



City of Colorado Springs

Plaza of the Rockies
South Tower, 5th Floor
Blue River Board Room
121 S Tejon St
Colorado Springs, CO
80901

Meeting Minutes Council Work Session

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Monday, May 24, 2021

10:00 AM

Blue River Board Room

How to Watch the Meeting

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Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)
- CenturyLink Channel 18

1. Call to Order

Present 9 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Pro Tem Richard Skorman, President Tom Strand, and Councilmember Wayne Williams

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated item 7.B. will not include the El Paso County Annual Coroner's report and this report will be presented at the June 7, 2021 City Council Work Session meeting. Consensus of City Council agreed to this change on the agenda.

3. Regular Meeting Comments

Sarah B. Johnson, City Clerk, stated Councilmember Avila requested item 4B.C. be removed from the May 25, 2021 City Council meeting Consent Calendar. Consensus of City Council agreed to this change.

4. Review of Previous Meeting Minutes

4.A. [21-273](#) City Council Work Session Meeting Minutes May 10, 2021

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [5-10-21 City Council Work Session Meeting Minutes Final](#)

The minutes of the May 10, 2021 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open**5A.A. [21-267](#)**

Candace Sgaggio v. John Suthers, Don Knight, David Geislinger, Richard Skorman, Yolanda Avila, Jill Gaebler, Bill Murray, Tom Strand, Wayne Williams, Marcus Allen, Tyler Bresson, Nicholas Hamaker, Eric Anderson, Vince Niski, City of Colorado Springs, Case No. 21-cv-00163- KMT, United States District Court, District of Colorado.

The Civil Action Investigation Committee met on April 28, 2021, and has recommended that the City represent the City officials and employees as required by the Colorado Governmental Immunity Act and, with respect to the police officers, the Peace Officer's Liability Act. The City employees were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, it is recommended that the City reserve the right to not pay any award of punitive damages.

Presenter:

Wynetta Massey, City Attorney

Attachments: [2021-05-24-CAICMemoCouncil](#)

Tracy Lessig, Division Chief, Office of the City Attorney, stated the City is requesting authorization to represent the City officials and employees as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act.

President Strand polled City Council regarding authorizing the City to represent the City officials and employees. Consensus of City Council agreed.

5A.B. [21-268](#)

Christian Diaz v. Marcus Allen, Tyler Bresson, Nicholas Hamaker, Eric Anderson, City of Colorado Springs, Case No. 21-cv-00193-KMT, United States District Court, District of Colorado.

The Civil Action Investigation Committee met on April 28, 2021, and has recommended that the City represent the Officers as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. The Officers were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.

Presenter:

Wynetta Massey, City Attorney

Attachments: [2021-05-24 Diaz CAIC Memo to Council](#)

Please see comments in Agenda item 5A.A.

5B. Closed

There was no Closed Executive Session.

6. Staff and Appointee Reports

6.A. [21-272](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 5-24-21](#)

Sarah B. Johnson, City Clerk, stated there will be a Resolution presented at the June 21, 2021 City Council meeting for the declaration of the intent of the City to place a ballot item on the November 2021 Coordinated Election.

Councilmember Donelson asked if there will be a fee association with the ballot item. Ms. Johnson stated there will be an estimated cost provided when the intergovernmental agreement with El Paso County is brought before City Council in August 2021 and the City will have the opportunity to back out of the election all the way up until the ballot language is provided to the County in September.

Councilmember O'Malley asked if it is customary for the enclaves at Mountain Vista item to be on the Agenda Planner for the June 21, 2021 City Council meeting even though the timeframe for the appeal process has not been completed. Ms. Johnson stated it is a place holder and they work closely with staff regarding these types of items.

7. Presentations for General Information

7.A. [21-290](#) Pikes Peak Small Business Development Center Programs and Economic Impact

Presenter:

Aikta Marcoulier, Executive Director

Attachments: [SBDC Presentation.5.24.21](#)

Aikta Marcoulier, Executive Director, Pikes Peak Small Business Development Center (SBDC), gave an overview of the SBDC mission, SBDC staff, consultants/facilitators, civic engagement, locations, economic impact, programs, disaster relief COVID-19 programs, services, virtual events, guides, and resources. She identified committee participation, the COVID-19 core team, center activity regarding COVID-19, stories from

small businesses, 2021 SBDC toolkits, the events occurring during Small Business Week, SBDC TechSource cybersecurity education, and the 2021 Veterans Small Business Summit.

President Strand asked what size of organization is considered a small business. Ms. Marcoulier stated the Small Business Administration considers them as small business if they employ five hundred employees or less and the SBDC mostly assists businesses with thirty-five employees or less.

Councilmember Henjum asked what the SBDC's largest capability was during the pandemic. Ms. Marcoulier stated the ability to reach more businesses and people through virtual avenues.

Councilmember Donelson requested the percentage of veteran-owned or spouse of veteran-owned small businesses. Ms. Marcoulier stated she will provide that information.

President Strand asked how small businesses can obtain small business loans. Ms. Marcoulier explained how the SBDC works closely with financial institutions to assist in this matter.

Councilmember Avila requested a special session regarding information on the Transforming Safety program. Ms. Marcoulier explained how they work on recidivism in the City.

Councilmember Williams asked how the SBDC is working with the Department of Regulatory Affairs. Ms. Marcoulier stated they are working with them to bring back the occupational database.

Councilmember Donelson asked what their total budget is. Ms. Marcoulier stated their operating budget is \$750,000.

Councilmember Donelson asked if businesses are having difficulty hiring employees. Ms. Marcoulier confirmed they are and the SBDC held their first-ever hiring event to address this issue.

7.B. [21-197](#) El Paso County Public Health Update/Coroner Annual Report

Presenter:

Susan Wheelan, El Paso County Public Health Director

Dr. Leon Kelly, El Paso County Coroner

Attachments: [NEWS RELEASE - El Paso County Coroner's Office Releases 2020 Annual Report](#)
[El Paso County Coroner's Office 2020 Annual Report](#)

Susan Wheelan, Public Health Director, El Paso County Public Health, gave an overview of the El Paso County Public Health update.

Fladi Yukhana, El Paso County Public Health Epidemiologist, provided information on the vaccine campaign evolution, national and state vaccination goals, El Paso County vaccination activity, and vaccination rates in the ten largest Colorado counties.

Councilmember Williams asked if the federal data of military vaccinations is included in the County vaccination statistics. Ms. Wheelan explained how they obtain their data regarding federal vaccinations within the military. Stephen Goodwin, Chief Data Scientific Strategist, El Paso County Health, explained there are missing data sets from the Department of Defense, Veteran Affairs, and the Bureau of Prisons.

Mr. Goodwin identified the vaccinations by age cohort/decade, intervention strategies, vaccinations versus incidence/hospitalizations, and reasons people remain unvaccinated.

Councilmember Williams asked if the vaccination survey is directed towards persuading individuals who have more of an elasticity of intent. Mr. Goodwin confirmed it is.

Ms. Wheelan gave an overview of the El Paso County Vaccine Consortium.

Diana May, El Paso County Attorney, identified the general rule regarding face coverings, exceptions, exemptions, summary of the Public Health Order 20-38, current state restrictions, the requirements for schools, outdoor events, and indoor gatherings, and the Claw Back provision.

Councilmember Williams asked if there will be monitoring or proof required from individuals regarding vaccinated and unvaccinated seating. Ms. May states the Public Health Order does not provide restrictions on self-reporting regarding businesses asking individuals to self-disclose or to post signs regarding vaccination status.

Councilmember Donelson asked if a business can refuse entrance if an individual refuses to disclose their vaccination status. Ms. May confirmed they can, and it is anticipated the Governor's office will soon be providing Frequently Asked Questions to businesses regarding this issue.

Dr. Robin Johnson, Medical Director, El Paso County Public Health, went over how COVID-19 impacts the body and death rates.

President Pro Tem Skorman asked if fully vaccinated people are at risk of

carrying the virus to unvaccinated individuals. Dr. Johnson stated they are still gathering data regarding that, but there is evidence the vaccination protects against the spread of the virus due to the reduced viral load.

President Pro Tem Skorman asked there is a campaign regarding identifying individuals who have been vaccinated. Ms. Wheelan stated they have initiated a campaign called "Don't Wait, Vaccinate" and are in discussion of purchasing buttons for distribution.

President Pro Tem Skorman asked if there is hesitancy in the military regarding vaccinations. Ms. Johnson stated they are experiencing the same challenges as the community and are finding the mobile vaccination access is most effective at this point.

President Pro Tem Skorman asked if businesses can require vaccinations. Dr. Johnson stated the vaccination is still under Emergency Use Authorization so there are some caveats with it that restrict mandates, but once it has full FDA approval, there may opportunity for it.

President Pro Tem Skorman asked if there is concern as tourism opens and more visitors from outside the state come into the City. Dr. Johnson stated any time there is an increase in interaction, there will be an increase in the risk.

Councilmember Avila asked how they address the individuals who think they are immune to the virus without the vaccine. Dr. Johnson stated they discuss the science and emotions associated with it.

Councilmember Murray asked if vaccinated people were protected against the COVID-19 India variant. Dr. Johnson stated even though there is increased transmission of the India variant, there is no evidence that it will overwhelm the vaccine immunity.

Councilmember Murray asked if the transmission of the virus could be traced to the source. Dr. Johnson confirmed it could be through contact tracing.

8. Items for Introduction

- 8.A.** [21-064](#) A Resolution Approving a Service Plan for the Ellston Park Metropolitan District for a new residential development.

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department
Peter Wysocki, Director of Planning and Community Development

Attachments: [Resolution- Ellston Park](#)
[Exhibit- Service Plan with exhibits 5-25-21](#)
[1- Service Plan-City Model-red line 5-25-21](#)
[2-Transmittal letter](#)
[3-Context Map- Ellston Park](#)
[4- Construction Budget](#)
[5- Operations budget](#)
[6-Ellston PUD Proposed Tracts](#)
[7-Text of Ed Houle E-mail 4-27-21](#)
[8-Staff E-mail to Budget Committee 5-3-21](#)
[PowerPoint- Ellston Park](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution approving a service plan Ellston Park Metropolitan District for a new residential development. He provided a site context map, summary, tracts to be maintained, operations and maintenance mill levy cap waiver, statutory criteria, questions/comments from the Budget Committee, and next steps.

Kevin Walker, Walker Schooler District Managers, representing the district, gave an overview of the site location, plan, request for approval of the service plan, variance of the model service plan policy, proposed service plan language change, justification for the requested change, other approved districts with additional operating and maintenance (O&M) mill levy over ten mills in model plan, and benefits of approving the service plan.

Councilmember Helms asked how residents will cover future maintenance costs. Mr. Walker stated it will be a combination of mill levy and O&M fees which are similar to Homeowners Association (HOA) fees.

Councilmember Henjum asked if there will be long-term impacts or consequences to the district taking over street and stormwater maintenance. Mr. Schueler stated it is very common for developments to be approved without the City's responsibility for these types of maintenance. Gail Sturdivant, City Engineer, Deputy Public Works Director, stated typically when a development has private infrastructure it is due to their wanting a different standard for it than what the City standards are. Mr. Walker stated the developer made this choice to keep prices down and make the development fit on the site more effectively.

Councilmember Donelson asked if the streets meet the City's standards for fire and other emergency vehicles. Mr. Walker confirmed they do.

President Strand asked if there will be opportunity for the development of single-family and single-family attached affordable or attainable housing units under \$300,000. Mr. Walker stated it will be very difficult due to many costs such as land, building materials, construction defect legislation, and insurance. Steve Posey, HUD Program Manager, Planning and Community Development, stated he and Mr. Walker are members of the Housing and Building Association (HBA) standing committee on housing affordability and they are working on what is driving those prices and solutions regarding it.

President Strand asked about the cost of the down payment. Mr. Posey stated they can go as low as five percent out-of-pocket.

Councilmember Williams asked how other communities have approached being able to reduce the costs of building new housing. Mr. Posey stated he will research that information.

- 8.B.** [21-239](#) A Resolution authorizing issuance of debt not to exceed \$1,400,000 by the Chaparral Pointe Metropolitan District located west of Powers Boulevard north of Barnes Road

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

Attachments: [Resolution_ChaparralPointe](#)
[PowerPoint- ChaparralPointe](#)
[1-Transmittal Letter -Chaparral Pointe](#)
[2-Term Sheet - Chaparral Pointe MD- 4.19.21](#)
[3-Chaparral Pointe MD Financial Plan, Apr19](#)
[4-Chaparral Pointe Metropolitan District Costs](#)
[5-Draft Bond Resolution- 5-7-21](#)
[6-Senior Indenture - Chaparral Pointe MD 05-06-21](#)
[7-Chaparral Pointe MD - 2021 Bonds - GC Opinion Letter](#)
[8-Form Bond Counsel Opinion_ChaparralPointe](#)
[9- Applicant PowerPoint Chaparral Pointe 5.11.21](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution

authorizing the Chaparral Pointe Metropolitan District to issue debt not to exceed \$1.4M. He provided a summary, district background/history, questions/comments from the Budget Committee, and next steps.

Elizabeth Cortiz DA Davidson, introduced Kyle Thomas, DA Davidson, representing the district, who gave an overview of the district, proposed bond issuance, district map, and development plan.

There were no comments on this item.

- 8.C.** [21-241](#) A Resolution declaring the intent of the City of Colorado Springs to issue its Multifamily Housing Revenue Bonds to finance the construction of Village at Solid Rock, a 77 unit multi-family affordable housing project located at 2520 Arlington Drive

Presenter:

Steve Posey, Community Development Division Manager

John Bales, Fred Marienthal, Kutak Rock LLP

Peter Wysocki, Director of Planning and Community Development

Attachments: [Colorado Springs Village at Solid Rock 2021 Inducement Resolution](#)

[Prelim Inducement Res Village at Solid Rock](#)

Steve Posey, HUD Program Manager, Planning and Community Development, presented the preliminary inducement Resolution to issue Private Activity Bonds (PAB) to finance the construction of Village at Solid Rock, 77-unit multi-family affordable housing project located at 2520 Arlington Drive. He provided a brief background, Admin Reg 2020-04, site location, project description, unit mix and rents, available PAB, and specifics of the proposed Resolution.

There were no comments on this item.

- 8.D.** [21-271](#) A Resolution Authorizing the Disposal of City Real Property to the Colorado Department of Transportation (CDOT)

Presenter:

Gayle Sturdivant, City Engineer, Public Works Department

Darlene Kennedy, Real Estate Services Manager

Attachments: [RES-HWY 24 Conveyance](#)
[Memo Exhibit A - Hwy 24 Meridian Map](#)
[Resolution Exhibit A](#)
[Resolution Exhibit B](#)
[Resolution Exhibit C - IGA FALCON PARK N RIDE 17OCT2019](#)
[Resolution Exhibit D - Meridian US24 CDOT ROW Request](#)

Gayle Sturdivant, City Engineer, Deputy Director, Public Works Department, presented the Resolution authorizing the disposal of surplus City property to the Colorado Department of Transportation (CDOT). She identified where the property is located, stated this parcel of 0.57-acres was purchased by El Paso County with non-federal funds, and is part of the CDOT US Highway 24 right-of-way

President Strand asked if the City will be receiving any payment from CDOT for this disposal of property. Ms. Sturdivant stated the City has no financial interest in this transaction, it is just the go-between in this jurisdictional transfer.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Williams stated he and Councilmember Donelson attended the ribbon riding through ceremony at Wildflower Park to celebrate the opening of four trails which were funded through the voter approved ballot issue 2B.

11. Adjourn

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

Sarah B. Johnson, City Clerk