

**Council met in Regular Session.**

There were present: President King, President Pro Tem Bennett, Councilmembers Collins, Gaebler, Knight, Martin, Miller, Pico and, Snider.

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1. **Call to Order.**

City Clerk Johnson called the roll. All members were present.

2. **Invocation and Pledge of Allegiance.**

The meeting was opened with an invocation by Reverend Kent Ingram, First United Methodist Church.

3. **Changes to Agenda/Postponements.**

An additional item was added: "Item No. 11: A Resolution to Extend the 2013 Intergovernmental Agreement for Human Services Transportation between the City of Colorado Springs and El Paso County."

4. **Councilmember Comments.**

Councilmember Collins conveyed her interest to hold Council meetings in the evenings so more people could attend.

**CONSENT CALENDAR**

5. The following items were acted upon by unanimous consent of the members present with the exception of Items A-2, B-2, B-4, B-5, and B-6 which were called up for separate consideration:

**SECOND PRESENTATION:**

A-1 Ordinance No. 13-29 entitled: "An Ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the Airport Capital Fund in the amount of \$220,000 for the construction of the Sand Creek Drainage Repair project at the Colorado Springs Airport " was presented for final passage.

A-2. See action taken later in the meeting.

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**FIRST PRESENTATION:**

- B-1. Approval of the Minutes of the Regular Council Meeting of May 14, 2013.
- B-2. See action taken later in the meeting.
- B-3. Ordinance No. 13-32 entitled: "AN ORDINANCE CREATING THE AUDIT COMMITTEE" was introduced and read.
- B-4. See action taken later in the meeting.
- B-5. See action taken later in the meeting.
- B-6. See action taken later in the meeting.

Motion by Bennett, second by Martin, that all matters on the Consent Calendar with the exception of Items A-2, B-2, B-4, B-5, and B-6, be passed, adopted, and approved by unanimous consent of the members present.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider  
Noes: None  
Absent: None

The motion carried unanimously on a 9-0 vote.

**6. Recognitions.**

- A. Resolution No. 55-13 was presented: "A Resolution of Appreciation recognizing Automotive Service Professionals Week, June 10-16, 2013."

Motion by Martin, second by Bennett, that the Resolution be adopted.

Ayes: Bennett, Collins, Gaebler, King, Martin, Miller, Pico, Snider  
Noes: Knight  
Absent: None

The motion passed on an 8-1 vote.

- B. Resolution No. 56-13 was presented: "A Resolution of Appreciation recognizing Older Americans Month, May 2013."

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Motion by Martin, second by Snider, that the Resolution be adopted.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

### 7. **Citizen Discussion.**

President King acknowledged there were many present today to speak on the topic of local retail sales of marijuana. He announced that there will be a Public Hearing dedicated specifically for this topic on June 27<sup>th</sup>, at 1:00 p.m. (*It was later determined, during the Council Work Session, the better time would be 4:00 – 7:00 p.m. Public Notice will be issued accordingly.*) President King stated that the first date Council will take action on this matter is July 23<sup>rd</sup>.

Those who spoke to support a ban, or at least a moratorium, on retail sales of marijuana included: Lieutenant General Ed Anderson, Major General Bentley Rayburn, General Pete Piotrowski, Major General Swede Dylewski, Major General Larry Fortner, and Major General Wesley Clark, Jo McGuire, Joe Raso, Paul Sotello, and Brian Burnett.

Those who spoke to support retail sales of marijuana included: Robert Nemanich, K. C. Stark, Ali Hillery, Ashley Knutson, Gina Hains, Mark Slaugh, Judith Negley, Tom Gallagher.

Dale Hiatt, Whitney Galbraith, Walter Lawson, Ed Osborne, and Lee Pelton spoke against the closure of Cheyenne Mountain Boulevard.

Charles Barber spoke to protect the City's infrastructure at North Circle and Palmer Park Boulevard, stormwater issues, and to the economy of the community.

Warren Castor spoke against a ban on smoking in public housing, especially in consideration of those who are handicapped and unable to move around easily.

Elaine Doudna spoke in support of Solar Gardens and to preserve our publically owned utility.

### 8. **Mayor's Business.**

Mayor Bach described the input he has received from leaders of local organizations and the military relative to recreational marijuana and the potential impact on public health, safety, and jobs. He stated he supports the opt-out provision for local jurisdictions, emphasizing that it is essential to send a message to our primary employers that we are not going to allow this type of commercial activity in Colorado Springs.

### **ITEMS CALLED OFF CONSENT CALENDAR**

A-2. Ordinance No. 13-30 entitled: "An Ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the

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amount of \$1,420,000 for the purposes of implementation of Phase One of the Compensation Study results, and to multiple other funds in the total amount of \$775,400 as stated to implement Phase One of the Compensation Study results" was presented for final passage.

Councilmember Miller stated his support for approving the ordinance based on having received clarification of the financial impact behind attrition, costs of recruiting and training. He asked that, in the future, relevant committees be consulted to provide Council with the appropriate background to make informed decisions prior to presentation for formal action.

Motion by Miller, second by Bennett, that the motion be finally passed.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

### B-2: Appointments to various Boards and Commissions.

Councilmember Knight stated he pulled this item off the Consent Calendar because he had no background on the new nominee, Mr. Chuck Murphy. Councilmember Bennett explained Mr. Murphy's long-term residency in Colorado Springs, his extensive background owning and operating businesses in the downtown area, and his continuous support of the community and downtown development.

Motion by Bennett, second by Gaebler, to approve the appointments to the Downtown Development Authority.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

### B-4: Resolution No. 57-13 was presented: "A Resolution directing the Chief Executive Officer of Colorado Springs Utilities to execute an addendum to the Short-Term Water Service Agreement with Cherokee Metropolitan District."

Councilmember Knight stated he called this item from the Consent Calendar due to concerns that the costs in various reports he had reviewed seemed to change with each report. Mr. Wayne Vanderschuere, CSU's GM of Planning & Engineering, clarified by stating the corrected materials were provided at the Utilities Board meeting the previous week and those numbers were being presented to Council again today.

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Motion by Bennett, second by Miller, that the Resolution be adopted.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

- B-5: "A Resolution of the City Council of the City of Colorado Springs, Colorado approving amendments to its special district policy and model service plans."

Councilmembers Miller and Knight expressed concerns relative to approving the resolution without a legal briefing on special districting policy. Councilmember Bennett asked Mr. Wysocki if there were any negative implications in delaying the vote. Mr. Wysocki responded there would be no problem with delaying, the action is simply amending the existing policy.

Motion by Miller, second by Knight, to postpone the item until the July 8<sup>th</sup> Work Session for a legal briefing with formal action to follow on July 23<sup>rd</sup>.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

- B-6: CPC V 13-00007: ["A request by M&S Civil Consultants, Inc. on behalf of Informa, Inc. for approval of a vacation of the alley right-of-way consisting of 0.43 acre in Block 14 of Forest Meadows Filing No. 1 Subdivision generally located northeast of Woodmen Road and Black Forest Road"] was introduced and read.

Councilmember Knight asked about the current status of the alley and costs of moving existing utilities in order to vacate easements. Mr. Wysocki responded that the costs are typically the applicant's responsibility.

Councilmembers Knight and Miller expressed confusion about whether this matter should have first gone through the Planning Commission's review process and then referred to Council. City Attorney Melcher and Senior Planner Larsen agreed there was ambiguity in the City Code as to whether the matter should go directly to Council for review and approval, or first through the Planning Commission. Mr. Melcher stated that the City Attorney's office will prepare a legal opinion to clarify.

Motion by Knight, second by Miller, to postpone the item until the June 25<sup>th</sup> Regular Council meeting.

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Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider  
Noes: None  
Absent: None

The motion passed unanimously on a 9-0 vote.

**UNFINISHED BUSINESS**

9. Ordinance No. 13-31 entitled: "An Ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$300,000 for the public safety police motorcycle replacement" was presented for final passage.

Councilmember Martin commented that she believed this type of appropriation should be a part of the budgetary process; Councilmember Collins asked if staff had requested bids for the purchase of the motorcycles; Councilmember Pico stated he believed Council had sufficient information to move forward with the appropriation.

Motion by Bennett, second by Pico, that the motion be finally passed.

Ayes: Bennett, Gaebler, King, Knight, Pico, Snider  
Noes: Collins, Martin, Miller  
Absent: None

The motion passed on a 6-3 vote.

**NEW BUSINESS**

10. Resolution No. 58-13 was presented: "A resolution approving the procedures for investigation and hearing of ethics complaints under the City Code of Ethics."

Division Chief – HR, Tracy Lessig, explained the purpose of the Resolution is to address areas where the Code is currently silent as to what Council's options are should an Independent Ethic Commission ("IEC") investigation move forward.

Motion by Martin, second by Snider, that the Resolution be adopted.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider  
Noes: None  
Absent: None

The motion passed unanimously on a 9-0 vote.

11. **Added Item to Agenda.**

Resolution No. 59-13 was presented: "A Resolution to Extend the 2013 Intergovernmental Agreement for Human Services Transportation between the City of Colorado Springs and El Paso County."

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Mr. Craig Blewitt, Transit Services Division Manager, explained the proposed resolution to extend the current agreement to provide transportation services for the Fountain Valley Senior Center through 2013. He stated the agreement is funded by PPRTA and was included in the PPRTA 2013 budget.

Councilmember Knight reminded the Council and staff that Council gave direction at the May 13 Work Session meeting that no further extensions would be granted and staff would need to conduct an RFP process for the service.

Motion by Bennett, second by Pico, that the Resolution be adopted.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

**12. Executive Session**

Mr. Melcher stated the subject matter of the closed legal discussion would be relative to the Memorial replacement benefits matter. He then read the request to enter into a Closed Executive Session. President King called for a voice vote to establish consensus. Consensus was established on a 6-3 vote:

Ayes: Bennett, Gaebler, King, Knight, Martin, Pico

Noes: Collins, Miller, Snider

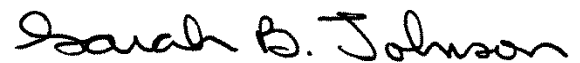
Absent: None

Council moved to Closed Executive Session at 3:56 p.m. and returned at 4:27 p.m.

**13. Adjourn.**

At 4:28 p.m., there being no further business to come before City Council,

COUNCIL ADJOURNED



Sarah B. Johnson  
City Clerk