

COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
JANUARY 22, 2013 – 1:00 P.M.

Council met in Regular Session.

There were present: President Hente, President Pro Tem Martin, Councilmembers Bennett, Czelatdko, Dougan, Herpin, Leigh, Snider, and Williams. Also present, Mayor Bach, City Attorney/Chief Legal Officer Melcher and Deputy City Attorney Florczak.

1. **Invocation and Pledge of Allegiance.**

The meeting was opened with an invocation by Karen Fallahi, BaHa'l Faith.

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2. **Changes to Agenda/Postponements.**

It was requested that Item No. 12, Drake Task Force Appointments, be moved to follow the Mayor's Communications.

Motion by Williams, second by Czelatdko, that Item No. 12, Drake Task Force Appointments, be moved to follow the Mayor's Communications.

Ayes: Hente, Herpin, Martin, Snider, Williams, Bennett, Czelatdko
Noes: Leigh, Dougan
Absent: None

President Hente declared the motion carried.

CONSENT CALENDAR

3. The following items were acted upon by unanimous consent of the members present.

SECOND PRESENTATION:

A-1. Ordinance No. 13-1 entitled " AN ORDINANCE AMENDING ORDINANCE NO. 12-108 (2013 APPROPRIATION ORDINANCE) FOR A SUPPLEMENTAL APPROPRIATION TO THE CONSERVATION TRUST FUND IN THE AMOUNT OF \$175,000 FOR THE DEVELOPMENT OF A COMPREHENSIVE PARKS, OPEN SPACE, TRAILS AND RECREATION MASTER PLAN" was presented for final passage.

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FIRST PRESENTATION:

- B-1. Resolution No. 4-13 was presented: "A RESOLUTION APPROVING AN AMENDMENT TO THE COLORADO SPRINGS INDEPENDENT ETHICS COMMISSION'S RULES OF PROCEDURE."
- B-2. Resolution No. 5-13 was presented: "A RESOLUTION APPOINTING MEMBERS OF THE BOARD OF DIRECTORS OF PUBLIC AUTHORITY FOR COLORADO ENERGY ("PACE") FOR STAGGERED TERMS EFFECTIVE DECEMBER 15, 2012."
- B-3. Resolution No. 6-13 was presented: "A RESOLUTION DETERMINING THE NECESSITY, AND AUTHORIZING THE ACQUISITION OF, AND ENTRY INTO POSSESSION AND USE AGREEMENTS FOR, CERTAIN REAL PROPERTY FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS."
- B-4. Resolution No. 7-13 was presented: "A RESOLUTION GRANTING PERMISSION TO CLOSE CONSENSUAL TRANSACTIONS FOR THE ACQUISITION OF PROPERTY FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS."
- B-5. CPC A 12-00013: Resolution No. 8-13 was presented: "A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THE AREA KNOWN AS PARK VISTA ADDITION NO. 4 CONSISTING OF 0.57 ACRE TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF FEBRUARY 26, 2013 FOR THE COLORADO SPRINGS CITY COUNCIL TO CONSIDER THE ANNEXATION OF THE AREA."
- B-6. DRB V 12-00057: Ordinance No. 13-2 entitled: "AN ORDINANCE VACATING A HISTORIC PUBLIC ALLEY RIGHT-OF-WAY CONSISTING OF 401 SQUARE FEET LOCATED WITHIN THE LOWELL ADDITION AT THE NORTHEASTERN CORNER OF SOUTH NEVADA AND EAST LAS VEGAS STREET" was introduced and read.
- B-7. AR V 12-00566: Ordinance No. 13-3 entitled: "AN ORDINANCE VACATING A PORTION OF CORPORATE DRIVE PUBLIC RIGHT-OF-WAY CONSISTING OF 15,865 FEET BOUNDED BY TWO PRIVATE PROPERTIES ON THE NORTH AND SOUTH (LOTS 8 AND 9 CORPORATE CENTRE FILING NO. 3), A SOUTHBOUND FRONTAGE ROAD OF INTERSTATE 25 ON THE EAST, AND CORPORATE DRIVE ON THE WEST" was introduced and read.
- B-8. Appointments to various Boards and Commissions.

Motion by Snider, second by Dougan, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present.

Ayes: Hente, Herpin, Leigh, Martin, Snider, Williams, Bennett, Dougan, Czelatdko
Noes: None
Absent: None

President Hente declared the motion carried.

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4. **Resolution of Appreciation.**

Councilmember Herpin read the Emancipation Proclamation, which was signed by President Abraham Lincoln in 1863. In commemoration of the 105th Anniversary of its signing, Councilmembers Martin and Herpin attended the All Peoples' Breakfast on January 8, 2013, where it was also read. Four members from the NAACP came forward to receive a copy of this proclamation.

CITIZEN DISCUSSION

Jeramie Sprague spoke about the homeless living in their vehicles, who are being issued tickets on Cimarron Avenue. Mr. Sprague lives in his RV, is homeless and unemployed. Aimee Cox, City Council Liaison, will gather information for referral groups that might be able to help him.

John O'Day distributed photos and spoke about people that are putting up basketball hoops in the public right-of-way of the road, and parents are allowing their children to play in the road in the Falcon Estates Filing 2 neighborhood. Mr. O'Day believes this is very dangerous and unsafe, and that the parents should not be allowed to do this. Aimee Cox, City Council Liaison, will get Mr. O'Day's contact information and refer him to the appropriate City Agency for resolution.

Scott Anderson stated that he is a real outdoorsman and lives in a camper. Mr. Anderson spoke on the homeless issue in the City and wants to find solutions to homelessness.

Larry Edwards, Colorado Ed's Food For Thought, complimented the Council on the good work they did on the Memorial Health Project and for not selling the Utilities. Mr. Edwards asked why there are three at-large Council Members, and suggested that we just have six Council districts.

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5. **Approval of Minutes.**

Motion by Snider, second by Martin, that the Minutes of the regular Council Meeting of January 8, 2012, be approved as written. The motion unanimously carried on a voice vote.

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6. **Mayor's Communications.**

Mayor Bach stated that Council is considering four Charter Amendments today, and suggested that we launch a Charter Review and then possibly bring this up for a vote in November. Mayor Bach also mentioned that we could have Town Hall Meetings, so the public could have input on changes to the charter.

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12. Drake Task Force Appointments.

Councilmember Dougan stated that six out of nine candidates who live and work in Colorado Springs, do not live further north than Woodmen Road, and this is not a good geographical representation.

Councilmember Leigh had concerns about names on the list and the vetting process.

President Hente stated that Council has a history of accepting the work of Councilmembers assigned to the task of developing a list, and when a sub-set of Council does a nomination it should be respected.

Councilmembers Czelatko and Williams stated that they used a very open process and kept everyone informed when selecting this task force. They stated that geographical location was not a factor in the decision making for the members.

Councilmember Bennett stated he did a detailed review, and supports the list as provided.

Motion by Williams, second by Czelatko, that the Drake Task Force Appointments be approved.

President Hente declared the motion carried on a voice vote.

UNFINISHED BUSINESS

7. Resolution No. 9-13 was presented: "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, 2013, THE QUESTION OF MODIFYING THE USE OF THE CURRENT EXISTING 0.01% (ONE TENTH OF A CENT) CITY SALES AND USE TAX FOR TRAILS, OPEN SPACE, AND PARKS (TOPS) FOR THE PURPOSE OF ALLOWING THE PORTION OF THE REVENUE ALLOCATED FOR PARKS TO BE USED TO ACQUIRE, CONSTRUCT AND MAINTAIN NEW PARK AREAS AND TO MAINTAIN AND RENOVATE ALL PARKS COMMENCING WITH COLLECTIONS ON AND AFTER JANUARY 1, 2013, PROVIDING FOR THE FORM OF BALLOT TITLE, PROVIDING FOR CERTAIN MATTERS WITH RESPECT TO THE ELECTION AND PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION" was presented for final passage.

Karen Palus, Director of Parks, Recreation and Cultural Services, presented an explanation on the ballot measure by the City that does not contain a maintenance of effort (MOE) clause.

Aimee Cox, City Council Liaison, presented an explanation of a second ballot measure that does contain an (MOE) clause.

Mayor Bach spoke on behalf of the City ballot measure that does not contain an (MOE) and would not tie the hands of future Mayors and Council.

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Jackie Hilaire, Parks Board, spoke for an MOE on the ballot proposal and stated that the beauty of our area could attract people to come here.

Paul Kleinschmidt does not support an MOE.

Ian Kalmanowitz, Chairman of the TOPS Committee, spoke for an MOE. Mr. Kalmanowitz stated that TOPS was designed to support, not supplement, General Fund money for Parks.

Susan Davies, Trails, Open Space and Parks Coalition, supports an MOE.

Terry Storm, President of Pikes Peak Association of Realtors, does not support an MOE.

Tom Gallagher does not support an MOE and stated that it's not appropriate to acquire something if you can't maintain it.

Bill Koerner, Trails, Open Space and Parks Coalition, supports an MOE and stated the need for maintenance to be used correctly.

Motion by Dougan, second by Bennett, that the resolution be adopted.

Ayes: Hente, Herpin, Leigh, Snider, Bennett, Dougan, Czelatdco

Noes: Williams, Martin

Absent: None

President Hente declared the motion carried.

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NEW BUSINESS

8. Ordinance No. 13-4 entitled "AN ORDINANCE SUBMITTING A CHARTER AMENDMENT TO THE ELECTORS OF THE CITY FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 2, 2013, RELATING TO COUNCILMEMBER COMPENSATION" was introduced and read.

Tony Gioia, Young Professionals, spoke for the proposal and stated that more young professionals could become Council Members if compensation made it possible.

Laura Long spoke for the proposal and suggested that citizens decide on Councilmember compensation.

Mayor Bach spoke against the ballot proposal and stated that we need a complete review of the Charter. This issue is only one of the issues to consider in that review process, and there is also a concern about how we are going to pay for it.

Kristy Milligan, Citizen Project, spoke for the proposal and said better compensation would allow more to participate.

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David Munger, President of Council of Neighborhood Organizations, spoke for the proposal and stated that voters should have a chance to decide on Council compensation.

Sean Paige spoke against the proposal, and believes that these Council Members have performed well, but night meetings may allow more people to attend.

Veronica Frias, spoke for the proposal and stated that it should be presented to the citizens.

Larry Edwards, Colorado Ed's Food For Thought, spoke against the proposal.

Paul Kleinschmidt, Taxpayers Coalition, spoke against the proposal and for Charter Review.

Tom Gallagher spoke against the proposal and stated that a new Charter would be better than too many Charter Amendments.

Terry Storm, President of Pikes Peak Association of Realtors, spoke against the proposal and stated that the whole Charter should be reviewed.

Ralph Braden, Norwood Development Group, spoke against the proposal and stated that it should not be on the ballot until after a Charter Review.

Karen Gaos spoke for the proposal and stated that compensation should be for a full-time job.

John Weiss, Publisher, Colorado Springs Independent, spoke for the proposal as an advocate for the Young Professionals.

Sean Phelps spoke against the proposal and stated that there should be a review of the Charter and the role of the Council.

Motion by Williams, second by Snider, that the ordinance be passed.

Ayes: Hente, Snider, Czelatdko, Williams, Martin

Noes: Herpin, Bennett, Dougan, Leigh

Absent: None

President Hente declared the motion carried.

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9. An ordinance submitting Charter amendments to the electors of the City for the General Municipal Election to be held April 2, 2013, relating to Colorado Springs Utilities Contracts.

Larry Edwards, Colorado Ed's Food For Thought, spoke against the proposal.

Kanda Calef spoke in favor of a Charter Review Committee, and stated that she did not support Item Nos. 9 and 10 at this time, and asked that they be postponed.

Motion by Leigh, second by Bennett, that the ordinance be postponed indefinitely.

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Ayes: Snider, Bennett, Leigh, Dougan, Herpin
Noes: Williams, Martin, Hente, Czelatdko
Absent: None

President Hente declared the motion carried.

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10. An ordinance submitting Charter amendments to the electors of the City for the General Municipal Election to be held April 2, 2013, relating to an elected City Attorney.

Motion by Leigh, second by Bennett, that the ordinance be postponed indefinitely.

Ayes: Williams, Bennett, Leigh, Dougan, Czelatdko, Snider, Herpin
Noes: Martin, Hente
Absent: None

President Hente declared the motion carried.

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11. An ordinance submitting a Charter amendment to the electors of the City for the General Municipal Election to be held April 2, 2013, related to an elected Board of Directors of Colorado Springs Utilities.

Councilmembers expressed concern about not receiving the information relating to this ordinance until arriving at today's meeting. They stated that they did not have adequate time to review and vote on such an important item that so highly impacts the City of Colorado Springs.

Chris Melcher, City Attorney, stated that from the time this ordinance and the documents relating to it were received, he had only three business days to review them and provide legal advice to City Council. Attorney Melcher also stated that this would be a new article to the Charter, and legally there is not enough time to properly research and discuss to get this item on the ballot for April 2, 2013 or the proposed June Special Election.

Mayor Bach stated that this would be fundamental change to our biggest and most important asset and that more time would be needed to craft legislation.

Jan Doran spoke against postponement and stated that it should move forward in the future.

Walter Lawson spoke against postponement, and stated that there has been no discussion on this and that there could be five discussions in seventy days before the next election. Mr. Lawson stated the we should focus on this issue and make it a priority.

Sean Paige spoke for postponement, and stated that this legally cannot be done at this time.

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Terry Storm, President of Pikes Peak Association of Realtors, spoke for postponement and stated that a review would be good and that we need an appointed board for Utilities.

Tom Gallagher spoke for postponement, and stated that we need to allow the discussion to continue in the community.

Mike Jorgenson, (Red Nolan Cadillac) and Chair of the Regional Colorado Springs Business Alliance, spoke for postponement, but not on behalf of the Business Alliance. Mr. Jorgenson, stated that we have a great Utility, but some changes need to be made and that our actions can determine our future economic opportunities.

Will Evans, Colorado Springs native and young professional, spoke for postponement and stated that Utilities are doing a great job, but there's a lot of uncertainty about possible changes to energy sources that require further discussion.

Motion by Leigh, second by Bennett, to indefinitely postpone this ordinance.

Ayes: Bennett, Leigh, Dougan, Snider, Herpin, Martin
Noes: Hente, Williams, Czelatdko
Absent: None

President Hente declared the motion carried.

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9. Reconsideration of Item 9: An ordinance submitting Charter amendments to the electors of the City for the General Municipal Election to be held April 2, 2013, relating to Colorado Springs Utilities Contracts.

Motion by Snider, second by Williams, to reconsider Item No. 9. to be voted on.

Ayes: Hente, Martin, Snider, Williams, Czelatdko
Noes: Herpin, Bennett, Dougan, Leigh
Absent: None

President Hente declared the motion carried.

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9. An ordinance submitting Charter amendments to the electors of the City for the General Municipal Election to be held April 2, 2013, relating to Colorado Springs Utilities Contracts.

Motion by Leigh, second by Bennett, to postpone this ordinance indefinitely.

Ayes: Hente, Herpin, Leigh, Bennett, Dougan
Noes: Czelatdko, Williams, Snider, Martin
Absent: None

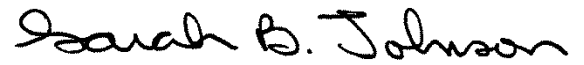
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President Hente declared the motion carried.

12. **SEE ACTION TAKEN EARLIER IN THE MEETING**

At 6:38 P.M., there being no further business to come before City Council,

COUNCIL ADJOURNED

A handwritten signature in black ink that reads "Sarah B. Johnson". The signature is written in a cursive style with a large initial 'S'.

Sarah B. Johnson
City Clerk