

**CITY COUNCIL WORK SESSION MEETING  
CITY OF COLORADO SPRINGS  
JULY 22, 2013**

Present: President King, President Pro Tem Bennett, Councilmembers Collins, Gaebler, Knight, Martin, Miller, Pico, and Snider. Also present, Chief of Staff Neumann, City Attorney/Chief Legal Officer Melcher, and Legislative Counsel Massey.

-----0-----

**1. CALL TO ORDER**

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

**2. CHANGES TO THE AGENDA**

A. Legislative Counsel Massey stated there had been a request to withdraw Item 7-C, 1041 Issues.

**3. REGULAR MEETING COMMENTS (JULY 23, 2013)**

A. Request by Councilmember Bennett to move Item 15, Amendment 64, to the first item presented under New Business. Ms. Vicki Gomes will prepare a public notice to this effect.

B. Councilmember Knight stated that he will be calling Item 2-B, Council Appointments, off the Consent Calendar.

**4. REVIEW OF JULY 8, 2013 WORK SESSION MINUTES**

The July 8<sup>th</sup>, 2013, Work Session Minutes were approved with one correction: At the top of Page 4, the statement will be revised to indicate "President King and Councilmember Knight emphasized..."

**5. EXECUTIVE SESSION**

Ms. Massey read the request to enter into Closed Executive Session.

Councilmember Bennett described his concern relative to the impact of the item to be covered in Closed Executive Session and requested outside counsel explain why the matter should be discussed in Closed Executive Session rather than in Open Session.

Attorney John Cook, outside counsel representing the City in both the Denver PERA litigation and the Memorial Retirees issue, explained there was a legal and strategic interconnection between the two matters with mediation scheduled for the Denver PERA litigation in a week to settle the case. He stated that the need for Closed Executive Session would provide Council the benefit of candid legal and strategic advice without the potential perception that the City waived their attorney/client privilege by holding the discussion in Open Session.

Consensus to enter into Closed Executive Session passed on a voice vote of 8-1.

**6. STAFF AND APPOINTEE REPORTS**

A. Agenda Planner Review – Sarah Johnson, City Clerk

Ms. Johnson stated there was one change to the planner. The August 12<sup>th</sup> Work Session had a proposed Ordinance abolishing Sales and Use Tax in the Airport Commercial Aeronautical Zone on aircraft and aircraft parts which is being pushed back for several weeks to perform additional research.

Councilmember Snider asked that we add Regional Fire Protection and also the 1041 Issue pulled from today's agenda to the August 12<sup>th</sup> Work Session.

B. Memorial Health System Enterprise Update - Kara Skinner, CFO

There were no questions.

**7. PRESENTATIONS FOR GENERAL INFORMATION**

A. City Response to the Black Forest Fire – Bret Waters, Manager, Office of Emergency Management.

Mr. Waters provided a PowerPoint presentation for the Black Forest Fire summarizing the City's response timeline, the number of City staff and resources deployed, breadth of destruction, City incurred costs, and potential avenues for reimbursement consideration. A brief update on the Waldo Canyon Fire was also included in his presentation.

Councilmember Martin asked about the TABOR Emergency Reserves and if consideration had been given to access those reserves. Ms. Skinner stated she would look into this as an option but explained one requirement is that the funds would need to be replenished within a year.

President King asked about the reimbursement process and whether a contingency fund for emergencies had been included in the budget that would not require a supplemental request. Ms. Skinner explained that straight time had been budgeted and described the level of expenditure authority currently available for Fire and other responding departments. She also clarified at what point a supplemental might be necessary based on the resulting expenses and the effect based on when they occur during the budget cycle.

Councilmember Snider asked who makes the decision to tap the TABOR Reserves. Ms. Massey explained the City Attorney would provide an opinion to Finance.

Finance would make a recommendation to Council. Council would determine whether to appropriate from the Emergency Reserves.

B. Quarterly Legal Report Highlights – City Attorney/Chief Legal Officer Chris Melcher

Mr. Melcher summarized the highlights from the Quarterly Litigation and Administrative Report dated May 2013. He stated the summary is an effort to keep Council informed as to on-going litigation matters. He spoke on the efforts of his department staff to cut legal costs by providing CORA training to comply with the Colorado Open Records Act, HR training to preempt the potential for adversarial proceedings, and also to reduce outside counsel costs by bringing more work in-house.

C. See action taken earlier in the meeting.

8. **ITEMS FOR INTRODUCTION**

A. 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 – Dan Gallagher, Interim Director of Aviation

Mr. Gallagher explained the background for the appropriation request describing this as an initiative to help grow Colorado Springs business by enhancing premier passenger offerings at the Colorado Springs Airport.

The Councilmembers asked multiple questions to understand the funding mechanism and on-going costs, the number of airlines with first class passengers that serve Colorado Springs, as well as the airport space the lounge would occupy. Councilmember Knight requested Council be provided with a breakdown of the funds before the August 13<sup>th</sup> meeting.

B. A resolution authorizing the acquisition of approximately 200 acres for the expansion of Ute Valley Park through the Trails, Open Space and Parks (TOPS) program – Karen Palus, Director, Parks, Recreation and Cultural Services

Mr. Chris Lieber, TOPS Program Manager and Principal Planner, overviewed the history of the initial open space acquisitions for Ute Valley Park in 1978 and 1981. He described the 16 years of effort and interest in acquiring the additional, approximately 200 adjoining acres that ultimately would connect neighborhoods in the northwest portion of the City to the Pikes Peak Greenway. The Seller is now interested in selling the property to the City for open space purposes and approached The Trust for Public Land to assist in the discussions. The general terms of the acquisition require the purchase of the entire 200-acre property by the end of August, 2013. Mr. Lieber described the funding opportunities, in partnership with The Trust for Public Lands, for a two phase acquisition, and the on-going maintenance and operation requirements.

Councilmember Knight commented he really liked the use of stewardship dollars but expressed he doesn't want to see an undue tax placed on the general fund.

Councilmember Miller asked about the stakeholder process and timing of the Parks Master Plan. He expressed concern about the maintenance requirements of currently existing open spaces while continuing to procure additional open spaces.

Mr. Tim Wohlgenant, Colorado State and Southwest Director for The Trust for Public Land, provided a presentation on the Trust's mission and City partnered projects.

Mr. Justin Spring, Senior Project Manager for The Trust for Public Land, introduced the Ute Valley Gateway concept as a "Gateway to Exploration." He described that The Trust for Public Land acts as a facilitator to match goals of landowners with the objectives of public agency partners. He stated they are always looking at ways to add value and the key way for this project is to provide no-cost financing.

Members of the Board of Directors for Friends of Ute Valley Park, Mr. Frank Self and Ms. Christine Thomas, Volunteer Coordinator, described their support of the acquisition and their promotions dedicated to support improvements and maintenance needs for the park.

## 9. **ITEMS UNDER STUDY**

Deputy City Attorney Tom Florczak described the legal analysis and opinion that was produced by the Office of the City Attorney in response to a request from both the Executive Branch (the Mayor) and from the Legislative Branch (the Council) with regard to the use of interim or acting appointments by the Mayor for certain City positions in the Executive Branch.

Councilmember Knight asked about the source of the currently designated timeframe for acting, or interim assignments. Mr. Florczak responded that it is based on the historical record of what has occurred in the past and stated that there needs to be a reasonable amount of time allowed to locate the appropriate individual to fill the permanent role. He stated that 12 months seems to be a reasonable amount of time.

Councilmember Miller asked for clarity relative to title and the assigned depth of authority. Mr. Florczak and Ms. Massey described the Code and Charter references and the intent when drafting the Code description. Councilmember Pico stated he believed that protocol consistency is required.

Councilmember Knight and Pico will continue to research the unresolved issues in order to formalize the procedure for Council's confirmation of Mayoral interim appointments.

Councilmember Bennett recommended they work together with a representative from the City Attorney's office on the project to ensure the reasonableness standard is accomplished.

**10. COUNCILMEMBER REPORTS AND OPEN DISCUSSION**

- A. President King described the action plan for the Regular Council meeting will be to first vote on the retail sales of marijuana opt-out option, then secondly, if necessary, on a moratorium.
- B. President King described a letter sent to Pueblo County Commissioner Sal Pace and a subsequent meeting that is scheduled for tomorrow relative to stormwater issues. Councilmember Snider suggested a staff member from Utilities be available for the meeting with Commissioner Pace.
- C. Councilmember Bennett described his tour of the Montgomery Center, a homeless shelter managed by the Salvation Army. He will coordinate a tour for Councilmembers who are interested.
- D. Councilmember Snider stated he had received a request from a constituent to come before Council to be reimbursed from the LART funds for approximately \$9,100 for the police and barricade costs he incurred for the St. Patrick's Day parade. Councilmember Pico stated the request should go before the LART Committee. Councilmember Martin confirmed that there was a LART Committee meeting on Thursday and that this gentleman would be welcome to attend.
- E. Councilmember Snider inquired about the status of scheduling interviews for the Administrator Candidates. It was confirmed that three candidate interviews had been scheduled for this Wednesday evening and Thursday.

**11. ADJOURN**

There being no further business, Council adjourned at 5:49 p.m.