



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

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Monday, May 23, 2022

10:00 AM

Council Chambers

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### How to Watch the Meeting

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Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)  
- Stratus IQ Channel 76 / 99 (Streaming)

Estimated agenda item times are provided for planning purposes and do not constitute notice of a specific time for any item. Items may take more or less time than estimated. City Council may amend the order of items.

### 1. Call to Order and Roll Call

- Present** 7 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Stephannie Fortune, President Pro Tem Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, and President Tom Strand
- Excused** 2 - Councilmember Mike O'Malley, and Councilmember Wayne Williams

Councilmember Murray attended the meeting virtually.

### 2. Changes to Agenda

There were no Changes to Agenda.

### 3. Regular Meeting Comments

There were no Regular Meeting Comments.

### 4. Review of Previous Meeting Minutes

- 4.A. [22-312](#) City Council Work Session Meeting Minutes May 9, 2022

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [5-9-22 City Council Work Session Meeting Minutes Final](#)

The minutes of the May 9, 2022 Work Session were approved by  
Consensus of City Council.

**5. Presentations for General Information****5.A. [22-264](#) Fountain Creek Watershed Vision and Implementation Plan**

Presenter:

Chris Lieber, Principal, N.E.S. Inc.

**Attachments:** [COS Creek Plan - City Council Presentation](#)

Jan Martin, Lyda Hill Philanthropies, introduced Pam Shockley-Zalabeck and Dolly Wong-Cast and provided a brief overview of the vision of Lydia Hill.

Jeff Shoemaker, Executive Director, Greenway Foundation, spoke about the importance of preserving the Fountain Creek Watershed and introduced members of his team, Chris Lieber, Principal, NES Inc., Brent Eighton, Christine Lowenburg, John Romero, Bill Wink, Nicole Horst, Majory Price, David Hotwetter, Ryan Aids, Ted Johnson, his daughter, Courtney Sanderson Shoemaker-Benson, and her friends Esther and Prudence.

Mr. Lieber presented the Fountain Creek Watershed vision and implementation plan which would restore the natural functions of the creeks, create the signature place for outdoor water play in the community, be a catalyst for reinvestment/economic vitality, energize the community, and deliver authentic placemaking. He identified the scope of the plan, history of the creek channel, planning context, existing conditions, and alternative futures prototype.

President Pro Tem Helms asked if any of these concepts would affect or incorporate the Pikes Peak Greenway Trail. Mr. Lieber stated they envision it will be complimentary to the trail.

Councilmember Fortune, Councilmember Henjum, and Councilmember Avila expressed support of the project.

Councilmember Murray requested the estimated amount of cost and time to complete the project. Mr. Lieber stated it is a multi-million-dollar project, the cost will be better projected later in the future and some of the projects could move forward in one to three years, but others could take more than a decade.

Councilmember Murray asked why this project is taking precedence over Shook's Run. Mr. Lieber stated both need to be advanced in a strategic and thoughtful way.

Councilmember Henjum asked how to change the mindset regarding waterways. Mr. Shoemaker stated one project at a time and engaging every aspect of the community and gave examples of what Denver, CO is doing along their waterways.

Jeff Greene, Chief of Staff, expressed appreciation for the partnerships regarding this vision, the Mayor's support of it, and the collaboration which will be needed for implementation.

Councilmember Henjum asked how City Council could move this vision forward. Peter Wysocki, Director, Planning and Community Development, explained the process of moving a master plan forward as outlined in the City Code. Councilmember Henjum requested the implementation of this master plan be discussed at a future time. President Strand agreed to Councilmember Henjum's request.

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

### **6.A. [22-311](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 5-23-22](#)

President Strand highlighted there will be a Special City Council Work Session held on June 20, 2022 regarding the assessment of Colorado Springs Police Department Use of Force Report.

Councilmember Henjum asked when ranked choice voting will be presented to City Council. President Strand stated they will discuss that at the next agenda planning meeting.

### **6.B. [22-168](#) 2021 City-Wide Strategic Plan Update**

Presenter:

Courtney Brown, Senior Policy & Strategic Plan Analyst, Finance

Charae McDaniel, Chief Financial Officer

Chris Wheeler, Budget Manager

**Attachments:** [City Council Strategic Plan Update 05232022](#)

Courtney Brown, Senior Policy and Strategic Plan Analyst, Finance, presented the 2021 City-Wide Strategic Plan update. She went over 2020-2024 Citywide goals, strategic performance process, strategic plan activities, visualizing progress, departmental success highlights, and the plan beyond 2024.

Councilmember Henjum asked if the Ordinance prohibiting illegal street racing is being enforced. Ms. Brown stated the Colorado Springs Police Department and the City Attorney's Office are currently working on improvements to the Ordinance to ensure better outcomes.

Councilmember Donelson requested additional information regarding the goal of the reduction of crime. Ms. Brown stated she will work with the CSPD to provide that information.

Councilmember Avila stated she would also like to see a comparison of crime rates to equally sized jurisdictions. Ms. Brown agreed to Councilmember Avila's request.

Councilmember Avila requested information regarding how the City is addressing accessibility for all citizens. Ms. Brown stated she will provide that information.

President Strand asked when they will receive the next update regarding the Strategic Plan. Ms. Brown stated she will work with Council staff regarding scheduling that.

## **7. Items for Introduction**

- 7.A. [22-256](#) An Ordinance amending Ordinance No. 21-112 (2022 Budget Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$34,617,510 and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$603,284, for the retention and refund of 2021 fiscal year revenue above the 2021 fiscal year revenue and spending limitations (TABOR cap); and a Supplemental Appropriation to the newly established Wildfire Mitigation Fund in the amount of \$1,000,000 which represents the 2022 expenditure budget and is funded by a \$20,000,000 transfer from the General Fund for the purposes stated in Ballot Issue 2D approved by voters in the November 2021 coordinated election; and with \$15,220,794 refunded to residents

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [SupplementalAppropriationTABOR\\_2021ORD-2022-05-17 final](#)

Charae McDaniel, Chief Financial Officer, presented an Ordinance for a supplemental appropriation to the General Fund in the amount of \$34,617,510. She stated at the November 2021 coordinated election, voters approved the City to retain and spend up to \$20,000 of revenue received during 2021 in excess of the Taxpayers Bill of Rights (TABOR) cap to be spent on the Wildfire Mitigation Fund. Ms. McDaniel explained

the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$603,284, will be transferred to the General Fund and is included in the \$34,617,510 amount and \$15,220,794 will be refunded to residents.

Councilmember Avila asked where the \$20M will be kept. Ms. McDaniel stated \$1M will be appropriated for this year and the remainder will be held in reserve in the Wildfire Mitigation Fund.

Councilmember Henjum asked if the money could be combined in order to maximize interest rates. Ms. McDaniel confirmed they pool investments to maximize returns.

President Strand asked what the interest rate for the \$20M is. Ms. McDaniel stated slightly less than one percent.

**7.B.**     [22-331](#)

A Resolution Approving Consent to the Assignment of an Economic Development Agreement Between the City of Colorado Springs and Mining Exchange Group, LLC, to KWHP Mining Exchange Group, LLC

Presenter:

Bob Cope, Economic Development Officer

**Attachments:**   [MiningExchangeHotelEDA RES-2022-05-16](#)

[Assignment and Assumption of Economic Development Agreement](#)

[Mining Exchange EDA](#)

[Mining Exchange Hotel EDA Assignment Presentation](#)

Bob Cope, Economic Development Officer, presented a Resolution approving consent to the assignment an economic development agreement (EDA) with Mining Exchange Group, LLC, to KWHP Mining Exchange Group, LLC. He provided a background of the Mining Exchange Hotel, the proposed assignment,(EDA), and staff recommendation.

President Pro Tem Strand asked where the EDA was in regard to the \$9.7M fiscal impact to the City over the past ten years. Mr. Cope stated they expect they are on track, and they know the amount of sales tax paid to date, but it would be difficult to determine employee spending within the City.

Councilmember Donelson asked of the \$3M in sales tax cap, how much the hotel has received back. Mr. Cope stated he believes it is around \$700,000 and will provide the exact amount.

- 7.C. [22-308](#) An Ordinance Amending Ordinance No. 20-44 Revising the Name of the Law Enforcement Transparency and Accountability Commission

Presenter:

Janice Frazier, Chair, Law Enforcement Transparency and Accountability Commission

Steve Kern, Vice Chair, Law Enforcement Transparency and Accountability Commission

**Attachments:** [LETAC Revision20-44ORD-2022-05-11](#)

Janice Frazier, Chair, Law Enforcement Transparency and Accountability Commission (LETAC) presented the Ordinance to change the name of LETAC to the Law Enforcement Transparency and Advisory Commission to better align with the work of the Commission.

Steve Kern, Vice Chair, LETAC, stated there are currently no mechanisms in place for the Commission to enforce or have authority over the accountability of the Colorado Springs Police Department, the Commission just functions as an advisor to the Council.

Councilmember Donelson asked if the Commission could make a recommendation to City Council. Mr. Kern confirmed they could, but accountability implies direct supervision.

Councilmember Henjum requested the Commission's recommendations and response to the assessment of Colorado Springs Police Department Use of Force Report for the June 20, 2022 Special City Council Work Session. Mr. Kern agreed to Councilmember Henjum's request.

Councilmember Avila, President Pro Tem Helms, Councilmember Murray, and President Strand expressed support of the proposed name change.

## **8. Items Under Study**

- 8.A. [CPC CA 20-00005](#) Update on the amendment of City Code Chapter 7 (Zoning and Subdivision Regulations)

Presenter:

Morgan Hester, Planning Supervisor

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [ReToolCOS 5-23-22](#)

Morgan Hester, Principal Planner, Planning and Community Development, provided an update of the amendment of City Code Chapter 7 (Zoning and Subdivision Regulations), RetoolCOS. She gave an overview of previous topics of discussion which include the landscaping/green space, drafted parking maximums, parking maximums proposal, and electric vehicle charging stations.

Councilmember Donelson asked how they arrived at twenty-five percent maximum of landscaping and green space. Ms. Hester stated they did not want it to be half of the yard or higher.

Councilmember Donelson asked if she has spoken to business owners regarding the parking maximums. Ms. Hester stated they have not. Councilmember Donelson requested they reach out to stakeholders regarding parking and turf grass. Councilmember Fortune recommended the Chamber of Commerce and EDC as a resource.

Councilmember Henjum stated she is concerned with the building of parking lots which are never full.

Councilmember Fortune asked why they are adding parking maximums. Ms. Hester stated it is due to the potential for heat islands, and stormwater issues associated with impervious surfaces.

Councilmember Murray asked if there is a way to incentivize the joint use of parking areas. Ms. Hester stated there are eleven different proposed incentives and shared parking is one of them.

Councilmember Hester asked who proposed the scale back of businesses which are required to have parking maximums. Mike Tassi, Assistant Planning Director, stated they have had several conversations with their practitioner's group which includes some of the business community and some corporations have their own parking requirements.

Councilmember Henjum asked what values the Unified Development Code (UDC) is trying to address. Ms. Hester stated RetoolCOS is a directive from PlanCOS which was adopted in January 2019 in order to provide the technical language necessary to further the goals established in PlanCOS to have a City which is sustainable for future generations.

President Pro Tem Helms asked what recourse property owners have if they cannot build as much parking as they intended to. Ms. Hester stated they have mechanisms in place to provide administrative relief or variances and if needed, they can amend the City Code. Peter Wysocki, Director, Planning and Community Development, stated a majority of the time, businesses are in opposition to the minimum parking requirement.

Councilmember Donelson asked how many parking lots are in City which would need to be reduced. Ms. Hester stated she does not have that number. Councilmember Donelson stated they may be harming businesses which rely on large numbers of customers on particular days such as Black Friday and Saturday mornings. Mr. Wysocki commented there is a difference between available parking and convenient parking.

Councilmember Donelson and Councilmember Fortune stated they are hesitant to regulate something which is not an issue throughout the City.

President Pro Tem Helms asked if technology is available to mitigate the water from the parking lots. Ms. Hester stated the larger the parking area, the more runoff there is, and she will request that information from the Stormwater Enterprise.

Councilmember Murray stated he believes there should be parking maximums for each use type.

Councilmember Henjum spoke against the elimination of the mandate for electric vehicle (EV) charging stations for hotel/motel and gas stations.

Councilmember Donelson asked if a nonelectric vehicle (EV) would be allowed to park in an EV charging station. Mr. Wysocki stated the City would not enforce the type of parking in those stalls.

Councilmember Donelson asked if there were a maximum number of EV charging stations the City would incentivize. Ms. Hester stated there is not a maximum.

Jeff Greene, Chief of Staff, stated they do not want a Code which is restrictive to economic development purposes, the market will drive the outcomes regarding EV charging stations, and the businesses will enforce their EV charging station requirements separately.



**9. Councilmember Reports, Open Discussion and Takeaways**

Councilmember Fortune stated there were over sixty citizens who attended the Westside Community Center meeting on Saturday, May 21, 2022.

President Strand requested a briefing regarding that meeting.

Councilmember Fortune agreed to his request.

Councilmember Donelson stated he attended the Wildfire Town Hall meeting hosted by Fire Marshall Brett Lacey, Western Heritage Mixer, and Kurt Schroeder's retirement party.

Councilmember Avila stated she attended the meeting for the long-range transportation plan for the Platte Avenue corridor,

President Strand stated he attend the Colorado Springs Fire Department promotion ceremony, Arbor Day celebration, Kurt Schroeder's retirement ceremony, the Chris Herron story hosted by Sunrise Methodist Church, and the Armed Forces Enlisted Awards ceremony. He invited everyone to attend the Memorial Day event being held Monday, May 30, 2022, at 11:00, at Memorial Park.

President Pro Tem Helms stated everyone is invited to the Pikes Peak Greenway Trail reopening ribbon cutting ceremony which will be held Friday, May 27, 2022, at 1:00 PM at 6150 Corporate Drive as well as tonight's musical performance of the United States Air Force Academy (USAFA) Cadet Theater Group, Bluebards, "All Shook Up". He stated he will also be attending the USAFA graduation ceremony of the 63rd class on Wednesday, May 25, 2022.

Councilmember Henjum stated there is much opposition, including Memorial Hospital, regarding the two-way couplet for Platte Avenue.

**10. Executive Session****10A. Open**

There was no Open Executive Session.

**10B. Closed**

Meeting went into Recess

Meeting Reconvened

**10B.A. [22-299](#)**

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. §§ 24-6-402(4)(b) and (e), and City Code § 1.5.506(B), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed involves consultation with the City Attorney and City staff for the purpose of receiving legal advice and providing instruction and negotiation consultation regarding a litigation settlement.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may conduct an electronic Closed Executive Session. Each City Councilmember participating in the electronic Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the electronic Closed Executive Session is present or able to hear the matters discussed as part of the electronic Closed Executive Session. If consent to the electronic Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney

Attachments: [5-23-22-Closed Session](#)

Ben Bolinger, Assistant City Attorney, stated that in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed involves consultation with the City Attorney and City staff for the purpose of receiving legal advice and providing instruction and negotiation consultation regarding a litigation settlement.

President Strand polled City Council regarding the desire to proceed with an electronic Closed Executive Session. At least two-thirds of City Council agreed to proceed in an electronic Closed Executive Session.

**11. Adjourn**

Upon completion of the Closed Executive Session, there being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk