

CITY COUNCIL WORK SESSION MEETING
CITY OF COLORADO SPRINGS
MAY 13, 2013

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 provided the roll call. All members were present.

2. **CHANGES TO AGENDA**

There were none.

3. **REGULAR MEETING AGENDA COMMENTS (MAY 14, 2013)**

Councilmember Knight requested to have Items B-1 and B-3 pulled off the Consent Calendar.

4. **REVIEW OF WORK SESSION MINUTES (APRIL 22, 2013)**

Councilmember Snider noted that on Page 4, in the second paragraph, the spelling for the last name of Manitou's Mayor should be changed to Snyder rather than Snider.

5. **EXECUTIVE SESSION (estimated time will be a minimum of one hour)**

Legislative Counsel Massey read the request to go into Executive Session.

Councilmember Knight asked if there is anything other than what was presented in their packet of materials that would be discussed on Item 2 of the Closed Executive Session, Ethics Commission procedures. Division Chief – HR Lessig responded that the discussion is relative to potential liability if there is no change to the way they are right now. President King requested a roll call vote to establish consensus:

Closed Discussion topic: (1) Potential claims related to Memorial Health System:

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

Noes: Collins, Miller

Closed Discussion topic: (2) Independent Ethics Commission procedures:

Ayes: Bennett, Gaebler, King, Pico, Snider

Noes: Collins, Knight, Miller, Martin

Ms. Massey stated that Council did not have the required 2/3rds consensus for topic (2) Independent Ethics Commission to be discussed in Closed Executive Session. City Attorney Melcher confirmed they could consider topic (2) in Open Session if that is Council's desire.

Council adjourned to Closed Executive Session for discussion of topic (1).

COUNCIL RECONVENED TO DISCUSS ITEM 2 IN OPEN SESSION

Ms. Lessig presented the recommended changes to the Independent Ethics Commission ("IEC") Rules of Procedures as provided in the draft resolution included in the Closed Legal packet. She brought to light concerns with the way the current City Code of Ethics was drafted. A short term, stop gap solution is first recommended due to a pending Ethics case; additional long term recommendations will follow. She explained the underlying reasoning for the changes and the draft resolution.

President King confirmed Council's approval to have Ms. Lessig move forward with the resolution for an immediate, short term solution with the understanding that a more in depth conversation will be necessary in the near future.

6. STAFF AND APPOINTEE REPORTS

A. Agenda Planner

- (1) Council Administrator Cox brought to Council's attention that the Memorial Health System Enterprise Financial Update is scheduled for May 28th. She also will add the presentation of the IEC resolution for that date.
- (2) *James Sorensen v. City of Colorado Springs, et al.*, Case No. 13CV1767. Ms. Massey described this is a request for authorization to defend. President King confirmed consensus to defend is granted.

Councilmember Miller asked whether Council normally gets a copy of the complaint. Ms. Massey stated they can provide them a copy. Normally it is not provided until they get authorization from Council to defend.

7. PRESENTATIONS FOR GENERAL INFORMATION

There were none.

8. ITEMS FOR INTRODUCTION

- A. Extension of the 2013 Intergovernmental Agreement for Human Services Transportation between the City of Colorado Springs and El Paso County.
- B. Mr. Craig Blewitt, Transit Services Manager, provided an overview and supporting background for discussion today on the proposal to extend the IGA with El Paso County and the Senior Center.

- C. Councilmember Martin clarified for new Councilmembers that this has been presented in front of the PPRTA Board, the entity that encourages the extension and has given their approval.

President King, Councilmembers Gaebler, Pico, and Knight asked various questions to clarify their understanding of the scope of services provided, the competitive bidding process, and budgetary considerations.

- D. Amendment of Special District Policy and Metropolitan District Model Service Plans to Address Assessment Districts.

Mr. Carl Schueler, Senior Planner, provided a PowerPoint presentation, and described the limited, but important changes they are requesting for creating Special Improvement Districts ("SIDs") within Metropolitan Districts and Business Improvement Districts ("BIDs"). He then clarified questions presented by Councilmembers Miller, Knight, and Collins.

Ms. Cox asked Council if this should be brought back on Consent or for more discussion. President King confirmed consensus of Council is that it be brought back on Consent at the May 28th meeting.

- E. Formation of Audit Committee

City Auditor, Mr. Denny Nester, overviewed the background and rationale for the ordinance that would create an Audit Committee's expansion to include citizen members. The committee's purpose is to serve as an advisory committee to Council.

Councilmember Martin provided additional background that initially created the Audit Committee.

Councilmembers Knight and President Pro Tem Bennett addressed whether there were urgency to the matter. Councilmember Miller asked about the format and process that would follow. Ms. Cox answered that it would be brought back to a work session for markup with the first reading on May 28th. President King stated consensus was that it be brought back for first reading on May 28th.

9. **ITEMS UNDER STUDY**

- A. Amendment 64 (Retail Marijuana) Update

City Attorney Kyle Sauer provided an update on the three legislative actions relative to Retail Marijuana sales. He stated there were a wide variety of steps that need to be taken. He emphasized that the City has very broad discretion when it comes to local control and regulation, although there are a few deadlines they will need to keep in mind: July 1st is the deadline for the state to enact all additional regulations relative to Retail Marijuana. That is also the recommended opt-in, opt-out deadline.

Additionally, the City has an October 1st deadline to provide an ordinance or a resolution that affirmatively spells out who within the City will be charged with reviewing, approving, or denying the licenses that come forward. He also stated the City has the ability to impose a moratorium for more time to consider their options. He recommended that by June 24th, Council have a final direction as to prohibiting or permitting retail sales. The Executive Branch will soon be presenting their position on how to deal with this regulation.

President Pro Tem Bennett and Councilmembers Knight, Gaebler, and Miller asked questions relative to the options available and required timelines. Councilmember Martin stressed the need for citizen input and encouraged engaging the citizens in the process. Ms. Cox emphasized a great amount of work needs to be done and much research necessary to meet the deadlines. Councilmembers Gaebler and Martin volunteered to help staff plan the public hearing process.

10. **COUNCILMEMBER REPORTS AND OPEN DISCUSSION**

- A. President Pro Tem Bennett reported on the I-25 Economic Development Summit he attended in Trinidad at the request of Mayor Bach and on behalf of President King. He was enthusiastic about the potential opportunities and continuing engagement among neighboring communities. Councilmember Martin also attended the Summit.
- B. Councilmember Martin stated that she and Councilmember Gaebler have been working on other options for how to deal with the Solar Garden matter and will include that in a conversation next Wednesday.
- C. Councilmember Gaebler requested a report on the toxic waste site that was the subject of a recent *Independent* article.
- D. Councilmember Collins asked to continue her push for evening Council meetings. She also asked if the Resolutions of Recognitions could be presented once a month rather than take up so much time during the Tuesday Council meetings.
- E. Councilmembers Knight and Miller stated they had concerns about the \$10 million appropriation that would be brought forward for first reading tomorrow at the Regular Council meeting and will be asking more questions before they are comfortable with moving forward on approval.
- F. Councilmember Miller expressed concerns over the Mayor's decision to not allow City staff to participate in the Airport Advisory Commission meetings.
- G. President King described a meeting in Pueblo with Pueblo's Mayor, Councilmembers, and the Pueblo County Commissioners relative to the \$46 million the City is setting aside to address the stormwater issue. He felt it was a productive meeting, although there's still a long way to go.

H. President King stated that the Council's retreat went very well and will provide additional input at the Regular Council meeting tomorrow.

11. **ADJOURN**

Council adjourned at 4:47 p.m.