



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, January 8, 2024

10:00 AM

Council Chambers

How to Watch the Meeting

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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

President Helms called the meeting to order at 10:01 AM.

Present 8 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Brian Risley, and Councilmember Michelle Talarico

Excused 1 - Councilmember Mike O'Malley

Councilmember Risley 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. [24-003](#) City Council Work Session Meeting Minutes December 11, 2023

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [12-11-23 City Council Work Session Meeting Minutes Final](#)

The minutes of the December 11, 2023 Work Session were approved by

Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

5B.A. [24-009](#)

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve consultation with the City Attorney and discussing strategy for negotiations and instructing negotiators regarding (i) an economic development and incentive agreement and (ii) a real estate acquisition by the Public Works Department.

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 If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney

Attachments: [24-009 Econ Dev Closed Session Council Notice](#)

Ben Bolinger, Legislative Counsel, City Attorney's Office, 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 issues to be discussed involve consultation with the City Attorney and discussing strategy for negotiations and instructing negotiators regarding (i) an economic development and incentive agreement and (ii) a real estate acquisition by the Public Works Department.

President Helms 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.

6. Presentations for General Information

There were no Presentations for General Information.

7. Staff and Appointee Reports

7.A. [24-002](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 1-8-24](#)

Councilmember Henjum requested an update on the Waste Characterization Study.

8. Items for Introduction

8.A. [24-007](#) A Resolution Authorizing the Use of Possession and Use and/or Eminent Domain to Acquire Certain Easements Needed for the Academy Boulevard: Fountain to Jet Wing Project

Presenter:

Gayle Sturdivant, PE, PMP Acting Public Works Director/City Engineer
Darlene Kennedy, Real Estate Services Manager

Attachments: [PW-EminentDomainRES-2023-12-28](#)

[1 Parcels 56 80 Location Map](#)

[3 Resolution - Exhibit A - JH Foods Permanent Easement](#)

[4 Resolution - Exhibit B - JH Foods Temporary Easement](#)

[5 Resolution - Exhibit C - 5710 South Highway Permanent Easement](#)

[6 Resolution - Exhibit D - 5710 South Highway Temporary Easements](#)

[7 Academy - 56-80 Presentation 20240108](#)

Gayle Sturdivant, Acting Public Works Director/City Engineer, presented the Resolution authorizing the use of a possession and use and/or eminent domain to acquire certain easements needed for the Academy Boulevard: Fountain to Jet Wing Project. She provided an overview of the project location, Parcel 56 and Parcel 80 public and temporary construction easements, total areas/values, negotiation history, project timeline, and next steps.

President Helms asked if the two property owners have spoken to each other regarding these attempts for property acquisition. Ms. Sturdivant stated not to her knowledge.

Councilmember Donelson asked what the City's response was to the property owner's comparison to California property values. Ms. Sturdivant stated their approach was that if the property owner did not feel like there was an appropriate evaluation, to provide a counteroffer for consideration, but they never received a response.

Councilmember Donelson asked if this project was for sidewalks. Ms. Sturdivant stated it was for Americans with Disabilities Association (ADA) accessible sidewalks and pedestrian ramps.

Councilmember Henjum asked if this is part of the Pikes Peak Rural Transportation Authority (PPRTA) project on South Academy. Ms. Sturdivant confirmed it is for the roadway construction of it.

Councilmember Leinweber asked if the City coordinates with Colorado Springs Utilities (CSU) regarding projects like this. Ms. Sturdivant confirmed they do.

Councilmember Avila stated this project is going on its tenth year and she is very supportive of moving it forward.

8.B. [24-008](#)

A Resolution Authorizing the Acquisition of a Permanent Easement of 23,940 Square Feet and a Temporary Construction Easement of 61,969 Square Feet from BNSF Railway and a Permanent Easement of 17,127 Square Feet and a Temporary Construction Easement of 44,662 from Union Pacific with Funding from the Pikes Peak Rural Transportation Authority for the South Circle Drive Bridge Project

Presenter:

Gayle Sturdivant, PE, PMP, Acting Public Works Director/City Engineer

Attachments: [1 Resolution CircleBridgeEasement 20231222](#)

[2 Resolution ExhibitA](#)

[3 Presentation Circle Bridge Property Acquisitions](#)

[Signed Resolution No. 02-24.pdf](#)

Gayle Sturdivant, Acting Public Works Director/City Engineer, presented the Resolution authorizing the acquisition of a permanent easement of 23,940 square feet and a temporary construction easement of 61,969 square feet from BNSF Railway and a permanent easement of 17,127 square feet and a temporary construction easement of 44,662 from Union Pacific with funding from the Pikes Peak Rural Transportation Authority

(PPRTA) for the South Circle Drive Bridge Project. She provided an overview of the vicinity map, BNSF Railway total areas/cost, Union Pacific total areas/cost, project site, BNSF and Union Pacific easements, rendering of the completed project, and next steps.

Councilmember Henjum asked if this project would affect the Santa Fe Trail. Ms. Sturdivant stated there will be a temporary diversion of the trail during construction.

- 8.C. [24-001](#) An Ordinance amending Ordinance No. 23-65 (2024 Budget Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$3,919,650 and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$828,478 for the refund of 2022 fiscal year revenue above the 2022 fiscal year revenue and spending limitations (TABOR cap)

Presenter:

Charae McDaniel, Chief Financial Officer
Chris Fiandaca, City Budget Manager

Attachments: [LARTaborRefund2024ORD-2023-12-4 clean copy CAO review](#)

Chris Fiandaca, City Budget Manager, presented the Ordinance for a supplemental appropriation to the General Fund in the amount of \$3,919,650 and to the Lodgers and Auto Rental Tax (LART) Fund in the amount of \$828,478 for the refund of 2022 fiscal year revenue above the 2022 fiscal year revenue and spending limitations, Taxpayers Bill of Rights (TABOR) cap.

There were no comments on this item.

- 8.D. [24-017](#) An Ordinance to repeal and reordain Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, Pertaining to Impoundment Of Vehicles

Presenter:

Commander John Koch, Colorado Springs Police Department
Jennifer Underwood, CSPD Evidence/Impound Manager
Frederick Stein, Public Safety City Attorney

Attachments: [CSPD-ImpoundmentVehiclesORD-2023-10-09](#)
[2024 Impound Ordinance City Council Powerpoint - UPDATED 12062023 - JEU](#)

Commander John Koch, Colorado Springs Police Department (CSPD), presented the Ordinance, to repeal and reordain Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic)

pertaining to impoundment of vehicles. He provided an overview of the current City Code 10.25.101, proposed amendments, reasons behind the change, current impound information, implementation, and benefits.

Councilmember Henjum asked if the amendments of City Code 10.25.104, 10.25.105. and 10.25.106 are dependent on the amendment of City Code 10.25.103. Commander Koch confirmed they are.

President Helms asked if there would be any additional risk to the City regarding contracting with a third-party towing company and if any other jurisdictions who utilize them have had any issues. Commander Koch stated with the exception of Denver, CO, they have not heard of any issues from other jurisdictions.

President Helms asked what the cost will be to utilize a third-party towing company. Commander Koch stated they will have more data after the first-year pilot program.

President Helms asked if evidentiary vehicles will still be held in the City's impound lot. Commander Koch confirmed they will.

Councilmember Henjum asked how other City Departments can assist with the public notification process. Commander Koch stated it will be similar to what they did in September 2022 when they moved to an online process and will be very open with the public about the new process by providing notice in advance, the effective date, and they work very close with Neighborhood Services in messaging all of those things to the public.

Councilmember Henjum asked how Neighborhood Services will get the messaging out to the public. Mitch Hammes, Neighborhood Services Manager, stated starting in March 2023, they have responded to complaints of abandoned vehicles, where there are no police issues present, by tracking down the owner, making contact through repeated phone calls, emails, or notes on the door, in order to get the owners to remove those vehicles. He stated since March of last year, they have handled roughly 2,500 complaints of abandoned vehicles and last week they only had about 40 complaints remaining.

Councilmember Leinweber asked how the City is going to prevent unnecessarily towing vehicles which are not actually abandoned. Mr. Hammes stated that even though City Code states a vehicle may be towed after 72 hours, they do not take possession for approximately ten to fifteen days.

Councilmember Avila asked how many vendors the City anticipates using.

Commander Koch stated during the one-year pilot program, they will only use the current vendor CSPD uses for impound lot tows and they will work with the Office of the City Auditor regarding the contracting process.

Councilmember Donelson asked if some apartment complexes hire their own towing companies to tow vehicles from their property. Commander Koch stated private property towing is not something the CSPD engages in.

Councilmember Donelson asked if this Ordinance would sunset after the one-year pilot program. Commander Koch stated it would not sunset, CSPD would provide recommendations regarding the success of the program, and provide the option for CSPD to enter a contract with a private towing company for unclaimed vehicles.

Councilmember Donelson asked if these proposed changes are due to the decision not to expand the impound lot. Commander Koch stated they are not.

Councilmember Donelson asked if someone's car is stolen and then towed to the impound lot, if the owner of that car is required to pay fees for the towing. Jennifer Underwood Evidence Manager, CSPD, stated the fees are waived for the towing, impoundment, and the first five days of storage after the owner has been notified. Councilmember Donelson asked if the fees are also waived for evidentiary vehicles. Ms. Underwood confirmed they are.

Councilmember Donelson asked if the current policy is that when a vehicle is sold at the end of the process and no one claims the vehicle, the balance of any of the proceeds is paid into the City's General Fund. Commander Koch confirmed that is correct. Councilmember Donelson asked if this is a common practice among jurisdictions. Commander Koch stated they will research that information.

Councilmember Donelson asked where the balance of proceeds will go after the third-party towing company sells the vehicle and after the fees have been paid. Commander Koch stated that will have to be outlined in the contract and the vast majority of vehicles that they currently sell through auction or those that are not sold and are sold for scrap, are sold for a very small amount of money and that is something that they would have to determine with the tow contractor as to how those monies are essentially dispersed. Councilmember Donelson asked once the City has reimbursed the tow contractor for the cost of towing and the cost of keeping it in their lot, why would they get to keep any of the profit money. Commander Koch stated those are the issues that would have to be discussed in the

contracting. Councilmember Donelson stated he believes that language should be struck out. Commander Koch stated in many cases, the tow contractor may actually lose money on the sale cost of the vehicle and not recoup their costs of towing and storage.

Councilmember Henjum asked, on behalf of a constituent, how a car parked for over 72 hours would be handled if it were being inhabited by someone who did not have a home. Mr. Hammes stated in a situation like that, Code Enforcement Officers advise them that the Code says 72 hours so they can move to the next block or somewhere else and Officers try to get them into touch with Springs Rescue Mission or the City's Homeless Outreach Prevention Coordinator and stated the City is not going leave people on the side of the road while they tow their vehicle.

Councilmember Henjum asked, on behalf of a constituent, if the City's 72-hour tow law conflicts with the State's recently enacted 24-hour tow law. Frederick Stein, City Attorney's Office, stated the 24-hour law applies to private property tows.

Councilmember Talarico asked if the City Auditor's Office will be providing support in executing and monitoring contract. Commander Koch confirmed they will.

8.E. [23-657](#) Resolution Setting the Gas Cost Adjustment Effective January 15, 2024.

Presenter:

Travas Deal, Chief Executive Officer, Colorado Springs Utilities
Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Attachments: [2 - 01-09-2024 CC Mtg-GCA Resolution](#)
[3 - G Sheet 2.4 Rate Tbl - 24th Revised - Redline](#)
[4 - G Sheet 2.4 Rate Tbl - 24th Revised - Final](#)
[5 - Worksheet - GCA Calculation](#)
[Signed Resolution No. 01-24.pdf](#)

Scott Shirola, Pricing and Rates Manager, Colorado Springs Utilities (CSU) presented the Resolution setting the Gas Cost Adjustment (GCA) effective January 15, 2024 and provided an overview natural gas prices as of December 14, 2023, GCA projections for December 2023, sample residential bill, seasonal residential bill impacts, and how customers can receive assistance.

Councilmember Donelson highlighted that the seasonal residential winter utilities bill will drop approximately \$100 per month.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Leinweber, President Helms, and Councilmember Talarico stated they toured Safe Passage, a program which takes care of children who have experienced a traumatic experience.

Councilmember Talarico stated Child Power is also doing some amazing work and offers three programs designed to empower children.

Councilmember Donelson and President Helms thanked Congressman Doug Lamborn for his seventeen years of service and sacrifice to the community and Congressional District 5.

Councilmember Avila stated she, Councilmember Leinweber, and Councilmember Henjum attended the Stop the Violence rally held at the Citadel Mall which illustrated how the community wants to be part of the solution. She stated she attended a community walk for an 85-year-old woman named Delores who was killed by a hit-and-run driver a few weeks ago.

Councilmember Henjum stated the message of the Stop the Violence rally conveyed that the participants were not there to blame, but were there to take responsibility, be accountable, and be a part of the solution. She stated her number one goal with strategic planning for the coming year will be to revitalize the Citadel Mall.

President Helms stated he, Councilmember Talarico, Colorado Governor Jared Polis, United States Senator John Hickenlooper, Mayor Yemi, Congressman Doug Lamborn, and the Under Secretary of Commerce attended the United States first economic development announcement about the expansion of Microchip in Colorado Springs on Thursday, January 4, 2024. He stated the Federal Government will be giving \$90 million in support to Microchip due to the Chips Act and the City will be gaining over \$880 million in capital investment, over \$97 million in building and improvements, over \$7 million in furniture/fixtures, \$776 million in machinery/equipment, and 400 additional jobs with the average wage of over \$72,000 per year over the next six years.

11. Adjourn

There being no further business to come before City Council, President Helms adjourned the meeting at 12:25 PM.

Sarah B. Johnson, City Clerk