CITY COUNCIL WORK SESSION MEETING
CITY OF COLORADO SPRINGS
JANUARY 13, 2014

Present: President King, President Pro Tem Bennett, Councilmembers Collins, Gaebler, Knight, Martin, Miller, Pico, and Snider. Also present, Chief of Staff Neumann and Interim City Attorney Massey.

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1. **CALL TO ORDER**

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

2. **CHANGES TO THE WORK SESSION AGENDA**

There were no changes.

3. **REGULAR MEETING COMMENTS JANUARY 14, 2014**

There were no regular meeting comments.

4. **REVIEW OF DECEMBER 9, 2013 WORK SESSION MINUTES**

There were no changes to the December 9, 2013, minutes.

5. **EXECUTIVE SESSION**

A. Open Executive Session

1. *Jimmie Crow v. City of Colorado Springs, d/b/a Memorial Health System; Terry L. Huskins; Jeff Johnson; Dr. Patrick Faricy, M.D.; and Michael Scialdone*; *Case No. 13-cv-02842-RJB*, U.S. District Court for the District of Colorado

   Consensus of Council was to authorize the City to defend per the recommendation of the Civil Action Investigation Committee.

2. Briefing on El Paso County's recent adoption of 1041 regulations pertaining to airports.

   City Attorney – Corporate Division Chief Haley provided a legal overview of El Paso County's recently proposed adoption of 1041 regulations pertaining to airports. She described in detail the anticipated process, potential impacts of the regulations, and Council's options for action prior to the March 11th implementation date.

   Lindsay Rose, Corporate City Attorney, highlighted Council's role and critical timelines and explained the regulations go beyond the county's jurisdiction and intrudes upon the City's home-rule authority; are preempted by Federal Law;

are duplicative of existing County and City Land Use regulations; and, include an invalid restriction on transfer of property rights.

Neil Ralston, of Airport, Airport Planning & Development Manager, described the airport's concerns with the county's proposed regulations and expressed concern relative to unintended consequences of the regulations.

Dan Gallagher, Interim Director of Aviation, responded to Council's additional questions.

B. Closed Executive Session

City Attorney Massey read the request to enter into Closed Executive Session. A poll of Council to enter into Closed Executive Session was approved by a vote of 8-1 (Collins no) on Item 1, a pending litigation matter; and, by a vote of 7-2 (Collins & Miller no) for Item 3, a lease matter.

6. STAFF AND APPOINTEE REPORTS

A. Agenda Planner – Council Administrator, Eileen Gonzalez

There were no changes requested for the agenda planner.

B. Memorial Health System Enterprise Update - Kara Skinner, Chief Financial Officer

Councilmember Knight requested an e-mail listing how much has been paid for outside legal counsel fees so far. Ms. Skinner agreed to provide that information.

7. PRESENTATIONS FOR GENERAL INFORMATION

A. Update on Status of the I-25/Cimarron Interchange Design-Build Project – Dave Lethbridge, Public Works Director and Kathleen Krager, Transportation Planning Manager

Mr. Lethbridge and Ms. Krager provided an overview of the proposed design and the timeline for the I-25 Cimarron Interchange. Bob Cope, Sr. Business Climate Specialist, addressed the importance of the work for downtown and economic vitality. Dave Watt, Resident Engineer for CDOT, Region 2, provided a PowerPoint presentation and described the design build process.

B. Regional Stormwater Task Force – Briefing on Results of 2013 Public Survey

Dave Munger, Co-Chair, Stormwater Task Force Communications Subcommittee, and Rachel Beck, also Subcommittee Co-Chair, described the results of the survey, relevant implications, and public opinion indicators.

C. Colorado Wildland Fire & Incident Management Academy – Cheryl Dalton, Liaison Officer

Cheryl Dalton, Liaison Officer, was not able to stay to provide the presentation; however, a packet of information was distributed to Councilmembers and to the City Clerk.

8. **ITEMS FOR INTRODUCTION**

A. Resolution Reinstating Limitations on Judgments and Rescinding Portions of Resolution Nos. 82-89 and 6-99 Pertaining to Damage Limitations set forth in the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, Et Seq.

Victoria McColm, City Risk Manager, presented a PowerPoint presentation and described the background information in support of the proposed Resolution.

B. Proposed Ordinances & Resolution Relating to Council's Confirmation Process for Mayoral Appointees

1. An Ordinance Amending Section 201 of Part 2 of Article 2 of Chapter 1 of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the Confirmation Process for Mayoral Appointees

2. An Ordinance Amending Section 303 of Part 3 of Article 2, Chapter 1 of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the Confirmation Process for Mayoral Appointees

3. A Resolution Adopting an Amendment to the "City of Colorado Springs Rules and Procedures of City Council," Relating to General Procedures for Confirmation of Mayoral Appointees

Councilmembers Knight and Pico described their work to produce the three items related to the Confirmation Process for Mayoral Appointees. HR Director, Michael Sullivan, requested that Council and Human Resource staff work together to refine the confidentiality sections and the timeframes listed in the proposed two ordinances and the resolution. They agreed to meet the following morning at 9:00 a.m. to include Councilmembers Knight and Pico, Interim City Attorney Massey, and Mr. Sullivan.

C. Powerwood No. 7 and Northgate Estates No. 2 Annexation Agreement

Peter Wysocki, Planning & Development Director and Larry Larsen, Senior Planner, provided background information for the two old annexations from 2006, and 2008. Council was previously briefed in October 2013. They stated the financial impacts are negligible.

Consensus of Council approved moving forward with the annexation.

D. Amendments to Sections 103, 105 and 705 of Chapter 7 of the Code of the City of Colorado Springs, 2001, as Amended, Pertaining to Requirements for Human Service Establishments

Larry Larsen, Senior Planner for Land Use Review, provided a Powerpoint presentation and described background for the request for a city code amendment relative to Human Services Establishments.

E. Introduction of Standardized Intergovernmental Agreement Resolution Format for CDOT Funded Projects in 2014

Interim City Attorney Massey briefed Council on the background for the Standardized Intergovernmental Agreement resolution and the new format of the 2014 CDOT funded projects. She asked if Council would want each of the multiple items brought forward separately, or would they approve with a single resolution. Council agreed that the items could all be brought back in one resolution. Councilmembers Miller and Knight then requested that Council be notified if the grant funds are different than what is estimated and if there are any changes, the item be brought back to Council for approval of those changes.

F. An Ordinance Amending Section 206 (Possession Of Marijuana) Of Part 2 (Other Dangerous Weapons And Substances) Of Article 7 (Dangerous Weapons And Substances) Of Chapter 9 (Public Offenses) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Possession Of Marijuana At Indoor City Facilities, And Providing Penalties For The Violation Thereof.

Pete Carey, Chief of Police, and Dan Gallagher, Interim Director of Aviation, gave a presentation. Councilmembers stated they wanted to take a closer review of the penalty section. They agreed to do some research and bring it back to a Work Session for further discussion if necessary. Councilmembers King and Miller were designated to serve on the work group.

9. ITEMS UNDER STUDY

A. Ordinance Restricting City Council's Use of Eminent Domain

Councilmember Miller overviewed the proposed ordinance relative to eminent domain. Five Councilmembers agreed to study the concept further and bring the item back to a Work Session.

10. COUNCILMEMBER REPORTS AND OPEN DISCUSSION

A. Councilmember Bennett reported on the *City for Champions* stakeholder meeting.

B. Councilmember Snider sent Councilmembers a copy of the final report on the “Martin Drake Power Plant Decommissioning Study.”

C. President King spoke on a commercial aviation zone at the airport to eliminate sales tax in the zone. At least five members agreed the concept should be researched.

11. **ADJOURN**

Council adjourned at 6:21 p.m.