



City of Colorado Springs

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

Meeting Minutes City Council

City Council meetings are broadcast live on Channel 18.

Tuesday, June 9, 2015

1:00 PM

Council Chambers

1. Call to Order

Council President Bennett acknowledged the students from the Leadership Pikes Peak Leading Edge program attending the meeting today. He also recognized Robin Rogers who will be retiring from the Police Protective Association and introduced Cheryl Dillon who will be replacing Ms. Rogers.

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 Ken Robertson from the International Anglican Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Eileen Gonzalez, City Council Administrator, reminded everyone of the added agenda item 13.A.

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. [15-00301](#)

Ordinance No. 15-37 amending the Zoning Map of the City of Colorado Springs relating to 10.8 acres, located Southwest of Centennial Boulevard and Fillmore Street.

(Quasi-Judicial Matter)

Res/Ord Number: 15-37

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [15-00326](#) City Council Meeting Minutes May 26, 2015

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [15-00201](#) Boards and Commissions

This item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded 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

5A. [15-00304](#) A resolution of appreciation for Steve Bach's four years of dedicated service as Mayor of Colorado Springs

Res/Ord Number: 63-15

Ms. Gonzalez read a resolution of appreciation to former Mayor Steve Bach for his years of service to this City.

Bret Waters, Assistant Chief of Staff, accepted a gift of appreciation on behalf of Mayor Bach.

Motion by Councilmember Pico, seconded by Councilmember Strand, 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

5B. [15-00311](#) A Resolution Designating the Month of June to be Bike Month in the City of Colorado Springs

Res/Ord Number: 64-15

Council President Pro Tem Gaebler read the resolution and reminded everyone about Bike to Work Day June 24, 2015.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Resolution designating the month of June to be Bike Month in the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0.

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

6. Citizen Discussion

Citizen Charles Barber spoke about the importance of young people considering and respecting the contributions of individuals to society.

Citizen Gary Derbenwick representing the Emerald Heights subdivision, voiced concern about changes the Planning Department has made to requirements in the Erindale neighborhood.

Citizen Deborah Stout-Meininger spoke about ethical concerns and City spending.

Citizen Keesha Jackson requested increased spending on public transportation.

Citizen Allen Beauchamp thanked Council for the resolution designating June as Bike Month, invited everyone to the Mayor's Bike Ride and to participate in Bike to Work Day and thanked those in office in 1980 for implementing the bicycle tax fund.

Citizen Walter Lawson spoke about the Cable Franchise Agreement renewal process requesting the process be reconsidered to allow enough time for citizen input to take place. Councilmember Knight explained the agreement expiration date transfers the agreement to a month-to-month continuation allowing for additional time to finalize the agreement if needed. Councilmember Knight also reminded everyone that the agreement can only address cable service, not internet and phone. David Andrews, Legislative Counsel, stated the City Attorney's Office will assure the process moves forward. Ms. Gonzalez will work with the Chief of Staff on a timeline.

Citizen Dave Hawkins requested a pay increase for Councilmembers.

Citizen Susan Davies, Executive Director of the Trails and Open Space Coalition, spoke about the economic benefits of sporting activities to communities.

Citizen Vincent Braughton addressed Council regarding his personal safety issues and economic issues that he states he has suffered under Mayor Bach's administration. Mr. Broughton presented documents to Council for their review.

Citizen Kyleah Daily commented on the positive change of the

atmosphere in the Council Chambers.

7. Mayor's Business

Jeff Greene, Chief of Staff, explained Mayor Suthers was called away by another appointment, but they enjoyed a collaborative meeting with Council earlier today during the Council Staff Work Session meeting and are looking forward to a positive and productive working relationship with City Council.

8. Items Called Off Consent Calendar

There were no Items Called off The Consent Calendar.

9. Utilities Business

- 9.A.** [15-00277](#) A Resolution Approving an Amended and Restated Intergovernmental Agreement Between the City of Colorado Springs and Colorado Centre Metropolitan District Providing for Water Distribution and Wastewater Collection, Treatment, and Disposal

Res/Ord Number: 65-15

Brett Schueler, System Extensions Manager with CSU, was available to answer questions, there were no questions.

Attorney Steve Mulliken, representing Bradley Heights, spoke in support of the agreement.

Motion by Councilmember Pico, seconded by Councilmember Strand, that the Resolution approving and authorizing the execution of the Amended and Restated Intergovernmental Agreement between the City of Colorado Springs, Colorado, and the Colorado Centre Metropolitan District for Water Distribution and Wastewater Collection, Treatment, and Disposal be adopted. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

10. Unfinished Business

- 10.A.** [15-00305](#) Ordinance No. 15-38 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a Supplemental Appropriation to the following Federal Entitlement Grants: CDBG (increase by \$220,268), Emergency Solutions Grant (increase by \$58,195), and HOME Investment Partnership Grant (increase by \$173,094)

Res/Ord Number: 15-38

Councilmember Collins made a statement in response to an editorial published in the Gazette concerning her previous vote on this item.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a Supplemental Appropriation to the following Federal Entitlement Grants: CDBG (increase by \$220,268), Emergency Solutions Grant (increase by \$58,195), and HOME Investment Partnership (increase by \$173,094) be finally passed. The motion passed by a vote of 6-3-0.

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

No: 3 - Collins, King, and Pico

11. New Business

- 11A.** [15-00319](#) A resolution authorizing the acquisition of a portion of property owned by Burt Alexander and Colleen A. Alexander for the Woodmen Road Corridor Improvements Project (Phase 2)

Res/Ord Number: 66-15

Michael Chaves, Engineering Manager, explained a settlement with this property owner has been reached.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, 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

12 Public Hearing

13. Added Item Agenda

- 13.A.** [15-00331](#) Issuance of formal ethics charges or dismissal of ethics complaint pursuant to Independent Ethics Commission case 2015-01

Council President Bennett requested Councilmember Collins recuse herself from this agenda item. Councilmember Collins denied the request to recuse herself, so Council President Bennett recused her.

Councilmember Collins made a statement opposing the Independent Ethics Commission report and defending her actions as a member of Council representing her district.

Councilmember King read a statement about the IEC findings/process and provided a copy to Councilmembers.

Council discussed the process and potential actions and consequences of action taken by Council with Suzanne Dugan, independent counsel, hired to represent and advise Council on this topic.

Motion by Councilmember King, seconded by Councilmember Strand, that City Council issue three ethics charges as recommended by the Independent Ethics

Commission. These are:

- City Code 1.3.106, Paragraph (G) that provides “no covered person shall tolerate waste, fraud, abuse and corruption in government or in any of its business, operations or services.”
- City Code 1.3.106, Paragraph (H) that provides “no covered person shall engage in any actions that may create, or do create, the appearance that they are violating the law or ethical standards.”
- City Code 1.3.106, Paragraph (I) that provides “no covered person shall engage in any activity that may create, or does create, the appearance of impropriety.”

Furthermore, City Council, in issuing formal ethics charges, is not making findings that the violations occurred. If this motion is approved, then Councilmember Collins may request an evidentiary hearing. If she makes that request, City Council can serve as the hearing body or appoint a hearing officer to conduct the proceedings. The motion passed by a vote of 8-0-1.

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

Recused: 1 - Collins

Council President Bennett requested Ms. Dugan prepare a letter to be delivered to Councilmember Collins within the next five days regarding the issuance of charges as recommended by the IEC findings. A special meeting will be scheduled for Council to discuss a response from Councilmember Collins once received.

14. Executive Session

There was not an Executive Session.

15. Adjourn