



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

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Monday, December 12, 2022

10:00 AM

Council Chambers

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### How to Watch the Meeting

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

Councilmember Murray attended the meeting virtually.

### 2. Changes to Agenda

Present Strand stated requested item 8.D be postponed until the January 23, 2023 City Council Work Session meeting.

Consensus of City Council agreed to this change on the agenda.

### 3. Regular Meeting Comments

Andy Colosimo, Manager, Governmental Affairs, Colorado Springs Utilities, requested items 4B.W. and 4B.X be removed from the December 13, 2022 City Council meeting Consent Calendar.

Consensus of City Council agreed to this change on the agenda.

### 4. Review of Previous Meeting Minutes

- 4.A. [22-774](#) City Council Work Session Meeting Minutes November 21, 2022

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [11-21-22 City Council Work Session Meeting Minutes Final](#)

Councilmember Donelson requested his condolences to the families of those killed in the Club Q shooting also include the families of those who were wounded. He also requested Todd Frisbie's comment regarding half of the use of e-scooters were for recreational use be included in the minutes. Dena Lozano, Deputy City Clerk, agreed to amend the minutes to reflect Councilmember Donelson's requests.

The minutes of the November 21, 2022 Work Session were approved as amended by Consensus of City Council.

## **5. Executive Session**

### **5A. Open**

There was no Open Executive Session.

### **5B. Closed**

#### **5B.A. [22-784](#)**

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) conference with the City Attorney for the purpose of receiving legal advice regarding an interpretation of City Code; and (2) consultation with the City Attorney and City staff, determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding three separate economic development agreements.

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:** [2022-12-12- 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 issues to be discussed involve: (1) conference with the City Attorney for the purpose of receiving legal advice regarding an interpretation of City Code; and (2) consultation with the City Attorney and City staff, determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding three separate economic development agreements.

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.

## **6 Presentations for General Information**

There were no Presentations for General Information.

## **7. Staff and Appointee Reports**

### **7.A. [22-773](#) Agenda Planner Review**

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 12-12-22](#)

Councilmember Henjum said she was told the Platte Avenue Corridor Study Update would be held January 23, 2023. Dena Lozano, Deputy City Clerk, stated she would look into that.

## **8. Items for Introduction**

### **8.A. [22-788](#) A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the general municipal election conducted by mail ballot to be held on Tuesday, April 4, 2023, the question of extending the sales and use tax for Trails, Open Space and Parks ("TOPS") program and modifying the program for the purpose of allowing revenue to be used on all city trails and open spaces and requiring seventy-five percent (75%) of open space funds be used for acquisition of open space, providing for the form of the ballot title and**

text, providing for certain matters with respect to the election, and providing the effective date of this resolution

Presenter:

Britt Haley, Director- Parks, Recreation and Cultural Services  
Department

**Attachments:** [2023TOPS Extension-1-3-23-DRAFT](#)

[TOPS Program Ballot Question CityCouncilJAN2023](#)

[Signed Resolution No. 03-23.pdf](#)

Britt Haley, Director, Parks, Recreation and Cultural Services Department, provided a briefing on the Trails, Open Space and Parks (TOPS) program and the proposed 2023 ballot question to extend the TOPS Sales and Use Tax Program. She gave a brief overview of the history and accomplishments of TOPS, draft ballot question, decision timeline, next steps, and suggested ballot question changes.

President Pro Tem Helms asked if the Administration supports seventy-five percent of funds to be spent on acquisition and new space. Mayor Suthers stated he supports seventy-five percent of funds being spent on the category of open space but does not support the word “open space” being struck out.

Councilmember Williams stated he supports this initiative.

Councilmember O’Malley stated he agrees with Mayor Suthers’ statement.

Councilmember Henjum stated the fundamental concern is the protection of acquisition funds and requested a list of definition for terms such as stewardship, restoration, maintenance, etc. Ms. Haley stated the minimum of seventy-five percent of funds to be spent on acquisition and new space has satisfied the former TOPS Working Group Chairs and they will be fine tuning the language.

Councilmember Henjum asked if the General Fund has enough funding to address the maintenance of parks. Ms. Haley stated they need to look at the bigger picture with other funding sources to address all the needs of the parks.

Councilmember Donelson requested a breakdown of how TOPS revenue can be spent. Ms. Haley stated three percent goes to administration, six

percent goes toward stewardship and maintenance, and the remaining balance is divided into twenty percent for trails, twenty percent for parks, and sixty percent for open space.

President Strand stated some of the guardians of open space have concerns that the City has become too open-ended with inadequate safeguards for the open space acquisition account and that the General Fund should provide the funds needed for the maintenance of parks. Ms. Haley stated there are many built-in protections in the TOPS Ordinance, TOPS Working Committee, Parks Advisory Board, City Council approval, Mayor approval, and it is audited every two years.

President Strand asked when the Parks Advisory Board will review this item. Ms. Haley stated they have been discussing a special meeting directly after the TOPS Working Committee meeting on January 4, 2023.

President Pro Tem Helms stated he is confused as to why some individuals who support TOPS are considering opposing this initiative.

Councilmember Henjum asked when City Council can begin looking at a long-term strategy for supporting the parks system in the City's budget. Ms. Haley stated one of her priorities is to produce a plan for the deferred maintenance backlog.

**8.B.** [22-764](#)

Ordinance No. 23-01 repealing and reordaining Article 29 (Vehicular Public Nuisances) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to civil abatement of vehicular public nuisances and providing penalties for the violations thereof.

Presenter:

Adrian Vasquez, Chief of Police

David Edmondson, Deputy Chief - Patrol Operations

**Attachments:** [VPNO-ORD-2022-12-5](#)

[VPNO Council Presentation - 2022 Version\\_Final](#)

David Edmondson, Deputy Chief - Patrol Operations, Colorado Springs Police Department (CSPD) Patrol Bureau, presented the Ordinance repealing and reordaining Article 29 (Vehicular Public Nuisances) to Chapter 10 (Motor Vehicles and Traffic) of the City Code. He gave an overview of the purpose, history, and vehicle pursuits.

President Pro Tem Helms suggested the CSPD utilize a helicopter in respect to vehicle pursuits.

Councilmember Donelson asked what the penalty is for someone who runs from the police. Deputy Chief Edmondson stated eluding is a felony offense, but it is very difficult to track down those vehicles. Shantel Withrow, Division Chief, Prosecution Division, City Attorney's Office, stated the penalty depends on whether or not there are additional charges, or the type of behavior exhibited when fleeing. She stated a traffic eluding by itself would be municipal misdemeanor up to 189 days in jail and twelve points on their license which would result in a license suspension.

Ms. Withrow went over the original Ordinance, implementation questions/concerns, major changes, definition, and process chart.

President Strand asked what can be done regarding vehicular racing on private property. Deputy Chief Edmondson explained that they give them the best information on how to address the situation, but CSPD is limited due to it being on private property.

**8.C.**     [22-776](#)

An ordinance amending Section 102 (Functions) of Part 1 (Municipal Airport Advisory Commission) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the code of the City of Colorado Springs 2001, as amended, pertaining to Municipal Airport Advisory Commission functions

Presenter:

Wynetta Massey, City Attorney/Chief Legal Officer

**Attachments:**   [AAC Functions ORD-2022-11-08](#)

Wynetta Massey, City Attorney/Chief Legal Officer, presented the Ordinance amending the functions of the Municipal Airport Advisory Commission (AAC). She stated a business park was not a consideration when the AAC Ordinance was initially adopted in 1965 and this Ordinance clarifies the AAC's advisory responsibility regarding planning and development of the industrial park which may have an impact on the Airport operations.

President Pro Tem Helms expressed support of the proposed Ordinance.

Councilmember Donelson asked if the AAC has previously advised regarding sales and leases within the business park. Greg Phillips,

Colorado Springs Airport Director of Aviation, stated in the past, they have briefed the AAC regarding all land use items in the business park and have written letters of support to City Council, but do not have authority over any of these decisions. Mr. Phillips stated this Ordinance provides more clarity to the role of the AAC.

- 8.D. [22-778](#) An Ordinance Repealing Section 105 (Customer Advisory Committee) Of Article 6 (Development Review Enterprise) Of Chapter 14 (Municipal Enterprises) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To The Development Review Enterprise Customer Advisory Committee

Presenter:

Tom Strand, Council President and Councilmember At Large

**Attachments:** [DRE Transition Ordinance - Final](#)

This item was postponed to the January 23, 2023 Work Session.

## **9. Items Under Study**

There were no Items Under Study.

## **10. Councilmember Reports, Open Discussion and Takeaways**

President Pro Tem Helms stated the United States Air Force Academy football team won the Commander-in-Chief trophy this year.

President Strand expressed his condolences for the passing of Lee Milner who was very active with the Trails, Open Space and Parks (TOPS) program within the City.

## **11. Adjourn**

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

Sarah B. Johnson, City Clerk