



City of Colorado Springs

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

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.

Tuesday, April 14, 2020

10:00 AM

Council Chambers

How to Watch the Meeting

1. Call to Order

Present 9 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated item 6.E. was added to the Agenda and properly noticed yesterday. Consensus of City Council agreed to this change on the agenda.

3. Regular Meeting Comments

There were no Regular Meeting Comments.

4. Review of Previous Meeting Minutes

4.A. [20-127](#) City Council Work Session Meeting Minutes March 9, 2020

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [3-9-20 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the March 9, 2020 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

There was no Closed Executive Session.

6. Staff and Appointee Reports**6.A. [20-160](#) COVID-19 Update**

Presenter:

Dr. Leon Kelly

Bret Waters, Deputy Chief of Staff, stated there is continued coordination and communication with El Paso County in regards to the response to COVID-19.

Susan Wheelan, Public Health Director, El Paso County Public Health, gave an overview of their emergency preparedness trainings with law enforcement and first responders. She went over the COVID-19 response highlights and collaboration efforts.

Dr. Leon Kelly, Coroner, El Paso County, stated of April 13, 2020, El Paso County had 665 cases and 39 deaths related to COVID-19. Dr. Kelly identified the demographics of the cases, recovered cases, doubling time of uncontrolled spread, and data from contact tracing and clinical laboratories. He stated there will be a phased approach to restart and went over the details of each phase.

Councilmember Geislinger asked if hospital systems are remaining fiscally healthy. Dr. Kelly stated in preparation of this pandemic, the hospitals have had to cancel the elective surgeries and procedures which generate revenue for them. Mayor Suthers stated the United States House of Representatives version of phase four economic relief package has a hundred billion dollars to compensate hospitals for lost revenue. Councilmember Geislinger stated he is concerned the proposed plan for the distribution of funds will be diluted if it goes through the Medicare schedule because facilities which have not had a fiscal impact due to COVID-19 will also be reimbursed. Mayor Suthers recommended conveying that concern to the Colorado members of Congress.

Councilmember Geislinger asked if the necessary infrastructure was being put in place in regards to mental health issues resulting from this. Ms. Wheelan stated they are collaborating with University of Colorado, Colorado Springs (UCCS) and will be launching Greater Resiliency Intervention Teams (GRIT) to address this issue. Dr. Robin Johnson, Medical Director of El Paso County Public Health, stated they are prepared to respond to any behavioral health issues in the community in regards to this pandemic.

Councilmember Geislinger asked if this virus is seasonal. Dr. Kelly stated they do not know at this time and cannot use the change in seasons as a

strategy, but will have plans in place in case it returns in the fall.

Councilmember Pico stated he understands the need to flatten the curve so as to not overwhelm hospital resources and requested additional information regarding the number of available hospital beds. Dr. Kelly stated the goal has always been to preserve the infrastructure of the hospital so everyone was not showing up sick at the hospitals at the same time and to protect the community's most vulnerable population. He stated the number of hospital beds, ventilators, etc. has always been fluid and changing on a daily basis.

Councilmember Gaebler asked if there is any data regarding underlying health issues of the individuals who have died from COVID-19. Dr. Kelly stated many have of the deaths have been residents of long-term healthcare facilities and they are addressing it with preventive efforts.

Councilmember Knight asked what caused the spike in cases and number of cases last Thursday. Dr. Kelly stated the numbers per day come from a week or two prior and there were a couple of spikes due incidents due to reporting issues and testing data. He stated weather conditions may also affect the spread. Dr. Johnson stated as they increase testing, the numbers will also increase.

Councilmember Avila commented that Transit workers need to be protected similar to first responders. Dr. Kelly stated all essential workers are at risk and they are working to support them with protective equipment (PPE).

Councilmember Avila asked if there has been any reports of deaths within the home related to COVID-19. Dr. Kelly stated there have been a couple of cases where people have died in their homes, but the majority have been in the hospital due to the nature of the illness.

Councilmember Avila stated African-American and Latinos are very vulnerable to this virus and asked if the cases of COVID-19 have been identified by district within the City. Dr. Kelly stated they have statistics on race and ethnicity in regards to the deaths and positive cases which shows poor outcomes to those living in poverty. Ms. Wheelan stated they are focusing on that issue with the implementation of a Health Equity Planner and other healthcare initiatives.

Councilmember Williams asked how will a re-flare up be avoided. Dr. Kelly stated once a person has it, they will not get it again in the near future which will slow the spread. He stated they will also continue to take social distancing measures to reduce the infection rate and eventually work

towards a vaccine to prevent it.

Councilmember Williams asked at what stage groups will be allowed to gather again. Dr. Kelly stated he does not have an exact timeline and there may still be limits to gatherings and tourism as they are reintroduced in the community.

President Skorman requested that they let City Council know how they can help in a manner which is focused and productive without interfering.

6.B. [20-161](#) City Finance Update on Potential Funding Sources to address Covid-19 economic impact

Presenter:

Charae McDaniel, Chief Financial Officer

Charae McDaniel, Chief Financial Officer, provided an update on the current estimate of expenditures associated with the COVID-19 response efforts, as well as the various Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding agencies and amounts which are currently anticipated to be received by the City. She also identified the non-federal funding sources to address COVID-19 economic impacts. Ms. McDaniel stated even though already budgeted expenses related to COVID-19 response is not currently reimbursable by the federal government, but staff is tracking all related expenses. She stated COVID-19 related expenses are currently at \$1.2M payroll, \$160,000 operating, \$120,000 contracts costs

Councilmember Knight asked if the total amount of expenses include the enterprises. Ms. McDaniel stated it includes all of them with the exception of Colorado Springs Utilities CSU.

Councilmember Knight requested a briefing on how the Tax Payers Bill of Rights (TABOR) will be affected by the reduction in revenue and the impact of the funding received by DOLA.

Councilmember Avila asked if there a formula for calculating what is spent on Transit COVID costs. Ms. McDaniel explained the expenditures which would be covered by the grant funding. Councilmember requested the City partner with the Department of Health to utilize the funding to not only keep the drivers safe, but also the passengers.

Jeff Greene, Chief of Staff, stated staff is committed to keeping City Council informed of any changes in appropriations and funding during this time of emergency.

6.C. [20-153](#) City of Colorado Springs COVID-19 Business Relief Package

Presenter:

Bob Cope, Economic Development Officer

Sarah B. Johnson, City Clerk

Attachments: [20-153 colorado springs business relief package pdf](#)

Bob Cope, Economic Development Officer, stated the City has developed a COVID-19 business relief package, Survive and Thrive, aimed at providing funding support for local small businesses (2-25 employees) directly impacted by the pandemic. He said they have already received approximately 700 to 800 applications for the low interest loans of up to \$25,000 per business.

Councilmember Williams stated he is concerned many of these businesses will not be able to repay the loan. Mr. Cope stated their goal was start out with grant funding, but due to the difficulty and needs of the community they could not raise enough funds. He stated these loans are so low barrier they are very similar to being funded by a grant.

Mr. Cope identified other grant efforts being raised within the community and how the City is connecting local businesses and the local workforce to resources at the state and federal level. He stated the City is waiving late fees for liquor license renewals, offering free parking downtown and in Old Colorado City, and Colorado Springs Utilities (CSU) is providing leniency on late payments.

President Pro Tem Strand asked how businesses can be more successful in being approved for the low interest loan. Mr. Cope identified the metrics associated with determining approval and stated Survive and Thrive also offers mentorship as support to those businesses who are not approved.

Councilmember Geislinger requested collaboration between the business community and El Paso County Health as the community begins to reopen. Jeff Greene, Chief of Staff, confirmed there will be ongoing collaboration as they transition to reopen the economy.

6.D. [20-158](#) Parks, Recreation, and Cultural Services Department COVID-19 Update

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services

Karen Palus, Director of Parks, Recreation and Cultural Services, gave an overview of current parks operations related to COVID-19 and the current public health order. She stated sports fields are open to families, but no league activities, the community centers are providing activities via internet, Pikes Peak America's Mountain is still operational, but with

limitations, recreation centers are providing no-touch food distribution and are still planning for altered summer activities in the event they will be allowed. Ms. Palus stated many playgrounds and pavilions are closed, but courts, skate parks, dog parks, and golf courses are still open.

Councilmember Knights asked how cemeteries are helping families to conduct services virtually. Ms. Palus stated she will look into that information.

Councilmember Gaebler requested a discussion regarding not allowing motorists in Garden of the Gods park in order to provide additional safety to pedestrians and bicyclists. Councilmember Pico stated he would also like to be involved in that discussion. Ms. Palus agreed to that meeting.

6.E. [20-172](#) Metro Transit Services COVID-19 Update

Presenter:

Craig Blewitt, Transit Services Manager

Craig Blewitt, Transit Services Manager, provided an update regarding Metro Transit Services concerning COVID-19. He gave an overview of the changes to service, increased cleaning, ridership levels, and maintaining safety of drivers and passengers.

Councilmember Avila requested Transit Services work in conjunction with the El Paso County Department of Health in regards to their recommendations regarding safety and potentially providing masks to riders. Mr. Blewitt stated they have been providing guidance from all agencies in regards to public health and safety. He stated they have approximately 5,000 riders a day and will look into whether or not they could acquire that many masks.

Councilmember Avila asked if the \$21.6 million grant which was received could be utilized to assist with waiving transit fares for passengers during this time and keeping the route frequencies up. Mr. Blewitt stated they are currently providing the maximum amount of service available due to a lack of drivers.

Councilmember Pico asked if ridership levels were lower than before COVID-19. Mr. Blewitt confirmed they were.

Councilmember Avila requested data regarding which bus routes were overcrowded. Mr. Blewitt agreed to provide that information.

6.F. [20-126](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 4-13-20](#)

Sarah B. Johnson, City Clerk, stated the discussions regarding small cell towers and Protect Our Parks (POPS) will be taken at the April 27, 2020 City Council Work Session and the Colorado Springs Utilities (CSU) Electric Cost Adjustment and several tentative land use items will be considered at the April 28, 2020 regular City Council meeting.

Councilmember Knight asked when it will be determined whether or not the land use items will move forward. Jeff Greene, Chief of Staff, stated staff will make the decision tomorrow, April 15, 2020, whether or not they will be technologically able to hear quasi-judicial items on April 28, 2020.

7. Presentations for General Information

7.A. [20-154](#) Briefing on 2020 City Council Redistricting Process

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [City Council Work Session Redistricting Process Slides PP 4-13-2020.pptx](#)
[2020 Redistricting Timeline.xlsx](#)

Sarah B. Johnson, City Clerk, provided a briefing on the 2020 City Council redistricting process. She stated the City Charter requires the City Clerk to review the City's six City Council district boundaries every four years. Ms. Johnson gave an overview of the district requirements, City Clerk process, Districting Process Advisory Committee selection process, the responsibilities of the committee, and the timeline. She stated citizens have until April 29, 2020 to apply for the Districting Process Advisory Committee through the City Council Boards and Commission website.

Councilmember Gaebler requested the application become more prominent on the City Council website. Ms. Johnson stated she will work with City Council staff on it.

8. Items for Introduction

8.A. [20-148](#) An ordinance authorizing the issuance and delivery of the City's Series 2020 multi-family housing revenue bonds for the Atrium at Austin Bluffs Apartments project in one or more series, in the aggregate principal amount of \$8,000,000

Presenter:

Steve Posey, HUD Program Manager, Planning & Community

Development
John Bayles, Fred Marienthal, Kutak Rock LLP
Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD Colorado Springs Atrium 2020](#)
[Colorado Springs Greccio Atrium 2020 Financing Agreement](#)
[Colorado Springs Atrium Tax Regulatory Agreement](#)
[Aerial Photo Map](#)

Steve Posey, HUD Program Manager, Planning and Community Development, presented the Ordinance authorizing the issuance and delivery of the City's Series 2020 multi-family housing revenue Private Activity Bonds (PAB) for the Atrium at Austin Bluffs Apartments project in the amount of \$8M for a fifty-four unit senior affordable housing project.

Councilmember Geislinger asked if the City has any responsibility for the repayment of the bonds. Mr. Posey stated it would not and the repayment responsibility lies entirely with the developer.

- 8.B.** [20-142](#) An Ordinance Amending Ordinance 02-24 to Allow City Council to Fill Vacancies on the Board of Directors of the Briargate Business Improvement District by Appointment.

(Legislative)

Presenters:
Carl Schueler, Comprehensive Planning Manager
Peter Wysocki, Planning and Community Development Director

Attachments: [Ordinance BriargateBID](#)
[Briargate BID Appt. Ordinance PowerPoint](#)
[Attachment 1- Ordinance 02-24](#)
[Attachment 2- Signed Resolution 139-19](#)

Carl Schueler, Comprehensive Planning Manager, presented an Ordinance to allow City Council to fill vacancies on the Board of Directors of the Briargate Business Improvement District (BID) by appointment. He provided a summary of the Briargate BID, vicinity map, and next steps.

There were no comments on this item.

- 8.C.** [20-156](#) Temporary Updates to the Civilian and Sworn Policies and Procedures Manuals Regarding FFCRA

Presenter:

Danielle Delgado, Human Resources Manager, Human Resources

Attachments: [4-6 Civilian Temporary Policy FFCRA](#)

[4-6 Sworn Temporary Policy FFCRA](#)

[FFCRA Council Presentation](#)

Mike Sullivan, Chief Human Resources Officer, introduced the item regarding the legislation requiring temporary updates to the Civilian and Sworn Policies and Procedures Manuals regarding Families First Coronavirus Response Act (FFCRA).

Danielle Delgado, Human Resources Manager, Human Resources, gave an overview of emergency paid sick leave, emergency paid family leave, exclusions from FFCRA, and temporary policies. She stated the law only requires the City to pay two-thirds of the regular pay rate for emergency paid sick leave, but the City is requesting approval of full pay.

Councilmember Knight asked why police and fire employees who are excluded under federal law to receive eighty hours of emergency paid sick leave would not qualify to receive it under the City's temporary policy for the childcare/school closure reason. Mr. Sullivan stated it was a decision based on the criticality of the police and fire workforce. Vince Niski, Chief, Colorado Springs Police Department, stated they were concerned what the impact of COVID-19 would have on their workforce and allowing essential personnel, both sworn and civilian, to stay home to care for children who were out of school would exasperate the issue. He stated if someone felt there was a critical need, they could request an exemption, but they have not received any requests yet.

Councilmember Knight requested a report in three to four months of how many people had to use needed to use the sick leave and the cost. Mr. Sullivan agreed to provide that information.

9. Items Under Study

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

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Attachments: [FIGURE 1 - RetoolCOS Timeline](#)
[FIGURE 2 - RetoolCOS ProjectPlan](#)
[FIGURE 3 - District Uses](#)
[RetoolCOS](#)

Peter Wysocki, Director of Planning and Community Development, provided an update on the RetoolCOS project. He stated Module 1, which includes land use classifications, zoning districts, zoning definitions, was submitted for review and staff has provided comments to the consultant, Clarion Associates and expect a revised draft Module 1 to be received next week. Mr. Wysocki stated the revised draft Module 1 along with Councilmember comments is scheduled to be reviewed by the RetoolCOS steering committee on May 5, 2020. He stated they are still on track to have the project completed by April 2021.

Councilmember Knight stated he has grave reservations about not having a section which is strictly commercial instead of all the commercial being mixed use. He stated if there are review processes which will be kept in place for oversight, there may be room for compromise. Councilmember Knight requested more proactive communication from the City Council liaisons regarding the project.

Councilmember Gaebler recommended the renegotiations regarding the City's MS4 Permit requirements be on their radar in regards to community gardens and other projects.

10. Councilmember Reports and Open Discussion

National Association for Civilian Oversight of Law Enforcement Conference Report

Councilmember Williams gave an overview of the City Charter's requirement for the Mayor's oversight of the Police Department. He stated he, several Councilmembers, the Police Chief, members of the administration, and other interested community members attended a relevant forum in Austin, TX where they were introduced to the National Association for Civilian Oversight of Law Enforcement (NACOLE). Councilmember Williams stated they are considering the creation of an exploratory advisory panel to more formally follow up on the topics and issues discussed in regards to law enforcement expectations, processes, and practices in order to provide recommendations to the Mayor.

Promise Lee stated eight local community members along with

Councilmember Williams who attended the NACOLE symposium in March 2020 have identified some potential panelists for the advisory committee who can move the City forward with best practices.

Councilmember Knight stated he does not believe they would ever be able to completely prevent a shooting by the Police Department against a criminal who is not willing to obey orders, but he is supportive of this initiative. He requested that in their research of best practices, it include what practices have failed in other cities.

Councilmember Avila stated she thinks this a great first step forward in getting all perspectives on the issues because the policies and procedures in place do not cover every situation.

Councilmember Williams clarified that the purpose of this initiative is not to reevaluate what has already been done, but to make things better for the future.

President Skorman stated he wholeheartedly supports this.

Vince Niski, Chief, Colorado Springs Police Department, stated he is not in favor of civilian oversight of law enforcement and he does not believe there is any empirical data which shows it is a preferred method. He said by forming a committee to bring forth best practices conveys to the community that the Police Department is not already enforcing and following best practices, which they are. Chief Niski stated most law enforcement organizations which follow civilian oversight do so because the Department of Justice (DOJ) has issued it due to a dissent decree. He requested subject matter experts be included in this group if this committee is formed.

Councilmember Geislinger stated he also fully supports the formation of this advisory panel and this is the product of the social change that has taken place over the years.

Councilmember Pico stated he has reservations about implementing this panel because even though he supports the review of overall policies, he does not support second-guessing the Police Department's actions.

Councilmember Knight stated he stated he is concerned that the formation

of this panel would send the message that something is wrong with the policies and procedures of the Police Department.

President Pro Tem Strand stated he shares Councilmember Knight's and Councilmember Pico's concerns and requested this item be discussed further with public input before an advisory panel is created.

Councilmember Gaebler stated she would only support this type of committee if it were strictly for review of policies and procedures.

Councilmember Murray stated he supports clarifying the concerns of citizens, but not hearing after-the-fact responses to decisions made by the Police Department.

Councilmember Williams stated he will provide the comments made by City Council to the group regarding the limitations, boundaries, and recommended members of the panel, and will come back to City Council with a more focused, defined process.

Councilmember and Staff Travel

This topic was postponed to the April 27, 2020 City Council Work Session meeting.

11. Adjourn

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

Sarah B. Johnson, City Clerk