



City of Colorado Springs

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

Meeting Minutes 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.

Monday, June 11, 2018

1:00 PM

Council Chambers

1. Call to Order

- Present** 8 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and President Richard Skorman
- Excused** 1 - Councilmember Tom Strand

President Skorman and Councilmember Bennett were excused during the Closed Executive Session.

2. Changes to Agenda

Eileen Krauth, City Council Administrator, requested item 5B.A. Closed Executive Session be moved to the end of the meeting. Consensus of Council agreed to this change on the agenda.

3. Regular Meeting Comments

Eileen Krauth, City Council Administrator, stated the applicant requested items 11.A. and 10.C. - 10.I. pertaining to The Sands Annexation intergovernmental agreement be postponed to the June 26, 2018 City Council meeting.

Consensus of Council agreed to these changes.

Councilmember Knight stated he may request the items related to vacating portions of "Old" Eagle Rock Road right-of-way to be removed from the Consent Calendar due to the extended amount of time that has passed since it was first presented. Darlene Kennedy, Real Estate Services Manager, said the surveyor had to correct the boundary line for Nevada Avenue.

4. Review of Previous Meeting Minutes

4.A. [18-0257](#) City Council Work Session Meeting Minutes May 21, 2018

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [5-21-18 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the May 21, 2018 Work Session meeting were approved by Consensus of Council.

5. Executive Session**5A. Open**

There was no Open Executive Session.

5B. Closed

5B.A. [18-0268](#) In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve: (1) legal advice and consultation with the City Attorney regarding questions related to City Charter § 3-60(d); and (2) legal advice and consultation with the City Attorney, determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding an intergovernmental agreement.

Presenter:

Wynetta Massey, City Attorney

Attachments: [06112018ClosedNotice](#)

Marc Smith, Division Chief, Corporate Legislative Counsel, stated in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve: (1) legal advice and consultation with the City Attorney regarding questions related to City Charter § 3-60(d); and (2) legal advice and consultation with the City Attorney, determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding an intergovernmental agreement (IGA).

Councilmember Knight asked what the IGA was related to. Jeff Greene, Chief of Staff, stated it was with El Paso County in regards to the Office of Emergency Management.

Councilmember Murray asked if the item referencing the City Charter was in regards to public policy regarding executive sessions. Mr. Smith stated City Charter § 3-60(d) does refer to the City's executive session policies.

Councilmember Pico commented that executive session policy should be discussed in open session and this will be the last time that he will agree to discuss it in a closed session.

President Skorman said that if it is a discussion on policy change it should be discussed publicly. Mr. Smith stated it is for the purpose of legal advice which is protected under the Open Meetings law and attorney-client privilege.

Mr. Greene stated that in regards to the El Paso County IGA, El Paso County had a closed session and out of respect for them, it is appropriate to also have the discussion in a closed session.

Councilmember Knight also agreed that the policy on executive sessions should be discussed publicly.

Council President Skorman polled Council regarding the desire to proceed with a Closed Executive Session. At least two-thirds of Council did not agree to proceed in Closed Executive Session by a vote of 5-3-1-0 with Councilmember Avila, Councilmember Murray, and President Skorman voting no on discussion item (1). Councilmember Murray also voted no on discussion item (2).

Mr. Smith stated without the ability to provide legal advice in a confidential manner, the City Attorney's Office requests item (1) to be withdrawn in order to maintain client-attorney privilege.

Councilmember Geislinger requested that the item be discussed publicly, but in a generic manner. Mr. Smith stated that according to the incorporated Colorado Open Meetings law, a twenty-four hour meeting notice regarding discussion of the topic must be provided.

Councilmember Geislinger commented that attorney-client privilege advice has to be protected and discussed first in order to get to the point of Council being able to make decisions regarding the public discussion of

issues on executive sessions.

Councilmember Knight said the attorney-client privilege right lies with the client's request for confidentiality and if the client, which is Council, waives that request for confidentiality, the item should be able to be discussed publicly.

President Skorman stated based upon the additional discussion, he is changing his vote to yes for item (1).

Council President Skorman polled Council again regarding the desire to proceed with a Closed Executive Session on item (1). At least two-thirds of Council agreed to proceed in Closed Executive Session by a vote of 7-1-1-0 with Councilmember Murray voting no.

6. Staff and Appointee Reports

6.A. [18-0107](#) Financial Report - City of Colorado Springs

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [June 11 Monthly Financial Report](#)

Charae McDaniel, Chief Financial Officer, presented the June 2018 financial update which represented activity through April 2018. She stated the general fund revenue variance is approximately .5% above projected budget and general fund expenditures are approximately \$650K below projected budget for the year. She explained the sales tax collection trends and gave an update of the 2018 grant funds, the Memorial Health System, and the economic indicators.

Councilmember Geislinger asked if the sales tax collection increase was due to increased consumption versus an increase in inflationary cost factors. Ms. McDaniel stated that she will look into that.

6.B. [17-1331](#) Agenda Planner Review

Presenter:

Eileen Krauth, City Council Administrator

Attachments: [061118 Agenda Planner Review MEMO](#)

Eileen Krauth, City Council Administrator, stated an item related to the 2018 Urban Land Institute Advisory Service Panel will be added to the July 9, 2018 City Council Work Session meeting.

Councilmember Knight, chair of the Council Budget Committee, stated that there will be a briefing and discussion regarding the United States Air Force Academy (USAFA) visitor's center at the next Budget Committee meeting and asked when it will be presented to City Council. Ms. Krauth stated she will find out the proposed schedule. Jeff Greene, Chief of Staff, stated that this will be a very complicated project and that they wanted the Budget Committee to be made aware of it as soon as possible. Councilmember Knight requested that the full City Council also be updated as soon as possible. Mr. Greene agreed to provide information as soon as it becomes available.

7. Presentations for General Information

- 7.A. [17-1043](#) Girls of the West, Pikes Peak Range Riders and Pikes Peak or Bust Rodeo

Presenter:

Corliss Palmer, Director, Girls of the West; Sierra Silva, 2018 Girl of the West; Kayla Summers, 2018 Aide to Girl of the West

Attachments: [Western Wear Day Final 2018.docx](#)

Chris Whitney, President of the Pikes Peak Range Riders, and Jeff Renehan, President of the Pikes Peak or Bust Rodeo, gave a brief history of the event. Corliss Palmer, volunteer with the Pikes Peak or Bust Rodeo, introduced Sierra Silva, 2018 Girl of the West, and Kayla Summers, 2018 Aide to Girl of the West, who provided detailed information on the upcoming events associated with the 2018 Pikes Peak or Bust Rodeo.

Councilmember Bennett read a proclamation declaring June 21, 2018 as Western Wear Day to reaffirm Colorado Springs' pride and awareness of its western heritage.

- 7.B. [18-0281](#) Colorado Springs Conservatory

Presenter:

Linda Weise, Founding CEO

Shane Groothof, Outreach, Partner & Communications Programs

Linda Weise, Founding CEO of the Colorado Springs Conservatory, provided a brief history of the Colorado Springs Conservatory and gave an update on the Conservatory's upcoming project. Shreya Krishnan, a student from the Colorado Springs Conservatory, performed a song from the Conservatory's upcoming production of "Jack, a moral musical tale" which addresses the topic of bullying.

8. Items for Introduction

- 8.A. [18-0272](#) A Resolution authorizing the use of eminent domain to acquire real property owned by Robert T. Wilcox and Diane Y. Wilcox needed for the West Colorado Avenue Reconstruction, 31st Street to U.S. Highway 24, project

Presenter:

Mike Chaves, Engineering Manager

Attachments: [Final Resolution WAAP Parcel 79 REV1 6.4.2018](#)

Mike Chaves, Engineering Programs Manager, presented the amendment to the West Colorado Avenue Reconstruction Project to include an acquisition of a portion of the property owned by Robert T. Wilcox and Diane Y. Wilcox. He identified the property location and said that the owner has requested an excessive amount of money for loss of business damages which is the basis for the request for authorization for the use of eminent domain.

- 8.B. [18-0280](#) A Resolution authorizing a lease with Council of Neighbors and Organizations of less than fair market value for approximately 3,500 square feet of office space at the Golf Acres Complex

Presenter:

Peter Wysocki, Planning and Development Director

Attachments: [Resolution Authorizing Below FMV Lease CONO](#)
[Signed Resolution 63-18](#)

Peter Wysocki, Planning and Development Director, presented the Resolution authorizing staff to enter into a lease agreement of less than fair market value for approximately 2,500 square feet of the Golf Acres Complex to be leased by Council of Neighbors and Organization (CONO) for \$180.00 per month. He explained that CONO has been leasing office space from El Paso County, but was notified that they must vacate the building by June 30, 2018. He also stated due to the urgency of this matter, staff is requesting that Council consider this item for approval at the June 12, 2018 City Council meeting

Diane Loschen, Chief Executive Officer, CONO, said that this move was not budgeted for the year, but is looking forward to the potential new location.

Councilmember Pico and Councilmember Knight stated they would like more detailed information before supporting the Resolution.

President Pro Tem Gaebler asked if the property has been vacant. Mr.

Wysocki confirmed it is vacant and they had not previously found a tenant. President Pro Tem Gaebler expressed her support of the negotiation process.

Councilmember Knight requested the lease agreement be effective until the end of 2018 and then re-negotiated where the lease agreement could be addressed in CONO's 2019 budget. Ms. Loschen stated that CONO would be open to consider that request and recognizes the need to plan for rent closer to real market for the future. Jeff Greene, Chief of Staff, also agreed to the short-term solution.

Councilmember Avila and President Skorman also expressed support of the negotiation process.

Councilmember Geislinger asked when the notification to vacate was received. Mr. Wysocki stated he received it a week and a half ago.

9. Items Under Study

There were no items under study.

10. Councilmember Reports and Open Discussion

Jeff Greene, Chief of Staff, stated staff will provide Council a briefing on the United States Air Force Academy visitor's center at an upcoming City Council Work Session meeting.

Councilmember Pico stated he attended the ground breaking ceremony at the summit of Pikes Peak and the re-naming and dedication event of the Fillmore Street Bridge to the Donald "Don" Stratton Bridge.

Councilmember Murray stated he attended the annual Colorado Secretary of State Go Code Colorado competition.

Councilmember Geislinger stated he met with representatives from the four universities and colleges in the City and discussed addressing homelessness in the community.

President Pro Tem Gaebler stated she and Jeff Greene attended the Chamber of Commerce's 2018 Regional Leaders Trip in Boise, ID.

11. Adjourn

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

Sarah B. Johnson, City Clerk