

# **City of Colorado Springs**

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

# **Meeting Minutes City Council**

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Tuesday, January 8, 2019

1:00 PM

Council Chambers

#### 1. Call to Order

Present: 9 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

#### 2. Invocation and Pledge of Allegiance

The Invocation was made by Reverend Reginald Fletcher from the National Association for the Advancement of Colored People (NAACP) and Reverend Dennis Mose from the New Resurrection Baptist Church sang a song.

President Skorman led the Pledge of Allegiance.

President Skorman read a Proclamation requested by the Pikes Peak Southern Christian Leadership Conference recognizing January 15, 2019 as Reverend Martin Luther King Jr. Day.

#### 3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated staff has requested item 10.C. pertaining to the Mill Street Neighborhood Plan be postponed to the February 12, 2019 City Council meeting.

Consensus of Council agreed to this change on the agenda.

#### 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.** <u>18-0629</u> Ordinance No. 18-127 Amending Ordinance No. 17-116 (2018)

Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$675,475 for

Transfer to the Colorado Springs Health Foundation

Presenter:

Charae McDaniel, Chief Financial Officer

Chris Wheeler, Budget Manager

<u>Attachments:</u> Supplemental Approp Ord for MHS Revenue Share-2018

Signed Ordinance 18-127

This Ordinance was finally passed on the Consent Calendar.

**4A.B.** <u>CPC ZC</u>

18-00115

Ordinance No. 18-128 amending the zoning map of the City of Colorado Springs relating to 0.32-acre located south of Black Squirrel Creek and

north of the Federal Drive terminus from PUD (Planned Unit

Development) to PF (Public Facilities)

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development

Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: ZC ORD FarmFiling5LiftStation

Exhibit A
Exhibit B

Signed Ordinance 18-128

This Ordinance was finally passed on the Consent Calendar.

**4A.C.** <u>CPC ZC</u> 18-00096

Ordinance No. 18-129 amending the zoning map of the City of Colorado Springs pertaining to 10.499 acres of land west of S. Nevada Ave. and north of E. Cheyenne Rd. from R5 and R5/SS (Multi-Family Residential with and without the Streamside Overlay) to C5 and C5/SS (Intermediate Business with and without the Streamside Overlay)

(Quasi-judicial)

Related Files: CPC V 18-00098

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Development Department

Peter Wysocki, Director Planning and Community Development

Attachments: ZC ORD Creekwalk

Exhibit A
Exhibit B

Signed Ordinance 18-129

This Ordinance was finally passed on the Consent Calendar.

**4A.D.** <u>CPC V</u>

18-00098

Ordinance No. 18-130 vacating portions of public rights-of way known as Mount Washington Avenue, Saint Elmo Court, and adjacent public alleys

consisting of 2.145 acres

(Legislative)

Related File: CPC ZC 18-00096

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Development

Department

Peter Wysocki, Director Planning and Community Development

Attachments: V ROW Creekwalk

Exhibit A
Exhibit B

Signed Ordinance 18-130

This Ordinance was finally passed on the Consent Calendar.

#### 4B. First Presentation:

**4B.A.** 19-030 City Council Regular Meeting Minutes December 11, 2018

Presenter:

Sarah B. Johnson, City Clerk

Attachments: 12-11-2018 City Council Meeting Minutes Final.pdf

The Minutes were approved on the Consent Calendar.

**4B.B.** <u>19-051</u> Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Attachments: 010819 Boards and Commissions

This Item was approved on the Consent Calendar.

**4B.C.** <u>18-0616</u> Annual Designation of the City Clerk's Office as the public place for

posting of public notices for public meetings.

Presenter:

Sarah B. Johnson, City Clerk

Attachments: Charter - Open Meetings Law.pdf

This Item was approved on the Consent Calendar.

**4B.D.** 19-024 A resolution finding a petition for annexation of the area known as the

Briargate Church Assembly of God Annexation consisting of 8.26 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of February 12, 2019 for the Colorado Springs

City Council to consider the annexation of the area.

Presenter:

Catherine Carleo, Principal Planner, Planning and Community

Development

Peter Wysocki, Planning and Community Development Director

Attachments: RES AssemblyofGod SetHearingDate

Exhibit A - BriargateAssemblyofGod Petition for Annexation

Annexation Legal BCAG

Vicinity detail

Memo to Clerk to Advertise

PUBLIC NOTICE Briargate Church Assembly of God

Signed Resolution 1-19

This Resolution was adopted on the Consent Calendar.

**4B.E.** <u>18-0607</u> A resolution approving an Intergovernmental Agreement with the

Colorado Department of Transportation for the funding of the Mountain

Metro Transit (Route 6) Pedestrian and Transit Improvements Project.

Presenter:

Mike Chaves, P.E., Engineering Manager

Attachments: MMT (Route 6).Resolution No. xxx-18 rev

MMT (Route 6). Exhibit A IGA

MMT (Route 6). Exhibit B Vicinity Map

This Resolution was adopted on the Consent Calendar.

**4B.F.** <u>18-0552</u> Ordinance No. 19-1 adopting revised Procurement Rules and

Regulations for the City of Colorado Springs

Presenter:

Nicole Spindler, Procurement Services Manager

Bret Waters, Deputy Chief of Staff

Attachments: ProcurementRulesORD-2019

**Exhibit A Procurement Rules & Regulations** 

Signed Ordinance 19-1

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

### **Approval of the Consent Agenda**

Motion by Councilmember Bennett, seconded by President Pro Tem 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 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

#### 5. Recognitions

**5.A.** <u>18-0639</u> A resolution of appreciation for Tim Nelson on the occasion of his retirement from the City of Colorado Springs

Presenter:

Greg Phillips, Aviation Director, Colorado Springs Airport

Attachments: Retiree Resolution T Nelson

Signed Resolution 3-19

Greg Phillips, Aviation Director, Colorado Springs Airport, presented the Resolution of appreciation for Tim Nelson, Colorado Springs Airport, for his thirty-one years of service with the City of Colorado Springs.

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

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

### 6. Citizen Discussion

Citizen Gerald Miller spoke about the crime in his neighborhood.

Citizen Dwayne Posey requested that City Council file an injunction against RV Horizons. Councilmember Knight stated they will look into the situation.

Citizen Victoria Heim expressed appreciation for City Council and wished everyone a happy new year.

Citizen Mark Huismann spoke in opposition of the street vacation, the proposed Colorado College stadium, and hockey rink.

Citizen Tom Noonan requested a reduction in transit fares.

Citizen Gary Casimire requested the City adopt the ranked choice voting method.

Citizen Dustin Homan spoke about issues with I-25 on-ramps.

Citizens Melody Griffin, Vickie Parris, Peter Franz, Jim Hocking, Bob Jack, Mike Anderson, and Ralph Everett from Save Our Streets Nevada requested safety-sizing Nevada Avenue in the Old North End neighborhood. Councilmember Strand asked if they are requesting safety-sizing all four streets in the Old North End neighborhood. Mr. Anderson confirmed they were.

#### 7. Mayor's Business

There was no Mayor's Business.

#### 8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

#### 9. Utilities Business

There was no Utilities Business.

#### 10. Unfinished Business

**10.A**. 18-0610

Reconsideration of the postponement date of an Ordinance No. 18-131 amending Section 101 (Authority to Impound Vehicles) of Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the authority to impound recreational vehicles and providing penalties for the violation thereof.

Presenter:

Richard Skorman, City Council President

Attachments: Council Reconsideration Letter - Skorman 1.11.19 (002).pdf

Recreational Vehicles Tow 2018 11 14.docx

Commander Sean Mandel, Colorado Springs Police Department (CSPD), presented the amendment to the Ordinance, pertaining to the authority to

impound recreational vehicles and providing penalties for vehicles parked for extended periods of time in any public right of way. He said the proposed amendment eliminates the language "in a residential area" to include all public right of ways.

Councilmember Murray asked if there is list of locations these people can move to. Commander Mandel stated the Homeless Outreach Team (HOT) team will advise them of resources where they can receive assistance.

Citizen Douglas Sharp, Reverend Ann Steiner Lantz, Scott Anderson, Alicia Erickson, Reverend Jackie Franklin, Victoria Heim, Glen Pressman, Reverend Daniel Smith, John Shephard, and Pastor Paula Stecker spoke in opposition of the proposed Ordinance.

Citizen Scott Wiser asked how this will affect tourists parked while they go into a restaurant. Commander Mandel stated tourists parked for a short periods of time will not be a problem.

Citizen Gerald Miller spoke in favor of the proposed Ordinance.

Councilmember Murray asked how many RVs would be affected.

Commander Mandel stated he does not have an exact number, but they receive a large number of complaints from business owners and consumers.

President Pro Tem Gaebler stated additional work needs to be done to address this issue and there needs to be a more robust public process.

Jeff Greene, Chief of Staff, stated there is already an existing Ordinance in place to protect residential owner private property rights and there needs to be equality with the rights of commercial businesses and retail areas.

Councilmember Geislinger stated the City needs to address public health and safety issues, but agrees that more work needs to be done to provide assistance to these individuals. He requested the item be postponed until the March 26, 2019 City Council meeting.

Councilmember Knight stated he does not support postponing it because there continues to be safety issues with black water being dumped into the stormwater drains and there needs to be a sense of urgency regarding this issue.

Councilmember Strand stated this Ordinance is based on health and safety issues and he also does not support a delay.

Councilmember Pico stated this will help enforce against polluting in public areas.

Councilmember Murray stated there needs to be a solution for where these RVs are able to park.

Councilmember Bennett stated this issue has caused a huge impact on the business community and it should not be delayed.

Councilmember Avila stated she does not support this Ordinance because she believes it would be immoral to impound someone's home and belongings. She stated the homeless are targeted for health and safety issues even though there are many other causes of pollution.

Councilmember Knight stated the Ordinance gives Colorado Springs Police Department (CSPD) the tools to inform individuals where they need to move to. He said it is not the intent that all the RVs will be impounded.

Mr. Greene said the CSPD are not currently able to address the calls they receive regarding these issues.

Councilmember Geislinger stated postponing the item for two months will not be detrimental.

President Skorman stated there needs to be a place for these people to go and he supports postponing it.

Councilmember Pico stated he believes it is a mistake to postpone it and the areas that have been suggested for these RV's to move to are privately owned.

Councilmember Knight asked if the Ordinance could be passed with an effective date of April 1, 2019. Councilmember Geislinger and President Skorman stated they will vote for this Ordinance on March 26, 2019, but want time to investigate a possible solution.

President Skorman stated he may request a reconsideration prior to March 26, 2019 if nothing substantial comes forward quickly.

Councilmember Knight commented that Council rules would have to be suspended if the reconsideration is not made prior to noon on January 11, 2019.

Motion by President Pro Tem Gaebler, seconded by Councilmember Geislinger, that the Ordinance amending Section 101 (Authority to Impound Vehicles) of Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the authority to impound recreational vehicles and providing penalties for the violation thereof be postponed to the March 26, 2019 City Council meeting. The motion passed by a vote of 5-4-0-0

Aye: 5 - Avila, Gaebler, Geislinger, Murray, and Skorman

No: 4 - Bennett, Knight, Pico, and Strand

**10.B.** <u>CPC MP</u> 18-00113

A resolution adopting the Mill Street Neighborhood Plan, replacing the 2003 Mill Street Preservation Plan and expanding the Plan's geographic scope.

Presenter:

Catherine Duarte, Senior Analyst, Community Development Division

Attachments: Resc

Resolution Mill Street Neighborhood Plan

Fiscal Impact Analysis.Mill Street

Staff Report Mill Street

Mill Street Neighborhood Plan\_Feb12 plan for adoption

Mill Street Full Appendix Feb12

This item has been postponed to the February 12, 2019 City Council meeting.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution adopting the Mill Street Neighborhood Plan, replacing the 2003 Mill Street Preservation Plan and expanding the Plan's geographic scope be postponed to the February 12, 2019 City Council meeting. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

#### 11. New Business

**11.A.** 19-028

A Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado at the general municipal election to be held on Tuesday, April 2, 2019, a ballot question on an initiated proposal for a charter amendment authorizing collective bargaining for all uniformed fire

department employees of the city except for the fire chief and the chief's direct reports

Presenter:

Sarah B. Johnson, City Clerk

Tom Florczak, Deputy City Attorney

Attachments: 10 2018-002 Statement of Sufficiency.pdf

Local5BallotRef-RES-2018-12-31

Signed Resolution 4-19

Sarah B. Johnson, City Clerk, presented the Resolution submitting to the registered qualified electors of the City at the April 2, 2019 general municipal election, a ballot question on a citizen initiated proposal for a Charter amendment authorizing collective bargaining for all uniformed Fire Department employees of the City except for the Fire Chief and the Chief's direct reports. She stated the Petitioner's Committee has provided a sufficient amount of verified petition signatures. The next step is for Council to refer the item to the April 2, 2019 general muncipal election.

John Roy, Colorado Springs Professional Firefighters Association, stated this ballot issue is to give the firefighters a long-term voice on public safety.

Councilmember Bennett and Councilmember Geislinger stated they do not support this issue, but will vote to refer the item to the ballot.

Marc Smith, Division Chief, Corporate Legislative Counsel, stated they are required by state law to refer it to the ballot.

Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, that the Resolution referring the citizen initiated proposed Charter amendment to the April 2, 2019, Election Ballot be adopted. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Skorman

No: 1 - Strand

**11.B.** 19-023

A resolution authorizing the acquisition of properties pursuant to the Federal Emergency Management Agency's Hazard Mitigation Grant Program

Presenter:

Gordon Brenner, City Office of Emergency Management Recovery Coordinator

Darlene Kennedy, City Real Estate Services Manager Jennifer Vance, City Finance Grants Program Manager

Attachments: Resolution for Acquisition 2013-2015 FEMA Landslides

Landslide Acquisition HMGP 20190107.pdf

1004 Zodiac Dr Ex A

1010 Zodiac Dr Ex B

1200 Constellation Ex C

Signed Resolution 5-19

Citizen Theresa Nielsen asked if the properties being purchased by the City were residential or commercial. Gordon Brenner City Office of Emergency Management Recovery Coordinator, stated they are three residential properties in lower Skyway.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution authorizing the acquisition of properties pursuant to the Federal **Emergency Management Agency's Hazard Mitigation Grant Program be adopted.** The motion passed by a vote of 9-0-0-0

Aye: 8 - Avila, Bennett, Gaebler, Knight, Murray, Pico, Skorman, and Strand

Absent: 1 - Geislinger

11.C. CPC CA 18-00082 Ordinance No. 19-2 adopting PlanCOS as the City of Colorado Springs Comprehensive Plan

(Legislative Item)

Presenters:

Peter Wysocki, Planning and Development Director Carl Schueler, Comprehensive Planning Manager, Planning and **Development Department** 

Attachments: ORD PlanCOS

Exhibit A PlanCOS Comprehensive Plan

Peter Wysocki, Planning and Development Director, introduced the Ordinance adopting PlanCOS as the City's comprehensive plan. He gave an overview what a comprehensive plan includes, the steering committee, the stakeholder process, and public participation.

Bruce Meighen, Principal, Logan Simpson, Lead Consultant for PlanCOS, gave an overview of the six vision theme chapters, which include Vibrant Neighborhoods, Unique Places, Thriving Economy, Strong Connections, Renowned Culture, and Majestic Landscapes. He went over the common elements of chapters 2-7 and the big ideas of PlanCOS.

Mr. Wysocki identified the process for implementation and annual reporting.

Councilmember Bennett stated the PlanCOS process took two and half years with 9,000 participants involved.

President Pro Tem Gaebler stated this plan has so much energy and excitement behind it due to all the input from community.

Councilmember Avila stated she believes this plan will be implemented because it is fluid.

Jeff Greene, Chief of Staff, stated this is a momentous occasion and expressed appreciation for all the individuals involved in the process.

Citizens Jim Raughton, David Siegel, Harry Salzman, Andy Vick, Kit Roupe, Marla Novak, Jessica McMullin spoke in favor of the proposed Ordinance.

Citizen Theresa Nielsen and Warren Schroeder spoke in opposition of the proposed Ordinance.

Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Ordinance adopting PlanCOS as the new City of Colorado Springs Comprehensive Plan be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

# **11.D.** <u>CPC CA</u> 18-00152

Ordinance No. 19-3 Amending Multiple Sections under Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the City's Comprehensive Plan

(Legislative Item)

Presenters:

Peter Wysocki, Planning and Development Director Carl Schueler, Comprehensive Planning Manager, Planning & Development Department

Attachments: ORD PlanCOS CodeAmendments

Signed Ordinance 19-3

Please see comments in Agenda item 11.C.

Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Ordinance amending multiple sections under Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the City's Comprehensive Plan be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

**11.E.** 18-0622

Ordinance No. 19-4 amending Section 104 (Council Meetings; Procedure) of Part 1 (Elective Officers) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to approval of settlement of claims and litigation by City Council.

Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney Erik Lamphere, Litigation Division Chief, Office of the City Attorney

Attachments: CAO-SettlementsCouncilORD-2018-11-30

Signed Ordinance 19-4

Tracy Lessig, Employment Division Chief, Office of the City Attorney, stated these three Ordinances were a result of City Council's request for additional transparency in regards to settlements.

Councilmember Geislinger stated these procedures have been followed since August 2018.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance amending Section 104 (Council Meetings; Procedure) of Part 1 (Elective Officers) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to approval of settlement of claims and litigation by City Council be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

11.F. 18-0623 Ordinance No. 19-5 amending Section 407 (Make Reports) of Part 4 (Powers and Duties of the City Attorney) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to reports made by the City Attorney to the Mayor and City Council.

Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney Erik Lamphere, Litigation Division Chief, Office of the City Attorney

CAO-MakeReportsORD-2018-12-04 Attachments:

Signed Ordinance 19-5

Tracy Lessig, Employment Division Chief, Office of the City Attorney, stated this Ordinance pertains to the timeliness in notifying Council of settlements.

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance amending Section 407 (Make Reports) of Part 4 (Powers and Duties of the City Attorney) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to reports made by the City Attorney to the Mayor and City Council be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

#### **11.G.** 18-0624

Ordinance No. 19-6 Amending Section 503 (Compromise or Settlement of Claims) of Part 5 (Claims Management) of Article 5 (Finance Management Procedures) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the City Attorney's Authority to Settle Claims

#### Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney Erik Lamphere, Litigation Division Chief, Office of the City Attorney

Attachments: CAO-CAOAuthoritySettlementsORD-2018-11-26 Signed Ordinance 19-6

> Tracy Lessig, Employment Division Chief, Office of the City Attorney, stated this Ordinance addresses a cleanup issue of the City Attorney's authority to settle claims which is already addressed in another City Code section.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance amending Section 503 (Compromise or Settlement of Claims) of Part 5 (Claims Management) of Article 5 (Finance Management Procedures) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the City Attorney's authority to settle claims be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

#### 12. Public Hearing

There was no Public Hearing.

#### 13. Added Item Agenda

There were no items added to the Agenda.

## 14. Executive Session

There was no Executive Session.

# 15. Adjourn

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

Sarah B. Johnson, City Clerk