



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO  
80903

## Meeting Minutes - Draft Council Work Session

*City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.*

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Monday, February 8, 2016

1:00 PM

Council Chambers

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### 1. Call to Order

- Present** 8 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand
- Excused** 1 - President Pro Tem Jill Gaebler

### 2. Changes to Agenda

Council President Bennett stated agenda item 5.B., the Executive Session, will be moved to the end of the meeting today and agenda item 7.C., the Southwest Downtown Urban Renewal Briefing, will be postponed to the February 22, 2016 meeting.

### 3. Regular Meeting Comments

There were no Regular Meeting Comments.

### 4. Review of Previous Meeting Minutes

- 4.A. [16-00102](#) City Council Work Session Minutes January 25, 2016

Presenter:  
Sarah Johnson, City Clerk

The Meeting Minutes were approved as presented.

### 5. Executive Session

#### 5A. Open

- 5A.A. [16-00099](#) Open Executive Session

Presenter:  
Wynetta Massey, City Attorney

Consensus of Council agreed with the recommendation of The Civil Action Investigation Committee for the City to represent the staff

members in the cases as required by the Colorado Governmental Immunity Act and the Liability of Peace Officers Act.

## **5B. Closed**

### **5B.A. [16-00100](#) Closed Executive Session**

Presenter:

Wynetta Massey, City Attorney

David Andrews, Legislative Counsel, stated the purpose of this Closed Executive Session is to discuss two items, the acquisition of real property interests and receive legal advice, consultation and negotiation strategies relative to an acquisition of property for an intersection improvement project with the City Attorney and to receive Legal advice and consultation from the City Attorney regarding the First Amendment.

Council President Bennett polled Council regarding the desire to proceed with the discussions in a closed session. Consensus of Council agreed to continue with the Closed Executive Session.

## **6. Staff and Appointee Reports**

### **6.A. [15-00782](#) Agenda Planner Review**

Eileen Gonzalez, City Council Administrator, stated the agenda planner is included in the Council packet.

Councilmember Knight stated the draft ordinance addressings Marijuana Consumption Clubs will be included in the February 22, 2016 work session and a townhall meeting will be held February 23, 2016 following the regular City Council Meeting to allow for additional discussion of the proposed ordinances.

Councilmember Strand requested the performance measures for the Convention and Visitors Bureau be provided to Council for review prior to the February 22, 2016 meeting.

David Andrews, Legislative Counsel, stated the draft of proposed changes to the Pikes Peak Regional Building Code, which will be presented in the February 23, 2016 meeting, will be provided to Council in the near future.

## **7. Presentations for General Information**

- 7.A. [15-00752](#) Update from El Paso County and consultants on the West Avenue Action Plan (WAAP) project to improve West Colorado Avenue from 31st Street to U.S. 24 Interchange.

Presenter:

Kathleen Krager, Transportation Manager

Kathleen Krager, Transportation Manager, introduced the plan to design an intersection to improve traffic flow through the area of W. Colorado Avenue near 31st Street and Highway 24.

Andre Brackin and Steve Murray, project managers, provided detailed information about the proposed plan, costs and funding sources.

Councilmember Knight asked if arrangements will be made for local residences to connect to the City sewer system. Ms. Krager confirmed the project will include provisions for Utilities to install sewer connections for adjacent properties.

Councilmember Knight asked about access to Garden of the Gods Park. Ms. Krager explained the planned routes in and out of the park and stated the existing connections will remain intact with the exception of Ridge Road.

Councilmember Strand requested additional information about the project segments, when it will be completed and where the funds to cover the costs will come from. Mr. Murray explained the planned project segments and stated the rough completion date is 2017, once the plans are finalized a more accurate date will be provided. Ms. Krager explained she is working to decrease of the cost of the project and is planning to use Pikes Peak Rural Transportation Authority funds for this project, which are currently above projected amounts.

- 7.B. [16-00079](#) Banning Lewis Ranch Annexation

Wynetta Massey, City Attorney, provided an overview of the Banning Lewis Ranch annexation and legal issues associated with the annexation agreement. Ms. Massey cited City Code and explained the role of the Mayor and City Attorney in this agreement.

Councilmember Pico requested information about the requirements of the City to create improvement districts in the area. Ms. Massey stated the annexation agreement authorizes the City to “approve the formation

of one or more districts”, but that the City does not initiate the formation of improvement districts. The City is, however, obligated to provide public services to the annexed area.

Councilmember Knight asked if the executive branch or the legislative branch has final authority over the annexation. Ms. Massey stated that the Municipal Annexation Act requires Council to approve the annexation and any additional terms and conditions of the annexation in the form of an annexation agreement. The mayor is responsible for negotiating and enforcing the annexation agreement. Ms. Massey provided additional information about the responsibilities of each branch of the City government as they relate to annexations.

Council discussed the annexation process and the legal implication of this case with Ms. Massey in detail.

Council President Bennett requested Councilmembers Pico and Strand be assigned to represent Council in executive branch discussions involving this case.

Councilmember Murray expressed concern about the lack of transparency in a related bankruptcy case and the use of City funds related to that litigation. Mr. Greene stated the case has followed the normal process and has not cost the City significantly more than any other litigation.

**7.C.**    [16-00104](#)    Southwest Downtown Urban Renewal Briefing

Presenter:

Chris Jenkins, President, Nor'wood Development Group

This item was postponed to the February 22, 2016 meeting.

## **8. Items for Introduction**

**8.A.**    [16-00037](#)    A Resolution Authorizing the Mayor to Transfer Funds in the General Fund from the Public Works Department to the Planning/Economic Development /Housing Department

Presenter:

Travis Easton, Public Works Director

Travis Easton, Director of Public Works, explained this plan creates a more efficient process for customers by transferring certain positions from Public Works to the Planning Department, requiring funds for those

positions to be transferred to cover associated costs.

Jeff Greene, Chief of Staff, commended the efforts of Mr. Easton and Peter Wysocki, the Director of Planning, to collaborate and improve customer service.

Councilmember Murray expressed concern about the engineering review function being lost in this process. Mr. Easton explained the engineering review function will now be included in the planning process. Mr. Greene explained this reallocates staff to a different department but does not change the current review process.

- 8.B. [16-00095](#) A Resolution Approving a Land Exchange Between the City of Colorado Springs and Interquest Marketplace, LLC

Presenter:

Kathleen Krager, Transportation Manager

Kathleen Krager, Transportation Manager, provided a brief history and details of this proposed land exchange.

Councilmember Knight requested an image of the entire area. Ms. Krager will provide the request image prior to the next meeting.

## **9. Items Under Study**

There were no Items Under Study.

## **10. Councilmember Reports and Open Discussion**

Councilmember Knight asked if Councilmembers should attend the Council of Neighbors and Organizations (CONO) meeting on the Mesa development tomorrow night. Council President Bennett stated it is an individual decision, which may result in recusal from future Council discussions.

Councilmember Bagley provided an update on the Medical Marijuana task force work.

Councilmember Strand commented on the recent Firefighters Award Ceremony and requested advice on attending a CONO meeting on Wednesday, at which he and another Councilmember have been asked to speak about their role on the Colorado Springs Utilities Board.

David Andrews, Legislative Counsel, stated there is not a problem with

Councilmembers attending public meetings in general, with the understanding participation in public discussions regarding quasi-judicial topics, could result in recusal from these discussions and decisions in Council meetings. Ms. Massey stated it is acceptable for Councilmembers to participate in public discussions involving legislative matters; however, engaging in conversations involving quasi-judicial matters is strongly discouraged. Ms. Massey also reminded Council that items can return to Council for additional action after a Council decision has been made.

Councilmember King stated he will pull agenda item 4.A.E. off the Consent Agenda tomorrow.

## **11. Adjourn**

There being no further business to come before City Council, Council adjourned.

Sarah Johnson  
City Clerk