COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
SEPTEMBER 10 – 1:00 P.M.

Council met in Regular Session.

There were present: President King, President Pro Tem Bennett, Councilmembers Collins, Gaebler, Knight, Martin, Miller, Pico, and Snider. Also present, Chief of Staff Neumann and Legislative Counsel Massey.

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1. **Call to Order.**

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

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

The meeting was opened with an invocation by Pastor Scott Bottoms from the Church at Briargate.

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

There was a request by Mayor Bach to move Item 8, Mayor's Business, and Item 8-A, Swearing in of the Fire Chief, to immediately follow Item 3, Changes to Agenda/Postponements.

Motion by Snider, second by Bennett, to approve the agenda change. Consensus of Council approved the motion.

8. **Mayor's Business.**

8A. Swearing-in of the new Fire Chief.

Mayor Bach briefly described Chris Riley's background and firefighting experience. He then performed the swearing-in of Colorado Springs' new Fire Chief.

4. **Councilmember Comments.**

President King acknowledged Fire Chief Riley's qualifications, thanked him for joining the City, and stated we are looking forward to working with him in the future.

Councilmember Knight described he went by Fire Station 18 when Pikes Peak Culinary Class was feeding the firefighters. He stated they plan to do the same at all fire stations and encouraged other Councilmembers to go out and show their support at those stations in their districts.

Councilmember Collins announced she would be having a townhall meeting for District 4 at the Satellite Hotel, on Tuesday, September 17th, at 6:30 p.m. and invited everyone to come.

Councilmember Miller described his disappointment with the lack of transparency and opportunity for citizen input on the proposed City of Champions downtown development project. He reaffirmed his commitment to ask tough questions while serving as a Councilmember.

CONSENT CALENDAR

5. The following items were acted upon by unanimous consent of the members present, with the exception of Items A-1, A-2, B-3, B-4, and B-6, which were called up for separate consideration:

SECOND PRESENTATION:

A-1. See action taken later in the meeting.

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

FIRST PRESENTATION:

B-1. Approval of the Minutes of the regular Council Meeting of August 27, 2013.

B-2. Appointments to various Boards and Commissions. See attached list.

B-3. See action taken later in the meeting.

B-4. See action taken later in the meeting.

B-5. **Powers Skilled Nursing Facility**

B-5A. CPC ZC 13-00063: (Quasi-Judicial Matter) Ordinance No. 13-56 entitled: "An Ordinance amending the zoning map of the City of Colorado Springs relating to 4.5 acres located South of Briargate Parkway, East of Powers Boulevard and West of Grand Cordera Parkway [from A (Agricultural) to PBC (Planned Business Center)] was introduced and read.

B-5B. CPC CU 13-00064: (Quasi-Judicial Matter) Request by H and L Architecture on behalf of High Valley Land Company, LLC for a conditional use development plan to allow the Powers Skilled Nursing Facility in PBC (Planned Business Center) zone district. The facility is a temporary rehabilitation facility housing 80 beds, therapy spaces, dining room with kitchen, and administrative and support space. The property is located south of Briargate Parkway, east of Powers Boulevard and west of Grand Cordera Parkway.

Motion by Bennett, second by Martin, that all matters on the Consent Calendar with the exception of Items A-1, A-2, B-3, B-4, 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 passed unanimously on a 9-0 vote.

6. **Recognitions.**

There were no recognitions.

7. **Citizen Discussion.**

Charles Barber spoke regarding infrastructure, stormwater, and public safety needs at North Circle Drive and Palmer Park Boulevard.

Jeffrey Justice, Maurcedes Cordova, Beth Mosley, and Diane Whitley described their concerns about the August 30th dog shooting by a CSPD police officer. They proposed more humane methods to avoid such occurrences. Councilmember Gaebler acknowledged that Council does take this issue and their concerns seriously.

Welling Clark, President of Organization for Westside Neighbors, provided an update on their efforts to clean up what is considered "No Man's land" on the west side along Colorado Avenue between Old Colorado City and Manitou Springs. He described their campaign to encourage individuals who want to help the disadvantaged to contribute to charities that have developed programs specifically focused for this population and acknowledged the value of support given by the neighboring enforcement agencies.

David Lord encouraged Council's support for the City of Champions downtown development opportunity in order to promote tourism and increase jobs.

Douglas Bruce spoke against the City of Champions development while stormwater issues remain unresolved.

8. **Mayor's Business.**

8A. See action taken earlier in the meeting.

ITEMS CALLED OFF CONSENT CALENDAR

A-1. Ordinance No. 13-48 entitled: "An Ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the Black Forest Fire Grant Fund in the amount of $263,116 and to the General Fund in the amount of $165,895 for the purpose of funding expenses associated with the Black Forest Fire" was presented for final passage.

Douglas Bruce spoke against the Ordinance.

Councilmember Collins stated she was against the Ordinance and would rather see the money support stormwater issues.

Motion by Gaebler, second by Bennett, that the Ordinance be finally passed.

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

The motion passed on an 8-1 vote.

A-2. Ordinance No. 13-54 entitled "An Ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the Capital Project Fund in the amount of $200,000 for the purpose of a traffic signal at Marksheffel Road and Dublin Boulevard" was presented for final passage.

Councilmember Collins asked to receive an e-mail from staff regarding the actual costs for traffic signals.

Douglas Bruce spoke against the cost of the traffic signal.

Councilmembers Pico and Knight agreed these were good questions and suggested tabling the subject for two weeks.

Motion by Pico, second by Collins, to table the item for two weeks.

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

The motion passed on a 7-2 vote.

B-3. Resolution No. 79-13 was presented: "A resolution approving the assignment of 2013 Private Activity Bond allocation to El Paso County."

Bob Cope, Senior Business Climate Specialist, provided a brief explanation of the Private Activity Bond (PAB), it's intended uses and the City's options. The City has until September 16th to determine the use for the $20,233,718 allocation for 2013 or it will revert back to the State.

Councilmember Collins asked how projects were selected for the bond describing this area as a heavy crime and flood area and would not want to see projects that are built in the area fail.

Douglas Bruce spoke against the Resolution.

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

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

Noes: Collins, Miller
Absent: None

The motion passed on a 7-2 vote.

B-4. Resolution No. 80-13 was presented: "A Resolution amending Note 7 for Railroad Five Subdivision Filing No. 1 and Note 7 for Railroad Five Subdivision Filing No. 2."

Peter Wysocki, Director, Planning and Land Use Review, explained the details of the Resolution.

Councilmember Miller asked about the compliance with appropriate board review and other criteria, stating he did not see affirmatively that these had been complied with. He also asked about the responsibility for removing the utility pole. Mr. Wysocki responded with an explanation of the due process followed and approvals that were received. Applicant, Tim Nakai, also responded that the utility pole had been moved at the developer's expense.

Councilmember Gaebler stated she believed the Downtown Review Board (DRB) is a real asset to downtown with each individual's specific expertise and cautioned against a perception that they don't serve a valid and important purpose for the community.

Rich Guy, a member of the Downtown Development Authority (DDA) Board and representative of the DDA to the DRB, stated they had heard and approved this application just recently and believes the project is worthwhile.

Councilmember Snider asked about the qualities they look for when soliciting members of the DRB Board. Mr. Guy responded with an explanation of the history and purpose of Form Based Code and the methodology to consider form vs. use in order to create a uniformed appearance.

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

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

The motion passed on an 8-1 vote.

B-6. **<u>Promontory Shops at Briargate</u>**

B-6A. CPC ZC 13-00067: (Quasi-Judicial Matter) Ordinance No. 13-57 entitled: "An Ordinance amending the zoning map of the City of Colorado Springs relating to 2.79 acres located at the Southeast Corner of Chapel Hills Drive and Research Parkway [from PIP-1/cr (Planned Industrial Park with Conditions of Record) to PBC (Planned Business Center)]" was introduced and read.

Councilmember Knight asked if the change can be to the concept plan and not the zone until it is known what is actually going in at the location. Mr. Wysocki explained zoning

criteria vs. the concept plan and stated what is consistent and compatible is carefully considered.

Motion by Bennett, second by Martin, that the Ordinance be passed as introduced.

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

The motion passed on a 6-3 vote.

B-6B. CPC CP 13-00068: (Quasi-Judicial Matter) Request by Intergroup Architects on behalf of Orix Prime West for approval of the Promontory Shops at Briargate Concept Plan that illustrates a one-lot commercial/retail development accommodating 17,000 to 22,000 square feet of commercial/retail type uses with associated parking for the property located at the northeast corner of Chapel Hills Drive and Research Parkway.

Motion by Bennett, second by Martin, to approve the Concept Plan.

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

The motion passed on an 8-1 vote.

UTILITIES BUSINESS

There was no Utilities Business.

UNFINISHED BUSINESS

9. Ordinance No. 13-55 entitled: "An Ordinance 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 City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2013B-1 in an aggregate principal amount of not to exceed $65,000,000 and Series 2013B-2 in an aggregate principal amount of not to exceed $85,000,000 payable solely 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 a bond purchase agreement and an official statement; and providing other matters relating thereto" was presented for final passage.

Dede Jones, CSU's General Manager, Financial Services, addressed Council and described the Utilities request and use of the funds. She stated that all three credit rating agencies their credit rating as double AA with a stable outlook. She assured Council that leadership has carefully been scrutinizing the use of the funds.

Douglas Bruce spoke against the Ordinance.

Motion by Miller, second by Martin, that the Ordinance be finally passed.

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

The motion passed on an 8-1 vote.

NEW BUSINESS

10. Resolution No. 81-13 was presented: "A resolution to authorize the Colorado Springs Airport to submit an application to the Colorado Department of Transportation State Infrastructure Bank – Aviation Division for a loan in an amount not to exceed $10,000,000 to fund preapproved and future Passenger Facility Charge (PFC) projects and other anticipated capital projects."

Dan Gallagher, Interim Director of Aviation, provided extensive explanation on how reserves are created, described scenarios for costs and potential revenues generated, and additional details of the loan transaction.

Councilmembers Knight, Miller, and Pico asked various questions relative to the use of the $10 million, ancillary benefits, and other operational variables.

Douglas Bruce spoke against the Resolution.

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

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

The motion passed on an 8-1 vote.

11. Ordinance No. 13-58 entitled: "An ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the Airport Capital Fund in the amount of $233,956 for the design and construction of a Premier Lounge at the Colorado Springs Airport" was introduced and read.

Councilmember Knight asked for further explanation of the calculations for the CPE. Mr. Gallagher explained the calculations.

Douglas Bruce spoke against the Ordinance.

Motion by Gaebler, second by Martin, that the Ordinance be passed as introduced.

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

The motion passed on a 7-2 vote.

12. An ordinance approving the 2013 total compensation study results and the salary ranges for civilian and sworn personnel" was introduced and read.

Mike Sullivan, Director of Human Resources, described the comprehensive efforts expended over one and a half years to produce the salary structure, the financial impact with payroll adjustments retroactive to March 2013, and the anticipated impact of approximately $2 million to 2014 payroll costs. Mr. Sullivan stated this is the right thing to do and encouraged the time to act is now. He assured Council they have done extensive due diligence while remaining conscious of their responsibility to be fiscally responsible stewards of City resources.

All Councilmembers participated in active discussion and thoughtful inquiry about the salary structure, relevant computations, the impact on the various department funds and the process for allowing raises above the control point, but under the maximum salary range.

Motion by Bennett, second by Gaebler, to postpone this item to September 24, 2013.

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

The motion passed unanimously on a 9-0 vote.

13. An ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for supplemental appropriations to multiple funds as stated to implement the results of the compensation study" was introduced and read.

Councilmembers continued to describe their concerns relative to the 5% above maximum limitation, an interest in knowing the impact of the $2 million to the various departments, the desire to know if the appropriate oversight committees had been consulted, and agreed it was appropriate to also postpone this action to September 24, 2013.

Steve Tuck, a Senior Planner with the City Planning Department, expressed frustration and described a lack of transparency on the data behind the results of the compensation study. He requested the information be made available to the employees over the next two weeks. Mr. Sullivan described a need to protect certain proprietary information and stated there is an employee appeal process available to those who have concerns about the results of the study and the impact to their position.

Motion by Bennett, second by Snider to postpone the item to September 24, 2013.

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

The motion passed unanimously on a 9-0 vote.

14. Approval of the Personnel Policies and Procedures Manuals (PPM).

Based on the discussion and postponement of Items 12 and 13, above, Council determined that discussion of this matter should be postponed to October 8th.

Douglas Bruce spoke against components of the Policies and Procedures Manual.

Motion by Bennett, second by Snider, to postpone the item to October 8, 2013.

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

The motion passed unanimously on a 9-0 vote.

15. Resolution No. 82-13 was presented: "A resolution approving the City Council's 2013 Strategic Plan pursuant to City Charter § 3-10(c) to provide for the future of the City and for the Mayor's consideration in the development of the 2014 Municipal Administrative Budget."

Councilmember Gaebler provided an overview of the Strategic Plan. She stated that although the header reads 2013, it is prepared for the consideration and development of the 2014 Municipal Administrative Budget. She described the underlying objective to create a guideline for how to drive and support a better government. President King commented that he especially appreciated the focus on responsible government.

Councilmember Bennett stated he was proud of the Strategic Plan that was produced and acknowledged the hard work and cooperation it took to develop. Councilmember Collins agreed with Councilmember Bennett, but stated she would be voting against it due to the Regional Stormwater Task Force inclusion.

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

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

The motion passed unanimously on an 8-1 vote.

16. Added Item Agenda.

17. Executive Session.

18. Adjourn.

At 4:17 p.m., there being no further business to come before City Council,

COUNCIL ADJOURNED

Sarah B. Johnson

Sarah B. Johnson
City Clerk