



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

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Monday, September 13, 2021

10:00 AM

Blue River Board Room

How to Watch the Meeting

Coloradosprings.gov/springstv | Facebook Live: Colorado Springs City Council
Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)
- CenturyLink Channel 18

1. Call to Order and Roll Call

- Present** 8 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, President Pro Tem Richard Skorman, President Tom Strand, and Councilmember Wayne Williams
- Excused** 1 - Councilmember Mike O'Malley

Councilmember Helms and Councilmember Murray attended the meeting virtually.

2. Changes to Agenda

President Strand stated item 9B.A. will be moved to earlier in the meeting. Consensus of City Council agreed to this change on the agenda.

3. Regular Meeting Comments

Councilmember Henjum requested items 4B.C., 4B.D., 4B.I., and 4B.J. be removed from the September 14, 2021 City Council meeting Consent Calendar. Consensus of City Council agreed to these changes.

4. Review of Previous Meeting Minutes

- 4.A. [21-511](#) City Council Work Session Meeting Minutes August 23, 2021

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [8-23-21 City Council Work Session Meeting Minutes Final](#)

The minutes of the August 23, 2021 Work Session meeting were approved by Consensus of City Council.

5. Staff and Appointee Reports

5.A. [21-510](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 9-13-21](#)

Councilmember Murray requested a discussion on evacuation planning be presented at the October 11, 2021 City Council meeting.

5.B. [21-500](#) Continued overview of the planned uses of the American Rescue Plan Act (ARPA) direct allocation to the City of Colorado Springs

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [ARPA Spending Plan Review Presentation 09-13-21](#)

Charae McDaniel, Chief Financial Officer, gave an overview of the planned uses of the American Rescue Plan Act (ARPA) direct allocation to the City. She provided a summary of the ARPA, local fiscal recovery funds, details of the planned use of funds, COVID-19 funding website, and the 2021 Recovery Plan Report.

President Pro Tem Skorman asked how the funding will be dispersed for small businesses. Ms. McDaniel stated it will be distributed through Survive and Thrive and the Small Business Development Center (SBDC).

Councilmember Helms asked if the golf courses will be able to support their operational expenses in the future when this funding is not available. Ms. McDaniel confirmed they would.

Councilmember Henjum requested additional information regarding the funding towards the City Auditorium. Ms. McDaniel stated this money would be the City's contribution to the rehab and renovation of the building associated with the Colorado Springs Conservatory proposal for the art and event space. Jeff Greene, Chief of Staff, stated Bob Cope, Economic Development Manager, will provide an update regarding the progress of the Colorado Springs Conservatory proposal.

Councilmember Henjum asked what the official process is to obligate the funding from the federal government. Ms. McDaniel explained the reporting requirements of how the funds are spent and the process of how subrecipients are utilized.

Councilmember Murray stated he does not support the amount of money going toward the irrigation of golf courses when there are other critical infrastructures which the money could be used for. Ms. McDaniel stated the golf courses do qualify as governmental services.

Councilmember Murray requested additional funding be allocated to Crisis Response Teams (CRT). Ms. McDaniel stated CRT will be funded through the 2022 Budget process and the City wanted ARPA funds to be used toward one-time expenses.

Councilmember Avila stated she supports the funding of the outdated golf course irrigation systems because the community needs this type of outdoor recreation which is not privately owned.

Councilmember Donelson asked if the City will be dedicating money to the City Auditorium outside of the Colorado Springs Conservatory's proposal. Ms. McDaniel stated it has allocated a little money in the past for maintenance, but there are no other plans in place regarding allocation. Councilmember Donelson asked if there is anything be done to get the City Auditorium in working condition prior to the Colorado Springs Conservatory's plan being funded. Steve Posey, Community Development Division Manager, stated the procedure for returning the City Auditorium to pre-pandemic condition has been completed, but it is reserve in case it is needed as an additional COVID-19 isolation shelter.

Councilmember Donelson asked if the current Senior Center property (Golf Acres) could be utilized as senior housing. Mr. Posey stated there is currently an existing senior income-restricted apartment complex in the Golf Acres site which is owned by Silver Key which will remain and some of the development models do include an affordable housing component.

Councilmember Donelson asked why the City would fund \$3.5M to the Colorado Springs Utilities (CSU) replacement of aging water main project. Ms. McDaniel stated so CSU could use their money to fund other projects. Councilmember Williams stated it is also a benefit to CSU rate payers.

Councilmember Donelson requested additional information regarding the Family Success Center. Ms. McDaniel stated it provides services to the residents in the southeast and Pikes Peak United Way is the coordinating entity.

Councilmember Murray asked much funding is going to the Cheyenne Mountain Zoo, Garden of the Gods Park, and the Pikes Peak Summit House. Ms. McDaniel stated there is nothing specifically designated at this time and the Cheyenne Mountain Zoo would be eligible to apply under the economic development and recovery funds.

- 5.C. [21-507](#) Presentation of the American Rescue Plan Act funding made available to the City of Colorado Springs for addressing homelessness and affordable housing.

Presenter:

Steve Posey, Community Development Division Manager
Peter Wysocki, Director, Planning & Community Development

Attachments: [HOME-ARP General presentation Aug2021](#)

Steve Posey, Community Development Division Manager, gave an overview of the American Rescue Plan Act (ARPA) funding made available to the City for addressing homelessness and affordable housing. He identified what is included in the bill, \$11.3M for emergency rental assistance, \$5.7M homeless assistance and support services, applications received in El Paso County, HOME program funds, how the funds will be accessed, allowable uses, and collaborating agencies.

President Strand asked how a person could receive rental assistance. Mr. Posey stated they would need to qualify as a low-income household and contact the 2-1-1 program to apply. President Strand asked if the funding goes to the applicant or the apartment owner. Mr. Posey stated it can be done either way because both are engaged in the application process.

President Pro Tem Skorman asked how much of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding is remaining. Mr. Posey stated approximately \$10.5M plus the additional award of \$11.3M is left.

Councilmember Henjum requested the breakdown of assistance based on loss of job versus the increase of rent. Mr. Posey stated one hundred percent of this assistance is going to tenants and landlords impacted by COVID-19.

6. Presentations for General Information

- 6.A. [21-495](#) Update from Downtown Partnership of Colorado Springs

Presenter:

Susan Edmondson, President & CEO of Downtown Partnership of Colorado Springs

Attachments: [09.13.21 Downtown Partnership](#)

Susan Edmondson, President and CEO, Downtown Partnership of Colorado Springs, gave an update of the economic and performance indicators of the Downtown Partnership of Colorado Springs. She gave an

overview of the total investments at the start of 2021, investment growth since 2013, visits trend, gross sales of the Downtown Development Authority (DDA), new storefront businesses, residential, and development, current and future focus, and International Downtown Association Awards.

President Pro Tem Skorman asked how many new businesses are food or beverage-related establishments. Ms. Edmondson stated approximately seventy percent.

President Strand asked how many businesses closed. Ms. Edmondson stated in 2020, there were twenty to twenty-one new openings and just slightly less than that in closings.

Councilmember Henjum requested an update of the upgrade to the public transit station. Jeff Greene, Chief of Staff, stated Craig Blewitt, Director, Transit Services, will provide an update.

President Pro Tem Skorman stated there are no public restrooms downtown which is a burden to the small businesses. Ms. Edmondson stated it is a high priority and need.

7. Items for Introduction

- 7.A. [21-465](#) An ordinance authorizing the issuance and delivery of the City's Series 2021A multi-family housing revenue bonds in an aggregate amount not to exceed \$11,200,000 and its taxable Series 2021B multi-family housing revenue bonds in an aggregate amount not to exceed \$4,758,000 for the Village at Solid Rock project

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 Ordinance Bond Ordinance Village at Solid Rock](#)
[Colorado Springs - Village at Solid Rock - 2021 Assignment Agreement](#)
[Colorado Springs - Village at Solid Rock - 2021 Bank Loan Agreement](#)
[Colorado Springs - Village at Solid Rock - 2021 Borrower Loan Agreement](#)
[Colorado Springs - Village at Solid Rock - 2021 Tax Regulatory Agreement](#)

Steve Posey, Community Development Division Manager, presented the Ordinance to issue \$11.2M in 2021A and \$4.758M in 2021B multi-family housing revenue bonds to finance the Village at Solid Rock, a 77-unit

multi-family affordable housing project. He provided a background of the preliminary inducement Resolution, Private Activity Bonds (PAB) allocations, site location, and project description.

President Strand asked where this project was located. Mr. Posey stated it is located in the southeast on Arlington Drive to the east of Circle Drive and south of Fountain Boulevard.

Councilmember Avila stated she and the community are very supportive of this development.

Councilmember Donelson asked if there has been any community response from the public notice. Mr. Posey stated there has not.

Councilmember Helms expressed appreciation for the project.

8. Items Under Study

There were no Items Under Study.

9. Executive Session

9A. Open

9A.A. [21-509](#) Estate of Chad A. Burnett v. City of Colorado Springs, et al., Case No. 21-cv-01708-KMT

The Civil Action Investigation Committee met on August 20, 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: [CouncilRepresentationMemoBurnett](#)

Ben Bolinger, Senior Attorney, City Attorney's Office, stated with the recommendation of the Civil Action Investigation Committee, the City is requesting authorization to defend.

President Strand polled City Council regarding authorizing the City to

represent the Officers. Consensus of City Council agreed.

Councilmember Murray asked who is recommending authorization to defend. Marc Smith, Deputy City Attorney, stated the Civil Action Investigation Committee is the group which meets on all civil lawsuits related to individual employees and the City is required by law to represent these Officers in these actions.

9A.B. [21-508](#)

Celia Palmer v. Colorado Springs, Colorado, Keith Wrede, Wesley Woodworth, Case No. 21-cv-1903-RM-KMT, United States District Court, District of Colorado.

The Civil Action Investigation Committee met on August 17, 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: [2021-08-24-PalmerCAICMemoToCouncil](#)

Ben Bolinger, Senior Attorney, City Attorney's Office, stated with the recommendation of the Civil Action Investigation Committee, the City is requesting authorization to defend.

President Strand polled City Council regarding authorizing the City to represent the Officers. Consensus of City Council agreed.

9B. Closed

9B.A. [21-540](#)

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a), (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: (1) consultation with the City Attorney and City staff for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding a Parks Department real estate matter; and (2) consultation with the City Attorney to determine positions relative to

matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding a lease matter.

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: [09132021Closed](#)

Ben Bolinger, Senior Attorney, 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: (1) consultation with the City Attorney and City staff for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding a Parks Department real estate matter; and (2) consultation with the City Attorney to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding a lease matter.

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.

10. Councilmember Reports and Open Discussion

Councilmember Henjum stated she participated in an eight-hour ride-along with Colorado Springs Police Department and the shortage of Police Officers needs to be addressed.

11. Adjourn

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

Sarah B. Johnson, City Clerk