

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 2, 2021 at 6:30 p.m.
Electronic Meeting

The City Council held a study session at 5:30 p.m.

Mayor Russell Stewart called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Al Blum, Mike Gallagher, and Dan Sheldon were present on roll call. Also present were City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: none

AUDIENCE PARTICIPATION PERIOD

Tory Leviton, 3901 E. Quincy Avenue, explained he was working on a wilderness initiative. He noted wilderness is barely defined in laws and case work. He indicated he believed in order to maintain a semi-rural community some parts of open space should not be maintained and left alone. He noted since the public held such a tiny percentage of land, he would focus his wilderness initiative on private land. He stated he had dedicated 10% of his land to be unmaintained for wildlife. He indicated he would keep Council informed and he hoped he could get a lot of community support. He stated his next topic was getting the City designated as a Dark Sky City. He noted the City already had dark sky regulations in Section 16-4-120 of the Municipal Code and that essentially already designated the City as a Dark Sky City, but the official process was through a nonprofit. He explained the City had to prove they held the common values of having dark skies in the community. He stated unknown to Parks staff there is no minimum requirement to how much light makes it into the community, all the City needed to do was have the regulations in the Code. He indicated he hoped he could get support for that project.

Laura Christman, 18 Cherry Lane Drive, indicated she was initially very pleased with the Quincy Farm RFP proposal concept until today when she read the Mayor's report in the Village Crier. She explained it was titled City Council Direction for Request for Proposals, so it was set up as what the City positions are. She encouraged Council to read it. She indicated it was a very aggressive advocacy for the Anderson proposal, and even references it; it then states questions and that these are the answers, not these are the Mayor's opinions as to what the answers may be; she gave an example of why these perhaps are not the answers: it says, the existing Master Plan does not address Quincy Farm. She stated Quincy Farm was donated to the City in 2007 and the existing Master Plan was adopted by the City in July 2008; one of the expressed goals of the current Master Plan is to increase and protect the amount of Village owned open space; there was nothing in the Master Plan about gifting property; Quincy Farm was clearly part of the Master Plan to protect owned property and increase it, not decrease it. She indicated she believed this advocacy report was so biased that it not only will make it difficult for any party responding to the RFP, she would argue that it will in fact discourage people from responding to the RFP; you read this and is clear the City has made its decision; she was not saying the City has made its decision, but to an outsider, to someone who is a not for profit, they don't want to spend the money for no purpose. She agreed with the Mayor's statement during the study session that Council will be lucky to get any responses. She agreed with City Attorney Guckenberger's statement during the study session that the general goal was to not give a competitive advantage

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in the RFP process, but a competitive advantage that she does not think Council can overcome has already been given.

Janney Carpenter, 9 Random Road, Board President of the Cherry Hills Land Preserve, thanked Council and staff for their time and effort to design an RFP process and try to come up with the best possible solution for the community. She stated the Land Preserve looked forward to submitting a proposal and working with the City to design the best possible solution for the community, and they wanted to collaborate with everyone who shares that goal of preserving Quincy Farm as a wonderful community asset for the long-term future.

Natalie Anderson, 160 Pennsylvania Street, stated she had written a letter which she would like to read but it would take longer than five minutes so she would just read excerpts from the letter, but she hoped Council would all read the letter in its entirety and the attachments which she would send after her participation time. She stated she was speaking tonight to correct the record from the January 19, 2021 City Council meeting, specifically as it relates to comments made by Mayor Russell Stewart that Natalie Anderson proposed to the Mayor that the family take ownership of Quincy Farm; in his comments in the City Council meeting, the Mayor referenced two meetings attended by Natalie that will be discussed below; Natalie disputes the Mayor's recollection of these events; in addition, we would like to provide an update on the Anderson Family Management Plan; on Monday, July 20, Klasina Vanderwerf, Lucinda Greene and Natalie Anderson met on the East Side of the farm in the barnyard; contrary to the Mayor's comments, this meeting was called by Lucinda, not Natalie; the purpose of this meeting was to discuss the Quincy Farm Committee's recent trip to Colorado Agricultural Leadership Foundation's (CALF) Lowell Ranch in Castle Rock, which Natalie joined; Natalie, Lucinda and Klasina discussed the City's Master Plan and brainstormed potential ways to incorporate elements of the CALF program into the Quincy Farm plan; at no point during this meeting did Klasina and Lucinda solicit a proposal from the Anderson family, nor did Natalie propose a transfer of ownership of the farm to the family; the transfer of ownership of the farm was not discussed at all at this meeting; we understand that if they have not already, Klasina and Lucinda will also be submitting comments correcting the Mayor's statements; for good measure, a screen shot of Lucinda's invitation to meet with Natalie and Klasina is attached; on the following day, July 21, Mayor Russell Stewart, Jeri Neff and Natalie met on the West Side of the farm on Jeri's patio; for context, this meeting had been called by Jeri and Natalie after the City's draft Master Plan received significant critical public feedback; Jeri and Natalie wanted to understand the City's path forward given the lack of public support for the plan; during this meeting, and general discussion around the future of the farm and draft Master Plan, Mayor Stewart asked Natalie if her family would be interested in taking back the farm; if she has not already, we understand Jeri Neff will be submitting a statement to reflect her recollection of these events, which we believe will be consistent with this letter; for good measure we have also included a screen shot of the text message exchange between Mayor Stewart and Natalie following this meeting where Natalie references sharing the news of the Mayor's proposal with the family; after Natalie had the opportunity to consult with the entire family and they confirmed interest in exploring a transfer, Natalie, her attorney Melinda Beck, Jeri Neff, Chris Cramer, Kathie Guckenberger, and Russell Stewart had a meeting at City Hall to discuss next steps; during this meeting, Melinda specifically made the observation that Natalie was approached by the City regarding the possibility of the family taking the property back, and so it might be more appropriate to have the proposal be a joint proposal with the City instead of giving the impression that the family had made an unsolicited request to take back the property; Chris Cramer responded that although he understood Melinda's comment, he believed a proposal from the family to the City to be more appropriate; finally, Natalie confirmed this series of events publicly on the record during the October 20, 2020 Council meeting in response to Councilor Brown's question about who approached her from the City. Mayor Stewart made no comment; we are not concerned with whether the Mayor was acting on his own or if he was acting on behalf of the Council; the importance of that issue is for the City to determine; furthermore, while the

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initial conversation to facilitate a potential solution may have only included Mayor Stewart, all subsequent meetings to discuss a potential transfer to the family included City representatives in some capacity whether that be City staff, the Quincy Farm Committee or City Council; as you likely recall, the family was given less than a month to submit our Management Plan at the City's request and subsequently presented the plan in October at Council's request; we trust this letter and the supporting documentation attached clarifies our recollection of events; we do not appreciate the Mayor's misrepresentation of events at the family's expense and the attempt to change the narrative to suggest the family approached the Mayor or the City; our only guess as to why Council finds the July meetings relevant is because they realize, as aptly pointed out by Councilor Brown, given that we were approached by the Mayor, and then submitted a proposal at the City's request and at significant expense: we are frustrated; considering the annual operating costs which from our experience are a minimum of \$250,000 per year, and the \$7-\$8 million in deferred maintenance costs identified by the City, we believe the offer to take the property back and fund this project while sharing it with the community was quite generous; particularly in light of the fact that our family donated the property in the first place; to date, our proposal has not received a response from the City; instead we have been faced with questions about who our family is, our ability to operate a property we owned for over 50 years, and what our intentions are; we believe a more valuable line of inquiry would be what are the motivations of those that have no connection to the property, no connection to our family, and no experience managing a property of any size that are seeking to take title to the property; while we have always understood and supported that community input would be a critical component of this process, we did not enter this process with competitive intent; had we have known from the beginning the City was later going to move to divest the property through an RFP process, we would not have submitted a proposal in October; the fact that our proposal is now available to the public while RFP proposals will potentially be sealed is inherently unfair to our family; for the reasons stated above, we will formally be withdrawing our Management Plan; we will instead focus our energy and resources in supporting Colorado Open Lands in defending the easement, which we trust they will do vigorously; in terms of the RFP itself, we continue to see evidence that the City does not understand the original intent of the gift or the terms of the conservation easement; public access continues to be the crux of this issue, as it has been since the property was donated, and we have done our best to clarify the point in the letter; the original intent of the easement and Cat's vision for the property were far more limited in terms of public access than the City's vision for the property; we understand why the very high operating costs of continued ownership cannot be justified by the City in light of the limitations on access and use of the property; it seems the City was not fully aware of the obligations or costs associated with the gift when they accepted it; we originally agreed to step forward last summer because we do feel a sense of responsibility for making a gift which is so limited in nature as to feel burdensome; however, the City cannot impute an intent which never existed, or expect RFP respondents to provide a level of public access that the City itself received pushback on both during the City Master Plan process and in the City's attempt to open the West Side of the property; we find it only fair that if the property were to be transferred back to our family it would be under the same terms by which we donated the property originally; on a personal note, the last five years have caused our family a great deal of heartache; we cannot help but feel that our good intentions have been taken advantage of and are dismayed that the farm has been caught in the middle of political feuds which seem to be influenced by factors beyond simply what is best for the farm and the original intent of the gift; much discussion has been had around what the residents of the Village would want, but the question that we believe is the most important, and the one that hasn't been asked, is: What would the citizen who donated this property want? What would Cat say if she was here today?; by virtue of your position on Council you have a great deal of power in making this decision; while we understand that this gift may not have lived up to your hopes for use of the property, we believe after five years, it's time to accept the current situation for what it is, and move on, not double down on past arguments and throw more time at this process or money at a plan that received such significant pushback from the community; no matter how

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long anyone has lived in Cherry Hills Village, they will never have the same connection to this property, or appreciation for its history, for our family's history, that we do; our investment in this property is 50 years and 3 generations deep; if your true goal is to select the best steward of this property for the next 50 years, we believe the path forward is clear.

Jeri Neff, 4400 E. Quincy Avenue, indicated her statements would go a little longer as well, and hers was also a letter which she would be emailing afterwards to all of Council and City Manager Cramer. She read: Dear Cherry Hills Village City Council, I'm writing to correct the record from the January 19, 2021 Cherry Hills Village City Council meeting, specifically as it relates to comments made by Mayor Russell Stewart regarding the initial meeting in which the transfer of ownership of Quincy Farm to the Anderson family was brought up; as well as one meeting prior to that date and follow up meetings concerning the transfer; I also want to make clear my use of the word City; I use it in a broad sense to refer to anyone who is in a paid or elected or volunteer position within the City government and in whatever capacity they hold, they represent the City government; as you will see below the sequence of events made it clear to me that more than one person who works for, either in a paid, elected or volunteer capacity, had discussed the possibility of transferring Quincy Farm back to the Anderson family prior to this subject being discussed with Natalie; why would events have unfolded as they did otherwise?; Thursday, January 16, 2020, I asked to meet with Councilor Dan Sheldon to discuss a path forward after the negative public feedback of the City's draft master plan; we met at my house at 10:30 a.m.; one of the options discussed was the possibility of a survey of alternate plans to the City's plan; at the end of our conversation Dan mentioned if some sort of a resolution to a plan could not be settled upon in a few months' time he would suggest the City think about giving up the Farm; Tuesday, July 21, 2020, Natalie and I had asked to meet with Mayor Russell Stewart with regards to the concerns surrounding the City's draft master plan for the Farm; we wanted to understand in more depth how the City was going to move forward; we met at 9:30 a.m. at my house; during the meeting, which began as a general discussion of the Farm's future, Mayor Stewart asked Natalie if the Anderson family would be interested in taking back possession of Quincy Farm; on Tuesday, August 4, 2020, at Mayor Stewart's and City Manager Chris Cramer's request a meeting was set up to discuss next steps forward regarding the transfer; in attendance were Mayor Stewart, City Manager Chris Cramer, City Attorney Kathie Guckenberger, Natalie, her attorney Melinda Beck and myself; the meeting took place in council chambers at 3:30 p.m.; a timeline for moving forward was discussed and the City requested a letter of interest from Natalie's family; Wednesday, September 20, 2020, another meeting with the City to discuss dates for a Management Plan, etc. to be presented; also held in council chambers at 3:30 p.m.; Tuesday, September 15, 2020, I met with a handful of residents of the Cherry Dale neighborhood at the Village Center with Mayor Stewart in attendance; I presented the new direction the Farm was taking as a CSA (Community Supported Agriculture) and they were very supportive and really liked the idea of a working farm across the street from them; Thursday, September 17, 2020; at Natalie's and my request Mayor Stewart arranged a meeting, which was via Zoom at 1:00 p.m., with Headmaster Rand Harrington and Jerry Walker at Kent Denver School to discuss the possibility of partnering in educational programs at Quincy Farm not only for the academic year, but to include their Breakthrough Program in the summer; this was something they have been wanting to do for several years; we discussed several lesson plans we had come up with and they were very excited about becoming a part of the growth of Quincy Farm; subsequent events; since the initial meeting with Mayor Stewart asking about the possibility of Natalie and the Anderson family taking back the Farm, Natalie and her family have spent untold hours, effort and money on making this possibility a reality; deadlines were set by the City with regards to when certain documents were due and not only were those deadlines met, the family provided more than was asked for; Natalie presented her management plan to City Council on October 20, 2020 and never did receive a response from the city as to next steps forward; there was never a date presented for the transfer, never a request for more documentation; nothing, until late December when the CHLP suddenly decided they wanted to put in a proposal;

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everything came to a halt and the City again changed direction, dropping the idea of a survey and deciding to go with an RFP instead; if the City had wanted to entertain any and all proposals they should have thought about that at the same time Natalie was approached and done the RFP at that time; but to string Natalie and the Anderson family, from which the gift of the Farm came, along for these many months then suddenly change the plan is deplorable; to have accepted this gift that Cat so generously bestowed to the City and then subsequently treat it, her granddaughter and her family this way is beyond comprehension; no one is even considering what is best for the Farm and its rich history because it is all about greed and the perception of how many millions of dollars the property is worth; in the meantime the historic buildings are falling into a terrible state of disrepair and the land remains lifeless; the City is so concerned about public access, all the while forgetting that the land comes with a limiting conservation easement which some misguided citizens think can be broken, opening up the land for development and their own monetary gain; one citizen, who is presenting a plan in the name of the CHLP, recently contacted a member of my family about the possibility of investing and alluded to the fact that the easement might be broken; now why else would someone be thinking along those lines if it weren't for their own personal gain?; a few months prior to contacting my family member this individual told me the same thing in so many words and said that if the City would sell it for a few million, he would snap it up and break the easement; that certainly isn't an honest way to present their plan with its underlying hidden personal agenda; another citizen seems to think that the City should not give up this "valuable asset", so her solution is to bulldoze all the buildings but the two that are protected under the National Register designation and turn a blind-eye to all who would wish to wander here; is that what the City wants to be a part of, ruining an incredible piece of history and a farm loved by so many people?; but, you'd get your public access wouldn't you?; and could lay claim to your valuable asset; another citizen thinks the Anderson family doesn't deserve the Farm back because they already made enough money on it in the first place; this horrible comment comes from a person who never even met Cat Anderson nor anyone in her family and has no idea what she is talking about; these are but a few examples of the greed from the supposedly concerned citizens; not one of these people has ever suggested something positive for the Farm; when I researched and wrote the National Register nomination with my mother alongside Cat as she was creating the Conservation Easement, we all felt assured that the future of Quincy Farm would be protected, but now nothing could be farther from the truth if these scenarios are what people are coming up with; by disrespecting the conservation easement everyone is completely ignoring Cat's wishes and the intent of her incredible gift and trying to make it into their own vision, not Cat's; no one in the City has ever mentioned doing what is right for the Farm, it is always doing what is right for the City; has anyone stopped to consider that perhaps doing what is right for the Farm would be the same as doing what is right for the City?; it would be a win-win situation; it sometimes takes courage to do what is necessary and how much more time and money will be wasted while the City decides what to do?; doesn't the City have other business it could devote time, energy and money to instead of constantly in a state of flux regarding Quincy Farm?; it has already been over five years and here the City is going down yet another path with another committee trying to find a solution, while they have all shown complete disrespect for the plan presented them, a plan that they requested; if Cat Anderson could see what has happened to her beloved farm, a farm she took such great care of for over 60 years, with its buildings falling into a sad state of disrepair, her special gardens ripped up and replaced, and a general lack of concern surrounding it all, she never would have left Quincy Farm to Cherry Hills; instead she would have entrusted it to a group or organization who would have appreciated the legacy and history of what they were getting, understood and honored the conservation easement, had the finances to care for it in the manner it so deserves, and through careful planning would have made it available for the people to share; that was her simple wish.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

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CONSENT AGENDA

Mayor Pro Tem Brown moved, seconded by Councilor Weil to approve the following items on the Consent Agenda:

- a. Approval of Minutes – January 19, 2021

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

REPORTS

Mayor’s Report

Mayor Stewart reported he wanted to give a shout out to City Attorney Guckenberger for the work she did on the contracts for the judges, and say that he is going to send those on to CML as potential models or templates for them to use, he thought she did excellent work so he wanted to give her commendations for the job she did, and also the work she did on the memo regarding sales tax was excellent.

City Attorney Guckenberger thanked Mayor Stewart, she very much appreciated that, it was a pleasure to continue to help the Council do its business.

Members of City Council

Councilor Blum deferred to Mayor Pro Tem Brown to go first.

Mayor Pro Tem Brown agreed she would like to start if possible but noted she wasn’t sure where to start in light of the comments Council had heard; briefly she would say that she agrees with former Mayor Christman and was outraged by the editorial article in the Crier that was presented as the position of Council when in fact she did not recall voting on any of those positions; she also continued to be very concerned in light of what Natalie Anderson and Jeri Neff have conveyed about commitments that were made to them inappropriately; those are both conversations that need to be had, perhaps at another time; tonight she wants to bring up a different issue; in the past few weeks several Council members had approached her with concerns about the Mayor’s overreach and inappropriate conduct, in this case it was specifically as it relates to the legal liaison position and the City Attorney; because this is an individual conduct issue,

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at the request of her colleagues, she attempted to address this with the Mayor privately and individually in hopes that he would voluntarily correct the problem, but he insisted that this be brought to a public Council meeting, so here it goes; at the organizational meeting in January of 2019 the Council approved liaison appointments in keeping with their liaison policy; at the time the Mayor proposed acting as the legal liaison, presumably because he had previously held that position when he was on Council years before; Council noted at the time that there was no legal liaison position anymore, and it was discussed, but the Council declined to act to create or appoint a legal liaison; sometime after that, unbeknownst to the Council, the Mayor decided to circumvent the Council and appoint himself to a legal liaison position anyway; and then, again without the consent of Council, he used that self-appointment position to task the City Attorney with projects, to insist on reviewing all the City Attorney invoices, and even to suggest that he be included on all communication from the City Attorney; not only is that gross overreach, but it violates the expectation of confidentiality that all Council members should have in dealing with the City Attorney; in the City's council-manager form of government, all responsibilities of the Mayor with the exception of running the meetings and voting in case of a tie are delegated to the City Manager; the Council is the sole supervisory and decision making body; the Mayor does not have the authority to make unilateral appointments, to direct staff without the concurrence of Council, and in light of these other comments, to represent the City's position without the concurrence of Council; in her conversation with the Mayor, he insisted that reviewing the City Attorney's invoices and knowing what the City Attorney is working on is a best practice, and Mayor Pro Tem Brown agreed; that's why the City Attorney attends all Council meetings in person to report to Council what the City Attorney is working on, and that's why all invoices are reviewed by the City Manager to whom that responsibility was delegated; that is the way the City administration works, and she believed it is effective; since this problem seems to have arisen from a lack of specificity and perhaps a desire to avoid confrontation, let her be very clear and very direct; the issue she was raising was not about whether there is a legal liaison or not or who it is, that's easily solved, there is no legal liaison in the Council's policy, period; the issue she is raising tonight is the conduct of the Mayor in circumventing the Council and overstepping his authority to appoint himself to a position that he created, and in doing so even further overstepping his authority by micromanaging the City Attorney and usurping the duties that have been delegated to the City Manager, and in doing that, whether purposefully or not, violated the confidentiality of the attorney-client relationship; she believes the majority of Council feels that this conduct is unacceptable and needs to stop; she'd like to thank the City Attorney for her professionalism throughout everything and express her confidence in the job the City Attorney has done for the City, but Mayor Pro Tem Brown would also like to emphasize that the City Attorney reports to City Council, not the Mayor, and if these issues persist Mayor Pro Tem Brown would like to be notified; she was hoping that this could be addressed in a more professional, individual way, but if this is what needs to happen then that is what she has done.

Mayor Stewart thanked Mayor Pro Tem Brown and stated he'll take an opportunity to respond; he thinks he had talked to several Council members; let him start first with the liaison position and it is true the Council did not have one and mea culpa if he thought it was, he had no interest in being, if someone else would be liaison; he did think it was best practices in cities to have a legal liaison; the responsibilities of a legal liaison are to attend court sessions, trials, and settlement conferences as a representative of the City, that's the major responsibility; as legal liaison when he was on Council, he attended many of the South Suburban litigation issues and mock trials and also the settlement of the church case, the RLUIPA case; he had talked to Councilor Blum about this and said absolutely if Councilor Blum is interested in that position Mayor Stewart would absolutely support Councilor Blum and anybody else; it's no prize to be legal liaison, it'll take time; hopefully the City won't be in any litigation and it won't require much work; he thought he was legal liaison and that's his fault; he hadn't realized it had been dropped as an assignment, apparently under, but it doesn't really matter, under former Mayor Christman; his recollection is Tisdale was before Mayor Stewart was and then he was; it helps the attorney so he thinks Councilor Blum would be an excellent legal liaison; it's

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up to Council, if they didn't want a legal liaison they didn't have to; Mayor Stewart thinks best practice is to have one in the case that the City has a litigation need, that person to liaison with the City Attorney; as far as the bills, he thinks there is a misunderstanding about who the City Attorney reports to; the City Attorney reports to the Mayor and the Council, she is their attorney, the City Attorney has an obligation under her professional code of responsibility to inform all of them what she is doing and keep them informed; the City Attorney can do that through being here and sitting at Council meetings, and that's fine; it is also Council's responsibility to supervise the City Attorney because she works for them; there is no attorney-client relationship between the City Attorney and the City Manager, that doesn't exist; the City Attorney represents the Mayor and the Council members and the entity; the Mayor and Council have a right to see the City Attorney's bills because that is the work she is doing for them; he would not advise everyone to take it on and review them and micromanage it, he has not done that and Council could ask the City Attorney whether he had micromanaged her, and she was here to answer that question; he did not think that was a fair characterization; all of Council has a direct attorney-client relationship with the City Attorney and she has a duty to keep them informed of what she is doing at all times.

Councilor Sheldon stated he thinks what Mayor Pro Tem Brown was saying is that having a legal liaison reaches that attorney-client privilege between a Council member and the City Attorney; if he was communicating with the City Attorney on a personnel matter and she has to copy Mayor Stewart in on all correspondence and communication, it kind of defeats the purpose of having a privilege.

Mayor Stewart replied that was a misunderstanding and the privilege is between the City Attorney and all of Council, and Council gets to know, so if a Council member is asking the City Attorney about something, all of Council gets to know because it has to be City business, a Council member can't ask the City Attorney to do their own will or sales transactions, it's all City business and all of Council is entitled to know; the City Attorney must inform Council of what she's doing for all of the Council, she represents the entity and she represents all of Council; the attorney-client privilege is on all communications between the City Attorney and every member of Council.

Councilor Blum stated he was totally unaware that there had been a legal liaison, he'd been on Council for almost five years now, he understood there was never a legal liaison, period; this came to his attention when he asked for some legal research on some issues with the City Attorney and then was told whatever he got would go to Mayor Stewart, it would not to anybody else, it would go to Mayor Stewart as the "legal liaison", that's when Councilor Blum first became aware of it; Councilor Blum had no desire to be the legal liaison; his wife was on City Council ten or twelve years ago and there were several people involved on Council who had to sit in and got involved in the litigation that was going on at that time, again that was any member of Council, if there's a lawsuit or something, a trial Council has to attend, any member of Council can do that, he thinks there's enough business experience and enough life experience with the current members of Council that any one of them could sit in and participate in that as needed; the other concern he had, and this had come up prior with mayors in prior councils where they tried to micromanage a staff member, which is totally out of line, he agreed a hundred percent with Mayor Pro Tem Brown on this, that any bills that the City Attorney spends should not go and be reviewed by any member of Council, they had a City Manager to handle that stuff; his biggest concern, after listening to Mayor Pro Tem Brown, which he agrees one hundred percent, is the potential for violation of confidentiality; he disagrees with the Mayor with the fact that it goes to everybody, it may end up going to everybody, but if Councilor Blum asks a question or has to have something researched there's no reason why it directly goes to a "legal liaison", that's his information, he can present it, if anyone wants the information they could go to the City Attorney and get copies of it or whatever they need to do; again, that came to his attention in a certain situation that happened previously; again, he was never aware, and he didn't know how the rest of Council feels about that, that there was a legal liaison; this goes back with the Mayor, Councilor Blum thinks, the first year Mayor

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Stewart was here where the Mayor was doing legal work for the City which Councilor Blum thought Council dealt with at that time, that legal work, and they appreciate it but legal work should be done by the City Attorney and not by any member of Council or the Mayor, and Councilor Blum thought they had dealt with it at that time; the concept did not come up at that point about a legal liaison and now that it was out in the open Councilor Blum feels strongly, he doesn't know how the other Council members feel, the Council does not need a legal liaison, the Council does not need somebody who is going to micromanage on behalf of the City Manager his duties, the City Manager was more than competent at handling that; Councilor Blum totally supports the statement that Mayor Pro Tem Brown made and Councilor Blum thinks Councilor Sheldon raised the same point.

Mayor Stewart replied there is a difference that everybody should be aware of, of micromanaging an employee of the City Manager, which he agrees that's true, they report to the City Manager, Council does not want to be out there running the street sweepers and snow plows or telling employees what to do, that's not proper, if Council has an issue with staff they talk to the City Manager and they don't interfere, they don't go to that staff member; the City Attorney is different, the City Attorney is the Council's direct attorney, she reports to Council and all of Council has the ability to approach her, they all have the right to ask her for assistance; he wasn't doing legal work for the City and asked Councilor Blum if Councilor Blum recalls what that was.

Councilor Blum responded he was trying to remember, that was four years ago, he thinks it was drafting some legal documents, he would have to go back to the minutes, he thinks it was early on in the time when he and Mayor Stewart were on Council together, and Mayor Stewart had drafted some legal documents, and Councilor Blum thinks it came up at that time, they would have to go back to the minutes, but Mayor Stewart had drafted some stuff and Council said no, that's more appropriate for the City Attorney to do, even though Mayor Stewart had offered to do that gratis.

Mayor Stewart replied he recalls drafting a resolution, he thinks that is what Councilor Blum is referring to; all Council members are entitled to draft the resolutions if they want to, there's no requirement that the City Attorney draft resolutions, City Council can do it, often they want to have the City Attorney help them but they can certainly draft them, he thinks that's what Councilor Blum is referring to; that's not legal work for the City, he wasn't performing any legal work and he never has performed legal work for the City.

Councilor Gallagher stated he thinks they had seen enough evidence of it now, that there's a real opportunity to make sure that Mayor Stewart's personal comments are not the comments of the Council, and Mayor Stewart had to work on that, because it's going to get Mayor Stewart in hot water, it sends out disinformation and Council gets negative feedback from people, so Councilor Gallagher thinks there is a real opportunity there, Mayor Stewart should be very careful.

Mayor Stewart replied Council should call him out, he tries to be very careful about what his views are and he never says that the Council has done this or the Council has done that; what Laura Christman said during that introduction, he did say that properly, he thinks accurately, that the Council simply made a decision to proceed forward with an RFP discussion and he thinks that's accurate, but the rest of his column is his views, it says it's the Mayor's column, and that's his views of matters, he certainly never intends to speak on behalf of Council in his Mayor's columns.

Councilor Gallagher responded he thinks part of it is people's perception becomes their reality and so that's where the rub is.

Councilor Weil stated there are a whole lot of different issues but a couple of thoughts; when he was in corporate America if somebody incurred a cost for a service they were involved in approving the bill, he didn't want to have disconnects between bills going to one person who might not know whether they were incurred, what the magnitude ought

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to be, they weren't informed, so in order to avoid that he would always have the cost causer approve the bill first and then it would go to finance and get paid, so he was not so sure how that would work if all of the bills go to the City Manager and yet the Council is creating the legal work, so that feels like a little bit of a disconnect, and yet he thinks that is among the more trivial of the points, at least his take on it; and then he also did not understand this attorney-client privilege breach, if the City Attorney is working on behalf of the Council, it feels to him like there's things going on where an individual Council member's working with the City Attorney and somehow the rest of the Council's not privy to that, and that doesn't make him feel particularly comfortable if that Council member's working on behalf of the City, and yet the rest of the Council is not informed, so he's a little confused about where the boundaries of attorney-client privilege are in this issue.

Mayor Pro Tem Brown asked if she could give Councilor Weil a hypothetical example.

Councilor Weil replied sure.

Mayor Pro Tem Brown asked what if she thinks a Council member has broken the law.

Councilor Weil replied it was an interesting question.

Mayor Pro Tem Brown stated she should be able to consult with the City Attorney to see if there's any basis for that without that Council member being notified that Mayor Pro Tem Brown was asking, not making accusations, just inquiring; and if someone is being harassed.

Councilor Weil replied he understands and that raises great points; let him look at it from the other perspective, there's a whole bunch of legal fees involved and they're incurred by the City, and he's got no clue what they're about or who causes those expenses and the rest of it; he can see where there's a conflict potential on the one hand, on the other hand he can also see where if that attorney-client privilege is strictly enforced between the City Attorney and the individual Council member, it leaves everybody else in the dark.

Councilor Blum stated let him throw out another example, what if one Council member called the City Attorney with respect to a position that may be totally different from another Council member, and what has happened in the past, if somebody was to contact that, then the same opinion or same legal research would be directed to the "legal liaison", and Councilor Blum felt that that basically is a violation of their confidentiality in dealing with that.

Councilor Weil asked Councilor Blum to help Councilor Weil understand that a little better.

Councilor Blum stated if a member of Council was to contact the City Attorney and asked a question, maybe a controversial thing but wanted to get an answer legally, in the past with a "legal liaison" of which Council was unaware of, that opinion would not only go to whoever the Council member was asking that, but it would go to the Mayor or whoever the legal liaison was; that's why the Council never had a legal liaison; then the Council member can share that opinion and anyone is entitled to see that at that point, but to have it disclosed Councilor Blum thinks is a violation not of attorney-client privilege but of confidentiality between a particular Council member and the City Attorney.

Mayor Stewart asked the City Attorney to chime in because these were great law school questions.

City Attorney Guckenberger stated she appreciated everyone's comments, she was not going to get into a dissertation but she did get 99% on both legal ethics exams she took

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in the course of her legal career; the rules of professional conduct expressly address the role of legal counsel when a lawyer has an organization as a client, and that rule says that a lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents; if a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged, intends to act or refuses to act in a manner related to the representation that's a violation of the legal obligation to the organization or violation of law that might be imputed to the organization, might injure the organization, the lawyer shall proceed as is reasonably necessary in the best interest of the organization; it goes on, there are lots of details, she could give Council a memo on this should they so desire; she wants to point out that the Mayor is correct that she represents the organization through its duly authorized constituents which in the Charter is the Mayor and the members of Council; Council has delegated almost all of those duties by ordinance to the City Manager; she also wants to point out in the commentary, maybe somewhat presciently, of the rule of professional conduct it says government agency, the duty in this rule applies to governmental organizations and defining precisely the identity of the client and prescribing the resulting obligations of such lawyers may be more difficult in the government context, and, on the note of punting, it says, is a matter beyond the scope of these rules, so it is acknowledged that this is a very difficult, fraught type of issue; she will say her duty is to the organization acting through its duly authorized constituents; what those lines of authority are depend very much on the City's documents, and she has reviewed those; Council does not really have a one-on-one privilege with the City Attorney, this comes up from time to time in CML discussions, but she talks to Council members and she is not obligated to share, unless she thinks there's something wrong, some harm to the organization etc. per the rules; so that's kind of the way it works and she thinks the City Attorney and City Council all have to have a level of trust in each other, she hopes, she's hearing that maybe that's not the case and they can work toward that, she thinks Councilor Gallagher has made some good comments, everyone has made some good comments about working toward a level of trust on that front so they can all exercise their duties in that atmosphere; she just wanted to point those points out to Council right now for this evening's discussion.

Mayor Stewart thanked City Attorney Guckenberger and stated he wanted to follow up about what Councilor Blum had said, the liaison has nothing to do with restricting access to the City Attorney at all and in fact the only role of the liaison is to appear in court and be the official representative of the City, and he agreed with Councilor Blum there, Council had a discussion about that, Council doesn't want anybody limited, Council doesn't want anybody saying someone can't go to the City Attorney unless they get permission from the Mayor, he remembers Council had that discussion, Council doesn't want that at all, that's completely improper, everybody on Council should be able to go to the City Attorney individually and ask her for assistance and legal guidance on things related to the City, in the proper course of Council's jobs, so that is a misunderstanding that should never ever happen, anybody who goes to the City Attorney should never be reported to the liaison, that's not the liaison's role at all, that's not the Mayor's role at all, but everyone should have access.

Councilor Blum asked doesn't that create a situation where the City Attorney would have to carbon copy the Mayor on any information Council members would receive.

Mayor Stewart replied no, that's never happened.

Councilor Blum responded oh, ok.

Mayor Stewart asked City Attorney Guckenberger.

City Attorney Guckenberger replied she thinks Mayor Stewart wanted to receive communications regarding legal discussions she was having with staff, is her recollection, and she had thought that was a lot of email.

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Mayor Stewart replied they had that discussion, and that issue is, that's why the City Manager reviews the City Attorney's bills, it's absolutely appropriate for the City Manager to review the City Attorney's bills because the City Manager is basically the one who is assigning the work or has to say this is what the staff is doing because Council is out of the loop, and Mayor Stewart thinks the resolution between himself and the City Attorney was that Mayor Stewart did not want to be cc'd on all that stuff, but understanding that Council can just review the City Attorney's bills then that takes care of it, it's much easier.

City Attorney Guckenberger replied that was the request, that's correct.

Councilor Sheldon asked if Council had determined there is no legal liaison.

Mayor Stewart agreed there is no legal liaison.

Councilor Sheldon stated this point is moot.

Mayor Stewart stated if anyone wanted to appoint him legal liaison he will refuse, he will not do it, it's a thankless job and he will not be there, but everyone needs to know that Council has a right to review the City Attorney's bills, that's their right in the position they have and her legal obligation as a lawyer to her client, that's the Council and Mayor; he did not want to know what Council members were doing and he did not want to be cc'd on what they were doing, he did not care, but he did think they need to supervise the City Attorney because they asked her to do things that the City Manager doesn't know about, so Council does have an obligation, he doesn't think it's with this City Attorney, but they could have a rogue city attorney and they'd be asked why weren't you watching the store about what the city attorney was doing, but he did not see that as an issue; he invited City Attorney Guckenberger to speak.

City Attorney Guckenberger wanted to take the opportunity to say she takes very seriously her obligation to communicate with City constituents what she's doing, keep everyone in the loop, without over burdening everybody; she invites Council to share with her if there's a way she can better communicate, if she's omitted anything, she takes that very seriously, she can't represent Council if they don't know what she's doing, and please let her know.

Mayor Stewart replied a lot of times City Attorney Guckenberger did work for the staff and it's very useful for her during her report from the City Attorney to say she's been working with staff on this, this, and this; Council's always interested in the Comcast Agreement, where that is; he'd be a little more descriptive, he knows she did a lot of work with staff on the RFP, all of that kind of stuff, during her report section everything she does with staff would be very useful, helpful to Council to know what's going on.

City Attorney Guckenberger replied most everything on the agenda gets run by her, so she's tried to be economical, but she'll keep that in mind and thanked Mayor Stewart.

Mayor Stewart replied he knows City Attorney Guckenberger looks at every bill and ordinance, she's required to under the Charter to review every bill and ordinance, she has to sign all of them, that she's reviewed them, found them consistent with Colorado law, so that's good but it's the time when she's spent billable hours, substantial time working with staff to come up with something, he thinks letting Council know in her reports would be very helpful to them.

City Attorney Guckenberger replied all right.

Mayor Pro Tem Brown stated again, to be sure that the point is not lost, as she stated as absolutely clearly as she could, the question really isn't whether there's a liaison or not, it is the conduct that's problematic, and she is hopeful through this conversation that Council has some resolution, some acknowledgement, that that is not the way

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Council should operate, and an agreement to move forward operating differently, and if Council has not come to that resolution yet then she thinks there still needs to be discussion.

Mayor Stewart stated he hates to extend this anymore but he agrees with Mayor Pro Tem Brown on the liaison point, and he thinks they've established that everybody is entitled to see the bills, if anyone wants them they ask the City Attorney and they can see them; is there any other conduct, his conduct that Mayor Pro Tem Brown thinks he should change, they talked about Councilor Gallagher saying be careful that Mayor Stewart doesn't represent Council and Mayor Stewart takes that advice seriously and will do that, are there others.

Mayor Pro Tem Brown replied she thinks it's all somewhat related to that, but frankly it was the self-appointment, which all just ties to the same thing, of acting in a capacity beyond that of the Mayor, and whether that's making statements in the Crier, which is a taxpayer funded publication, not a newspaper with editorial content, or whether it's representing the City in dealings with Natalie Anderson, or whether it's appointing positions that don't have Council's approval, she thinks the underlying issue is that Council is the controlling body here, not the Mayor, and she believes more respect is owed to the Council's authority to make decisions.

Mayor Stewart takes issue with Mayor Pro Tem Brown saying he appointed himself, he did not appoint himself, he would not have wanted to do that, he assumed that he was and he takes it back and that's mea culpa, but he absolutely did not appoint himself and it is absolutely Council's decision about whether they want to appoint him and whether they want a legal liaison and clearly the decision is no, he's happy with that and that's great, that's the decision of Council, and that's less for him to do and that's terrific, so he takes issue with saying that he appointed himself, he didn't, that's not true; and he did not negotiate on behalf of the City with Natalie, he simply met with her, and as soon as he met with her and understood what was going on he brought it to the attention of all of Council, he called all of Council on the phone except for Mayor Pro Tem Brown and said he met with Natalie and she's suggesting that they may be interested in this, immediately as soon as he did that, and that's appropriate; Klasina VanderWerf and Lucinda Greene met with Natalie, that was entirely appropriate, that's what they do, they run the committee, they should be meeting with the benefactor of the property, and there's nothing wrong with that, in fact he thinks they ought to get a medal for meeting with her and talking to her, that's what they're supposed to do; he was careful not to be acting on behalf of the City, and reporting to Council about what the development was from Natalie Anderson; obviously he had no idea that the Anderson family would want to take this, it was the last thing in his mind thinking that she wanted to or the Anderson family would want to come back and take this on, so it didn't come from him, it really was a discussion with Natalie sitting down, who said the first word he doesn't know but it was clearly her intent, she was very interested in, not the direction of the Master Plan from the Quincy Farm Committee, but doing something else with her family.

Councilor Sheldon responded just so he's clear Mayor Stewart was doubling down on the Mayor's position right now, is that correct, Mayor Stewart was saying that the Mayor did not reach out to them, because Councilor Sheldon thought Council put this to bed, Councilor Sheldon thought he heard testimony just an hour ago or whatever it was that was pretty convincing in his mind that they basically called out Mayor Stewart on it, and it is what it is, but if that is what it is, Mayor Stewart was now saying that's not what it is.

Mayor Stewart replied Natalie Anderson's descriptions of the meetings are entirely accurate, that's exactly right, now who said first, he had the message from Lucinda and Klasina after that meeting that Natalie was really interested in this direction, and then he had the meeting with Natalie, and Natalie again was interested in, that her family maybe interested in this, whether he said it first it was clearly coming from her, he wouldn't have had that idea because his last conversation with Ben Fitzgerald was they want nothing to do with this, Ben Fitzgerald was out of here, good luck with this, but Ben

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Fitzgerald didn't want anything to do with it so Mayor Stewart was surprised when Natalie had any interest, her family, it never occurred to him that her family would be interested in taking this on and taking title, that's what happened, the meetings and everything that Natalie recounted is exactly correct, that's the way the meetings happened, except she didn't know that Mayor Stewart called Council after the meeting with her, all Council members, and said here's what's going on, and then all the discussions of meeting with City Manager Cramer is accurate, all the discussions about our Council asking her for, well Council asked her for a written letter of interest, she's also correct in saying that Council at a meeting said they want to know what her plan is, and so the Council as a group asked her for a plan, that is true.

Councilor Sheldon replied Council knows what they said, they were all there, but the question is how that whole thing shook out, because where he's struggling with all this, he's just going to jump into his Council member report, this is all he was going to say in his report, he's struggling with this right now, City Attorney Guckenberger mentioned Council is trying to gain this level of trust and have this level of trust amongst each other and he doesn't have it right now, and it's really disturbing for him that he doesn't have a level of trust with what he's hearing from Mayor Stewart and he hates that, he doesn't want to have that, but there's so much conviction coming from what he's hearing on the other side of this from Jeri and Natalie and at the end of the day Council just lost, he thinks all this is noise, is background noise, the stuff they're talking about right now, this legal liaison stuff, it doesn't make a bit of difference in the grand scheme of things, what happened tonight is they lost the Natalie Anderson opportunity.

Mayor Stewart stated they did.

Councilor Sheldon continued and that's a real shame, and Council can rewind this whole story to try to figure out forensically how it happened and what went down, he doesn't want to do that but he feels like an apology is owed to Natalie and her family, probably, he's going to go ahead and say it, he thinks Mayor Stewart owes Natalie an apology, Councilor Sheldon is going to go ahead and apologize to her as well because they as a Council put her through this process, but the process was pitched to us as something different than he believe it was, so now it's Mayor Stewart's story against hers and against that of Jeri, and Council is never going to know the real truth and Councilor Sheldon is just going to accept that, but it's just super disturbing for Councilor Sheldon to think that this potential for Quincy Farm, and Natalie talks about and Jeri Neff talks about what's best for the Farm, the option that's potentially best for the Farm, one possible option that might be the best one for the Farm, just went away, and it's because of the dealings and the way it all went down and he just wishes Council could rewind this and conversations could be had differently between Mayor Stewart and Natalie, and then the pitch that was given to the City and that the City gave back to her direction and all those things that happened could have been done possibly differently, because Council may have ended up here at this same place, if four months ago Council was all sitting here scratching their heads trying to figure out what to do, and they might have eventually come conclusion, to take it out to an RFP, and the Anderson family might be a great candidate for that RFP, and then it would have been a level playing field, everyone's bidding against each other, and it's really what does Council feel is the best for the Farm and for the Village, and right now as it is Council may have lost their absolute best scenario, certainly the one that's most passionate about the property, that is gone, so Councilor Sheldon's disturbed by this, there's a big gap in trust for him right now, and he's concerned about the Mayoral Musings, there's a lot of things going on right now for him that he's really disturbed about and he hopes things get better amongst Council; he had questions to ask in his report tonight to Deputy City Manager/Director Goldie about Quincy undergrounding but Councilor Sheldon doesn't want to derail what Council is talking about right now, he thinks this is much more of an important topic to talk about than other things right now.

Councilor Safavi replied when Councilor Sheldon says Council might have lost the best candidate for this opportunity, Councilor Safavi agrees, but don't forget, when this came

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to the Council and Natalie was presenting to them, he thinks he was the one that probably showed his enthusiasm that this is great, how can Council work with her, and then a couple of the Council members started no, she might have something up her sleeve, why would she want to do this, is it because of tax issues, what is it, maybe Council should take to an RFI process, so he wants to make sure Council doesn't right now, this is at this point, he thinks, if they're going to play the blame game and start pointing fingers of who owes her an apology or whatever, just remember at least where they got involved as a Council, and then forwarded events, the events were she came to Council with a very clear idea of what she wanted to do, he personally loved it, then Council went behind a closed door and had a conversation as to what are all the issues, so this is a much wider discussion, if Council is going to start pointing fingers; but he doesn't consider this a loss event, he still thinks that Council semi shot themselves in the foot, but if they really think that she is the best candidate and they want to make this work, he thinks there is a way to go, he doesn't think she completely closed the door, he hasn't seen the letter, but they can actually go have a conversation and say these are the steps that she is right, they can probably have a conversation and make it happen, but the question is today, if she comes back, her issue was Council went through this and now the RFI process, Council is initiating that, so does Council want her if they think she is the best candidate, and for two or three of Council or whatever to go and have a conversation to say how can Council make that happen, or does Council want to go through this RFI process, what he was hearing from her is that she's not going to go through this RFI process with Council but remember for so many reasons she is your best candidate, so what is Council's direction here, is this a separate conversation Council is going to have.

Councilor Weil stated when he listens to the comments he thinks, well first of all Councilor Sheldon is probably right that Council has not been very linear with Natalie in terms of process and expectations and all of that, and there's an apology that might well be owed, and Councilor Weil kind of thinks rather than one Councilor maybe that ought to be on behalf of Council as a group; with respect to the RFI process Councilor Safavi raises some good points, Councilor Weil kind of thinks in some ways from a credibility perspective, from a process perspective, from a playing the cards face up on the table, in some ways that train sort of left the station, he doesn't think Council can back off of that process, on the other hand he thinks Council can make Natalie feel welcome, she's already given us an idea of what she's thinking so maybe there's a way to save face with her but not abort the RFI process, because he thinks to go back to some of the earlier conversations around well, folks might perceive it as an inside deal and she's got an inside track, and he thinks at least him as an individual he'd like to be above board and shame on him for not thinking about the RFI business earlier but mistakes happen, so long story short he thinks it certainly would be a good gesture to apologize as a group on the one hand, on the other hand he thinks Council really should stick with the RFI process and incorporate her as a part of that applicant pool if she is willing.

Mayor Pro Tem Brown stated she thought what Natalie said was Natalie was out.

Councilor Weil replied people change their minds.

Mayor Pro Tem Brown responded the RFP process is there, and if people want to change their mind, to be honest she doesn't want to rub salt in the wound by going back to Natalie and saying, oh no sorry please submit something, and then end up going a different direction, Mayor Pro Tem Brown is not going to do it to Natalie again.

Councilor Weil replied that's a good point but he thinks it's more about feeling welcome, and he thinks Natalie may have been operating in good faith and gave Council what she thought Council wanted and now Council is changing direction on her and all the rest of it, and if Council says they're sorry, bad judgment on their part but at the same time they really do appreciate Natalie's involvement and offer and sincerity and really they'd welcome a response from her, she can always say no, she's not going to do it.

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Mayor Pro Tem Brown stated this isn't about blame but Council has a lot of residents that they have to be accountable to for their conduct and their behavior as a City and as a City Council, she is sorry but she is not willing to acknowledge or to admit to proposing to Natalie Anderson that she take back ownership of the Farm and then changing course, that was not the City's doing, if there's an apology, Mayor Pro Tem Brown has considered apologizing to Natalie Anderson for being dragged into what has turned into a political mess, frankly, that is not Natalie's concern and if Mayor Pro Tem Brown were Natalie, Mayor Pro Tem Brown would be saying no, but the City did not create this problem, and the only reason that it's important, because Mayor Pro Tem Brown was not above apologizing even when it's not her fault, so to speak, but the only reason that it's important is, as Council heard in Jeri Neff's testimony, there is still the City did this the City did that, the City didn't do any of that stuff.

Councilor Weil replied no, but he thinks where Council has some accountability is for five years Council has kind of had committees that haven't been maybe as effective as they might have been, plans that were way beyond the scope of what Colorado Open Lands would support and all of that, so while he understands Mayor Pro Tem Brown's point about the communications and the direction that Natalie had on the one hand, on the other hand Council has kind of fumbled the ball.

Mayor Pro Tem Brown replied she disagrees so strongly with Councilor Weil that she just can't even express it; public input meeting after public input meeting after public input meeting, Council had proposals from committee and the only reason that Council is still doing this is because no one on this Council was willing to say to people who disagreed they hear them, they understand them, but they disagree with them, that is the only reason Council is here, when people objected to the plan that was developed after community input and hundreds of hours of volunteer time if not thousands, Council could have said they really appreciate the input and they do hear it but this is the direction that the committee has decided to go and the Council's going to support that and back them up, but instead Council left everybody out hanging, and now Council had reversed course on everybody, they've alienated their volunteers, they've alienated people because they won't put a stake in the sand and make a decision, so if there's accountability there that's what it is in her opinion, not failure of our committees.

Councilor Weil replied he is thinking about it in terms of Council's leadership, not the committee itself, Council's guidance.

Mayor Stewart stated what Natalie's really upset about is she submitted this plan and then Council decided to do an RFP, but she had to have known the City has special duties to its citizens to open this up, and that's the crux of it, really, she submitted a plan and Council hasn't responded to it and instead they did an RFP.

Mayor Pro Tem Brown asked if they were in the same meeting, she thought the letter Natalie read specifically expressed Natalie's disappointment that Mayor Stewart proposed the idea to Natalie and then sold it to the City as Natalie's idea and then when Council came back and said great let's hear Natalie's idea and asked her to put some information together and then reneged on it, that's what Mayor Pro Tem Brown heard Natalie say Natalie was upset about.

Mayor Stewart replied what he heard Natalie say is that she submitted this plan, this plan is on the City website, and then Council decided to open it up for others, that's what she's upset about, but she had to have known that Council can't do that as a City, in Council's defense they just can't do a single source thing without letting others in the community have a say, and he thinks their decision as a Council was correct to open it up.

Councilor Safavi stated they are going in a circle, he thinks most people agree that Council would like to have Natalie as part of the RFI process, if she decides not to do it after Council approaches her once then that's her decision, but what she has sent our

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way, it is an RFI so if he was sitting in front of her, not that he's saying he's the one qualified to sit in front of her, but if he was sitting in front of her he would say Council heard her, they understand her disappointment, she's upset and she wants to withdraw, and that's her decision, but she has put so much time and effort into this, why doesn't she bring this to completion, Council is sending this RFI, get her proposal, put it into the RFI format, Council might get one RFI or might get ten RFIs, but she is definitely a good candidate for so many reasons, but again as a City, Council does have to go through that RFI process to be fair to everybody, and that's it, she's either going to say no, she's just done with Council, or she's going to say ok, she spent all this time, she will spend another ten hours, put this together, and let it go and go through the process, that would be his approach, or Council can just say goodbye to it, he doesn't want to say goodbye to it, he thinks Council can make this work, and again Natalie may not come to be the best candidate after Council gets an RFI, but he would hate to start getting all these RFI responses and Natalie's up here and everybody else is down here and these are the responses Council gets, he'd like to propose that Council finds, in a coordinated way as a team with the Mayor with the Council, somebody to go have a good heart to heart conversation, somebody along with of course the City Manager, the City Attorney, whoever needs to be involved, have a heart to heart conversation, say apply for the RFI, nothing's guaranteed, that would be his recommendation.

Councilor Sheldon corrected it's an RFP, Councilor Safavi keeps saying RFI.

Councilor Safavi replied RFP, yes, usually he fills out RFIs, sorry.

Councilor Gallagher stated his comment would be at this point, tonight, Council needs to respect Natalie, she has gone through a very painful process, and this is not the time, he would advocate that Council let some time pass, show her respect if Council encounters her, this whole thing is so unfortunate, when it's all said and done, it's really unfortunate the way the whole thing's come down, and out of respect for Natalie and her family, the recommendation would be to give her a little bit of time and then maybe circle back to her, but he doesn't think there's an easy answer on this right now, and Council is committed to the RFP process, and if she wants to come back in, great, she is more than welcome, he just feels Council has to give her real respect, and her family.

City Manager Cramer noted he was just going to mention before Councilor Gallagher spoke about the RFP itself, City Manager Cramer thinks there's a lot of good conversation with Natalie and Council can continue to have that conversation, he would offer his opinion to all of Council, not that they're asking for it, the RFP, he's not sure if Council realizes the amount of support and positive feedback that staff has received about this process, he thinks there was a real frustration with the potential survey and what did that mean and was it going to be biased and all these other things, and there's been almost a relief that he has heard from multiple folks in the community about the RFP process, so his advice and recommendation to Council would be that Council still continue to make progress and move towards that RFP, he just doesn't want that to get lost with the conversation about Natalie and what steps Council should be taking in response to her, he absolutely thinks that should be fully and thoughtfully considered but his recommendation would be not to hit the pause button or anything like that while they're doing all that.

Councilor Sheldon replied he doesn't think anyone's suggesting that, he hasn't heard anyone suggest that.

Director Cramer responded ok.

Councilor Weil agreed.

Mayor Stewart stated he'll second the comments on the RFP, a lot of citizen pro comments for the RFP process, and getting a transparent process and getting it out.

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Mayor Pro Tem Brown stated and given the action of Council to explore Natalie's proposal is being kind of thrown back at Council as them sending her on a tangent, Mayor Pro Tem Brown personally will not vote to reach out to Natalie again, Natalie is absolutely welcome, Mayor Pro Tem Brown would state that here publicly if Natalie listens to this message and Mayor Pro Tem Brown is happy to tell that to Natalie personally, but Mayor Pro Tem Brown will not be in favor of actively soliciting from Natalie, Mayor Pro Tem Brown does think that Natalie has been misled, and Mayor Pro Tem Brown will not be part of continuing that.

Councilor Weil replied he wouldn't suggest Council continue to mislead Natalie but there is a process, she's a viable contestant in that process, and might well end up being the best one so he'd hate to overlook her, she's offended understandably and it feels like, to Councilor Gallagher's comment, Council should probably try to make that right, they didn't want to go around offending people, but Councilor Weil didn't see any harm in making Natalie feel welcome into this process.

Mayor Pro Tem Brown responded making someone feel welcome and actively soliciting them to submit and encouraging them to be a part of the process which in the end might result in them not being the winner; the Mayor said to Mayor Pro Tem Brown specifically that, when she was expressing that the City did not take this on, his words to her were it was her, it was her who did that, she asked Natalie to submit a proposal, Mayor Pro Tem Brown assumes by that he meant when they as a Council voted to explore the possibility, and she doesn't want to treat people that way, she doesn't want to be responsible for leading people on tangents, and so she won't be supportive of that idea, she would welcome any person, Natalie included, who would like to submit a proposal and Mayor Pro Tem Brown would look forward to hearing anyone and everyone's ideas, but she is not specifically going to go out and recruit people to submit because she thinks that gives a misleading impression.

Councilor Weil replied it's more awareness, like if someone's going to go advertise a product they've got to make sure people are aware of it or they aren't going to buy it, and he thinks that's what Council is trying to do with the solicitation, he wouldn't support misleading people in any way about their chances or their prospects in the process, but he thinks making not just Natalie but anybody that might be a viable candidate, connecting with them and being interested, feels to him like a right thing to do.

Councilor Sheldon stated it's probably a moot point anyway, his guess is that Natalie's going to be not interested in dealing with this issue anymore as a result of what's transpired, and although they may hear from her further he's fearful that it may not be in the form or fashion that Council is hoping for.

Councilor Safavi stated he was all about, for any candidacy, for a lot, for land, or a candidate for a job, to solicit, talk to them, and be pretty transparent and frank with them and say they'd love for them to apply, but they are probably going to be one of several candidates, they may or may not get the job, or they may or may not get the property, but they like them and they think that they would be a good candidate, and that's not misleading, they're being very transparent and open and trying to recruit the best candidate to apply for whatever it is, this is not any different; to go back, Council can either do nothing, Council can just go apologize, or Council can just say Natalie might have been misled or she felt that way but the reality is that what she started, it led Council to the process of RFP because that's the right thing for the City, and Council would welcome her to apply, there are two answers, no or yes, Council has nothing to lose, it's a good candidate, he can put his pride aside and just have a conversation with her, of course he will not do it because Council all has to agree on it, but Natalie is not the only one, anyone who Council thinks is a good candidate, have a conversation, say work on this proposal.

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Mayor Pro Tem Brown replied she appreciates that but she'll be honest, Councilor Safavi's comment at that meeting where he said he'll give it to Natalie today doesn't help, that was misleading.

Councilor Safavi responded Natalie was up there and she came up with a great case, great scenario, and everyone is sitting there and grilling her, and he just wanted to encourage her to continue, it's on public record, it's not he's giving it to her, go look at the meeting minutes and tell him if he said he'll give it to her, he'd love to see it again, go look at the meeting minutes.

Mayor Pro Tem Brown replied ok she will, because that is misleading.

Councilor Safavi responded he knows she will, she has plenty of time, but Council has to go ahead and right now come up with a solution.

Mayor Pro Tem Brown replied ok.

Councilor Safavi continued what does Council want to do, and Council doesn't have to make a decision today, but he thinks they have to go ahead and have that conversation in the next couple of weeks and decide what Council wants to do.

Mayor Stewart stated he thinks they've talked through it here, he thinks everybody agrees Council is going to do an RFP, that's the way to go, he hopes Natalie applies, he thinks she, her family would be an ideal kind of entity to take this back for a lot of reasons because they have a great motive and he hopes she does, but it's up to her, she doesn't have to participate in the RFP process if she doesn't want to, and clearly if she's already made that decision our worries may be moot, he thinks she's a wonderful person, he thinks the family's a wonderful family and he's sorry it happened like this and Council had the hiccups with how it went but some of this is kind of the nature of the process, the City has to act in a certain way and that's just the way it goes, he hopes she reconsiders and he hopes she applies but he thinks the City needs to press ahead with the RFP, unless there are other comments from Council members or other reports, it sounds like they've exhausted the reports from Council.

City Attorney

City Attorney Guckenberger reported her office was working on updating the Model Traffic Code; working with staff on some personnel matters; advising staff on application and interpretation of a new state law, the Healthy Families and Workplaces Act, which requires both a paid sick leave and public health emergency leave; various ongoing planning and engineering issues involving properties, neighbors, licenses on trails, things of that nature; overseeing some land use applications, processing and reviewing those, one is coming up soon at the next meeting; working with outside counsel on the Comcast agreement, there will be a study session coming up to get some feedback and input from Council, but they'll have a draft, she needs to confirm that, Ken Fellman will be working Council and as Council knows that's his specialty; she has picked the brain of the CCUA partner in Ken Fellman's office on drones, and she's currently talking with staff about what the next best steps are for her to communicate with Council on what the City ought to do with changes in regulations on drones and dealing with the existing regulations on drones in the City; contracts are a steady go all the time, maybe not for the next meeting but typically; the City regularly gets small cell wireless applications that she's asked to briefly review and comment on; as Council knows they just approved the CBI audit documents related to that process, one of her counsel worked on that with City Clerk Gillespie; her office is updating an informational document on how to form a GID so that is ready to hand to citizens; they've been asked to go over rules of procedure with PTRC so that just got on the calendar; her office does regularly monitor the police legal advisors group and are in communication with Chief Tovrea on issues as they arise, it's been a hot year for that; so that's what she could come up with

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tonight; and just for clarity, should she just send her bills to the City Manager, she wants to get some very clear direction on that.

Mayor Stewart replied send them to the City Manager, that's fine, and anybody who wants to review them can ask the City Manager.

City Attorney Guckenberger responded that sounds like a great arrangement.

City Manager & Staff

City Manager Cramer stated he doesn't really have reports tonight, he just wants to thank all of Council for the discussion in the study session, he thinks Council can tell that staff took that task very seriously and attempted to put together the best possible RFP they could that they thought reflected the direction of Council and he thought the conversation was extremely helpful, and he wants to thank Council for the feedback.

Director Sager stated she would also like to thank City Council for their time today during the retreat, she appreciates all the feedback they provided staff during the retreat.

ADJOURNMENT

Hearing no objection Mayor Stewart adjourned the meeting at 8:10 p.m.

(SEAL)

DocuSigned by:
Russell O. Stewart
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Russell O. Stewart, Mayor

DocuSigned by:
Laura Gillespie
98AFD1F52762493...

Laura Gillespie, City Clerk