through its enterprise, the Colorado Springs Municipal Airport, to accept charitable funds from the Pikes Peak Community Foundation, deposited by private foundations and others for the purpose of lessening the City's burden by way of significantly and tangibly developing, promoting and accommodating air commerce, air travel and air transportation at Colorado Springs Airport.

Res/Ord Number: 115-15

Mayor John Suthers provided a summary of this request to create an aviation foundation in order to accept donations to support the airport and lessen the financial burden on the City. Mayor Suthers stated initial contributions to the foundation are expected to be around six million dollars.

Dan Gallager, Aviation Director, clarified a small change to the document made since the presentation yesterday.

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

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

- 11.B. [15-00638](#) A resolution authorizing the conveyance of surplus City real property for a public purpose to SRPC, LLC.; generally located east of Sierra Madre Street, between Vermijo Street and Cimarron Street.
(Legislative Matter)

Res/Ord Number: 116-15

Peter Wysocki, Planning and Development Director, provided a brief update on this proposal.

Councilmember Murray asked when Council was made aware that one-third of the property offered for the Olympic Museum was owned by the City. Mr. Wysocki stated this was presented in a work session several months ago.

Councilmember Murray requested this item be bifurcated to allow separate discussions about the land slated for the museum and the other portion of the land. David Andrews, Legislative Counsel, stated this item cannot be bifurcated.

Councilmember Murray requested this item be tabled to allow time for Council to consider the best options for the City. Council President Bennett asked if this action would delay the ground breaking for the museum. Mr. Wysocki stated it would likely delay the museum development plan and explained the process involved in separating the property, adding it would take until the second meeting in January to complete the work necessary to present a proposal including the separation of the property.

Councilmember Murray requested this item be postponed to a date certain, the January 26, 2016 City Council meeting.

Motion by Councilmember Murray, seconded by Councilmember Collins, that the Resolution be postponed to a date certain, the January 26, 2016 City Council meeting. The motion failed by a vote of 3-6-0.

Aye: 3 - Collins, Murray, and Pico

No: 6 - Bagley, Bennett, Gaebler, King, Knight, and Strand

Res/Ord Number: 116-15

Councilmember Strand asked how a “stand alone property” is defined. Mr. Wysocki provided the information about what characterizes a “stand alone property” and stated this property is virtually undevelopable unless combined with an adjacent property.

Councilmember Strand asked if the City has tried to sell this property. Mr. Wysocki stated the City does not typically market property and property disposal is not pursued unless a potential buyer approaches the City regarding a specific piece of property.

Council President Pro Tem Gaebler asked Mr. Greene if the Mayor supports this. Mr. Greene stated the Mayor does support this and the development of the museum.

Councilmember Murray questioned the benefit of this proposal to the property owners. Mr. Greene explained this land was conveyed to the City to be used as a right-of-way and has never been used for that purpose. There are several properties that have been included in similar development plans which, in the long run have benefited the City. Council President Pro Tem Gaebler restated the potential benefit of this proposal for the City. Mr. Wysocki explained the importance of this infill project to the City.

Councilmember Collins asked what will happen if the remediation cost exceeds the estimate in the presentation. Mr. Wysocki stated the property will not revert back to the City should this happen.

Citizen Deborah Stout-Meiningner spoke in opposition to this proposal.

Citizen Longinos Gonzalez asked if the parcel could be divided into the museum piece and the rest. Council President Bennett stated this is not an option.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the a resolution authorizing the conveyance of City real property for a public purpose to SRPC, LLC., be adopted. The motion passed by a vote of 6-3-0.

Aye: 6 - Bagley, Bennett, Gaebler, King, Knight, and Strand

No: 3 - Collins, Murray, and Pico

- 11.C.** [15-00663](#) Ordinance No. 15-84 modifying Section 201 (General Penalty) of Part 2 (General Penalty of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the assessment of an Information Technology Surcharge on certain Summons and Complaints filed in Municipal Court

Res/Ord Number: 15-84

Kara Skinner, CFO, provided an overview of the proposed information technology surcharge.

Councilmember Collins stated she would like to see the City fund the necessary IT repairs without charging citizens another fee.

Motion by Councilmember King, seconded by Councilmember Murray, that the Ordinance modifying Section 201 (General Penalty) of Part 2 (General Penalty of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of The Code of The City of Colorado Springs 2001, As Amended, Pertaining to the Assessment of an Information Technology Surcharge on Certain Summons and Complaints Filed in Municipal Court 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.** [15-00478](#) Ordinance No. 15-85 making and certifying the 2015 tax levy for taxes payable in 2016 at 4.279 mills upon each dollar of assessed valuation of all taxable property and a tax credit of 2.139 mills upon each dollar of assessed valuation of all taxable business personal property within the corporate limits of the City of Colorado Springs

Res/Ord Number: 15-85

Councilmember Pico asked if this permanent or temporary. Ms. Skinner stated it has historically been a temporary measure because a vote of the people would be required to reinstate the tax.

Councilmember King stated he thought this was going to be made permanent. Mr. Greene stated it is the Mayor's intention to lower taxes, however; based on the recommendation of the City Attorney's Office this will continue to be a temporary measure.

Council President Bennett encouraged Council to approve this as a temporary measure today, and work with the Mayor and the Attorney's Office to find a way to legally and appropriately make this permanent prior to the final reading. Discussion continued about the repercussions of making this a permanent tax decrease.

Motion by Councilmember King, seconded by Councilmember Pico, to amend the motion to remove "temporary" from that portion of the proposed motion dealing with assessed dollar value for taxable business personal property within the corporate limits of the City of Colorado Springs. The motion passed by a vote of 9-0-0.

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

Res/Ord Number: 15-85

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the ordinance making and certifying the 2015 tax levy for taxes payable in 2016 at 4.279 mills upon each dollar of assessed valuation of all taxable property and a tax credit of 2.139 mills upon each dollar of assessed valuation of all taxable business personal property within the corporate limits of the City of Colorado Springs 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.E.** [15-00479](#) Ordinance No. 15-86. 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, 2016

Res/Ord Number: 15-86

Citizen Longinos Gonzalez thanks Council for their work on creating a true balanced budget.

Motion by Councilmember Knight, seconded by Councilmember Murray, that 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, 2016 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

12. Public Hearing

- 4B.G.** [15-00667](#) Ordinance No. 15-87 vacating the alley between 1206 Milky Way and 1109 Northstar Drive consisting of 2,240 square feet.

(Legislative Matter)

Res/Ord Number: 15-87

Councilmember Knight stated he pulled this off the Consent Calendar because it was not presented in a City Council work session or in a Planning Commission meeting prior to being presented here today. He stated this is not the normal procedure per City history and there is no record of a planning history of decision on this property.

Lonna Thelen, Principal Planner, Land Use Review, responded to Councilmember Mr. Knight's concerns about the process explaining an applicant can approach the City to request a vacation of property without going through Planning Commission. Ms. Thelen explained, in this case, the adjacent property owners approached the City to request information about the location of the alley, when planning staff reviewed the case,

they decided it would be best to vacate this property as it is not being used or is there any potential use for the property.

Motion by Councilmember Knight, seconded by Councilmember Strand, that the Ordinance to approve the vacation of the right-of-way for the alley between 1206 Milky Way and 1109 Northstar Drive, 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

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

16. Following adjournment of the regular City Council meeting, City Council will adjourn and reconvene as the Memorial Health System Enterprise Board of Trustees for action on the following item:

Rollcall

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

16.A. [15-00692](#) A Resolution Approving Amended & Restated Bylaws of the Memorial Health System Enterprise

Councilmember Knight restated his request to change the word "may" in Section 1, paragraph A. of the Amended and Restated Bylaws to "shall", and his request to change the board member term to two years to be consistent with City Council terms. Tom Florczak with the City Attorney's Office stated the requested language change can be made, but the term length of the board members was approved by the voters and cannot be changed.

Motion by Councilmember Knight, seconded by Councilmember Strand, that Article II, Section 1. A. of the Amended & Restated Bylaws of Memorial Health System Enterprise be amended to read, "... voting members who shall be any

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

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

Motion by Councilmember Murray, seconded by Councilmember Bagley, to adopt the resolution approving the Amended and Restated Bylaws of the Memorial Health System Enterprise as amended. The motion passed by a vote of 9-0-0.

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