



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, September 26, 2022

10:00 AM

Council Chambers

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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

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

Councilmember Fortune left the meeting at approximately 2:30 PM.

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated item 9B.A. Closed Executive Session will be moved to the approximately 11:00 AM. 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. [22-642](#) City Council Work Session Meeting Minutes September 12, 2022

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [9-12-22 City Council Work Session Meeting Minutes Final](#)

The minutes of the September 12, 2022 Work Session were approved by Consensus of City Council.

6. Presentations for General Information

- 6.A. [22-585](#) Presentation of Recommendation concerning Colorado Springs Police Department Use of Force Study from the Law Enforcement Transparency and Accountability Commission (LETAC)

Presenter:

Janice Frazier, Chair, LETAC
Steve Kern, Vice Chair, LETAC
Yolanda Avila, Councilmember District 4
Randy Helms, Councilmember District 2
Wayne Williams, Councilmember At Large

Attachments: [Recommendation - Assessment of CSPD Use of Force - 8-15-2022 Approved](#)

Janice “JJ” Frazier, Chair, Law Enforcement Transparency and Accountability Commission (LETAC), presented the recommendation concerning Colorado Springs Police Department (CSPD) Use of Force Study from the LETAC. She provided an overview of the recommendation, background, and individual commissioner comments.

Steve Kern, Vice Chair, LETAC, identified the key takeaways.

Councilmember Williams asked if the recommendation was unanimous. Ms. Frazier confirmed it was.

Councilmember Murray expressed his concern with the recent number of settlements being paid with taxpayer money and the attrition rate of CSPD staff and asked if LETAC has confidence in the leadership and citizen’s assessment of CSPD. Ms. Frazier stated they are very please with the work of CSPD Chief Adrian Vasquez and citizen assessment is still a challenge because citizens are not always forthcoming with information.

7. Staff and Appointee Reports

- 7.A. [22-641](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 9-12-22](#)

There were no comments on this item.

8. Items for Introduction

- 8.A. [22-646](#) An Ordinance amending Section 106 (Sale of Unclaimed Vehicles) of Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs, as Amended, Pertaining to Sale of Unclaimed Vehicles.

Presenter:

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

Attachments: [CSPD-VehicleEvidenceCh10-2022-09-14](#)

[2022 Impound Ordinance City Council Powerpoint](#)

Commander John Koch, Colorado Springs Police Department (CSPD), presented the amendment to the Ordinance, pertaining to the sale of unclaimed vehicles. He provided an overview of the current Ordinance 10.25.106, reasons behind the change from public auction, the online auction notice, digital public notice, auction proceeds, implementation, cost savings, benefits, and additional Code changes.

President Pro Tem Helms asked if there is a downside to these changes. Commander Koch stated the only downside is if someone does not have internet access, but they could access it through the library system.

Councilmember Murray asked for timely notification and publishing in all available publications of when the auction of vehicles will take place. Commander Koch agreed to look into that.

Councilmember Donelson asked for the written publication in the Gazette to continue along with the online notice of auction so those without internet access are not excluded.

Councilmember Williams stated in order to save taxpayer money, he does not support continuing the existing publication in the Gazette or publishing in the other publications.

- 8.B. [22-570](#) An Ordinance Amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a Supplemental Appropriation to the Cemetery Enterprise Fund in the Amount of \$1,026,546 to Fund Additional 2022 Operating Expenditures, and to the Cemetery Endowment Fund in the Amount of \$368,968 for a Transfer to the Cemetery Enterprise Fund to Fund a Portion of Additional 2022 Operating Expenditures

Presenter:

Britt Haley, Acting Parks, Recreation and Cultural Services Director

Kim King, Recreation and Administration Manager

Chris Fiandaca, City Budget Manager

Attachments: [9-26-22 - Cemetery Supplemental Appropriation PowerPoint](#)
[ORD-Cemetery Supplemental Appropriation-2022-09-14](#)

Kim King, Recreation and Administration Manager, Parks, Recreation and Cultural Services Director, presented the Ordinance for a supplemental appropriation to the Cemetery Enterprise fund in the amount of \$1,026,546 to fund additional 2022 operating expenditures, and to the Cemetery Endowment Fund in the amount of \$368,968 for a transfer to the Cemetery Enterprise Fund to fund a portion of additional 2022 operating expenditures. She provided an overview of the expenditure items addressed, fleet equipment replacement, transaction overview, and proposed timeline.

Councilmember Henjum asked if ARPA funding went toward the replacement of the irrigation system for Evergreen Cemetery. Ms. King confirmed it did.

President Strand asked if the supplemental appropriation was coming from the City's reserve fund. Ms. King stated it is funded from the cemetery's endowment fund.

Councilmember Donelson stated the Budget Committee supports this appropriation.

President Strand asked what is being done regarding the condition of the Valley Hi Golf Course building. Britt Haley, Director, Parks, Recreation, and Cultural Services, stated they are currently performing a full assessment of building.

- 8.C. [22-578](#) An Ordinance Certifying Delinquent Stormwater Fees and Charges to the El Paso County Treasurer for Collection

Presenter:

Richard Mulledy, P.E., Stormwater Enterprise Manager

Attachments: [Ordinance_StormwaterFees-Certification](#)
[Exhibit A.pdf](#)

Richard Mulledy, Stormwater Enterprise Manager, presented the Ordinance certifying delinquent stormwater fees and charges to the El

Paso County Treasurer for collection. He gave a brief summary of the delinquent stormwater fee collection process and stated there are 275 parcels which are ninety days or more past due for a total of \$88,329.00.

There were no comments on this item.

- 8.D.** [22-589](#) An Ordinance amending Ordinance No. 79-241 (Ordinance creating Old Colorado City Security and Maintenance District) to delete the requirement to secure and maintain parking lots

Presenter:

Scott Lee, Parking Director, Parking Enterprise

Attachments: [OCC_SecurityMaintDistrictAmendORD-2022-07-26](#)
[Exhibit A - OCC Parking Lot List](#)
[Exhibit B - OCC Parking Lots - Map Updated 7-19-22](#)
[Exhibit C - Storage container parking locations](#)
[TPS Report_DRAFT 07-06-2022_FINAL \(003\).EB 8.9 KB 8.17](#)

Scott Lee, Parking Director, Parking Enterprise, presented the Ordinance to delete the requirement to secure and maintain parking lots Old Colorado City (OCC) Security and Maintenance District and transfer control and maintenance of three surface parking lots from the District to the City's Parking Enterprise. He stated both parties have determined it is in their best interest to transfer ownership and responsibility for these three lots to the City and will continue to work together for the benefit of the residents and visitors to OCC.

There were no comments on this item.

- 8.E.** [22-576](#) A Resolution Setting the Gas Cost Adjustment Effective October 1, 2022

Presenter:

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Scott Shirola, Pricing and Rates Manager, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [09-27-2022 CC Mtg-GCA Resolution](#)
[G Sheet 2.4 Rate Tbl - 19th Revised - Redline](#)
[G Sheet 2.4 Rate Tbl - 19th Revised - Final](#)
[GCA Schedule 1](#)
[09-27-2022 CC ECA-GCA](#)
[Signed Resolution No. 137-22](#)

Scott Shirola, Pricing and Rates Manager, Colorado Springs Utilities (CSU) presented the Resolutions setting the Gas Cost Adjustment (GCA) and the Electric Cost Adjustment (ECA) effective October 1, 2022. He provided an overview of the decrease of the ECA, increase of the GCA, a sample bill impact of the proposed October 2022 rates, and how customers can request assistance.

Councilmember Donelson requested a brief presentation for citizens at the September 27, 2022 City Council meeting. Mr. Shirola agreed to Councilmember Donelson's request.

- 8.F.** [22-577](#) A Resolution Setting the Electric Cost Adjustment Effective October 1, 2022

Presenter:

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Scott Shirola, Pricing and Rates Manager, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [09-27-2022 CC Mtg-ECA Resolution](#)
[Sheet 2.9 E Rate Tbl - 18th Revised - Redline](#)
[Sheet 2.9 E Rate Tbl - 18th Revised - Final](#)
[ECA Schedule 1](#)
[Signed Resolution No. 138-22](#)

Please see comments in Agenda item 8.E.

- 8.G.** [22-654](#) An Ordinance amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a supplemental appropriation to the Lodgers and Automobile Rental Tax (LART) Fund in the amount of \$300,000 for the United States Olympic and Paralympic Museum (USOPM) 2022 Hall of Fame Festival event as recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

PK McPherson, Chair, LART Citizen Advisory Committee

Attachments: [LART-USOPM-HOF-ORD-2022-09-07](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation of \$300,000 to the Lodgers and Automobile Rental Tax (LART) fund for the United States Olympic and Paralympic Museum (USOPM) 2022 Hall of Fame Festival event as recommended by the LART Citizen Advisory Committee. She explained that this event did apply for LART funding through the regular budget process and was awarded \$20,000, but because the City requested the event be expanded to a three-day event, the cost was much greater than what was anticipated.

President Strand asked what the balance of the LART fund is. Ms. McDaniel stated over \$1 million remains unallocated in the LART.

Councilmember Henjum requested a breakdown of the expenses. Ms. McDaniel stated she will provide that information.

Councilmember Murray stated \$300,000 seems high for a weekend event. Councilmember Donelson stated the City is branded Olympic City USA and received national television exposure.

- 8.H.** [22-655](#) A Resolution Designating the United States Olympic and Paralympic Museum (USOPM) Biennial Hall of Fame Festival Event as a City-Sponsored Event

Presenter:

Charae McDaniel, Chief Financial Officer

PK McPherson, Chair, LART Citizen Advisory Committee

Attachments: [LART-HOF_RES-2022-09-13](#)

[Signed Resolution No. 140-22](#)

Charae McDaniel, Chief Financial Officer, presented the Resolution designating the United States Olympic and Paralympic Museum (USOPM) Biennial Hall of Fame Festival Event as a city-sponsored event. She spoke about the importance of this event due to the brand of the City being Olympic City USA and the amount of tourism it will bring to the City.

Councilmember Henjum expressed support of this item both for the City and the USOPM.

Councilmember Williams explained how applications are reviewed by the Lodgers and Automobile Rental Tax (LART) Committee.

- 8.I. [22-564](#) An Ordinance Repealing Section 1006 (Board Created; Appointments) And Section 1007 (Power and Duties) Of Part 10 (Public Safety Sales And Use Tax Fund) Of Article 6 (City Funds) Of Chapter 1 (Administration, Personnel, And Finance) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To The Public Safety Sales Tax Oversight Committee

Presenter:

Bill Murray, Councilmember At Large
Wayne Williams, Councilmember At Large
Charae McDaniel, Chief Financial Officer

Attachments: [PSST-ORD-2022-08-10](#)

Councilmember Murray presented the Ordinance pertaining to the dissolution of the Public Safety Sales Tax Oversight Committee. He stated after a thorough review, it has been determined the Public Safety Sales Tax Oversight Committee no longer serves a legislative function as it relates to City Council because City Council reviews it during the budget process and it should be under the Mayor's purview.

Charae McDaniel, Chief Financial Officer, stated that they are still reviewing the Oversight Committee as it relates to the executive side.

There were no comments on this item.

- 8.J. [22-623](#) A Resolution authorizing the disposal of surplus City property to Project Edge ("Purchaser")

Presenter:

Greg Phillips, Director of Aviation, Colorado Springs Airport
Troy Stover, Assistant Director of Aviation, Colorado Springs Airport

Attachments: [Resolution Project Edge Surplus Property Disposition 2022 09 13](#)
[Exhibit A Project Edge Surplus Property Disposition 2022 09 13](#)
[Exhibit B Project Edge Surplus Property Disposition 2022 09 13](#)
[Exhibit B1 Project Edge Surplus Property Disposition 2022 09 13](#)
[Resolution Project Edge Surplus Property Disposition PowerPoint 2022 09 13](#)
[Signed Resolution No. 133-22](#)

Greg Phillips, Director of Aviation, Colorado Springs Airport, presented the Resolution authorizing the disposal of surplus City property to Project Edge. He provided an overview of the request, background, boundaries,

and site maps.

There were no comments on this item.

9. Executive Session

9A. Open

- 9A.A. [22-614](#)** Ean C. Meadows v. Ofc. Sunderlin #4659 and K-9 Ofc. Snuggs #2644, No. 21-CV-00379, United States District Court of Colorado.

The Civil Action Investigation Committee has recommended that the City represent the above-named 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 were acting in good faith. 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: [Council Representation Memo - Meadows 9-6-22](#)

Ben Bolinger, Assistant City 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. [22-631](#)** 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) and City Code § 1.5.506(B), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve: (1) consultation with the City Attorney regarding the disposal of surplus Airport property; (2) consultation with the City Attorney regarding the acquisition of property by the Airport; and (3) consultation with the City Attorney regarding a Litigation Settlement over \$100,000.

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: [Hadam Closed Session Memo](#)

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) consultation with the City Attorney regarding the disposal of surplus Airport property; (2) consultation with the City Attorney regarding the acquisition of property by the Airport; and (3) consultation with the City Attorney regarding a Litigation Settlement over \$100,000.

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. Items Under Study

There were no Items Under Study.

11. Councilmember Reports, Open Discussion and Takeaways

Councilmember Williams stated he and several other colleagues attended the Colorado Springs Chamber and EDC 2022 Washington D.C. Fly-In.

Councilmember Henjum stated she also attended the Fly-In.

President Pro Tem Helms stated he and President Strand attended the 16th Annual Legislative Town Hall on services for Intellectual Development and Disabilities and the United States Air Force Academy Falcons will play Navy this weekend.

Councilmember Avila provided an overview of the Hispanic Heritage Month event, Fiestas Patrias, held on September 17, 2022 in downtown Colorado Springs.

Councilmember Donelson stated he and several other Councilmembers attended the International Association of Fallen Firefighter memorial event, El Paso County Sheriff's Office graduation ceremony, medal of valor ceremony, and the Special Forces Association National Convention.

Councilmember Murray stated there is a twenty-three-year veteran of the Colorado Springs Police Department who has concerns regarding attrition and street patrol, he has spoken to economists regarding employment, high interest rates, and supply chain issues, Colorado Springs has been listed as the second best place to live in the United States, and moving Space Communications to the Air Force will have a large effect on the overall environment of space operations in the City.

President Strand stated he and several other Councilmembers attended the ribbon-cutting ceremony at Platte Avenue and Sand Creek, Planning Commission's ReTool Zoning meeting, memorial service for Rex Adams, Faith Table meeting on affordable housing, two-day Air Show event, Westside Community Center welcome day event, and Downtown Partnership Breakfast.

12. Adjourn

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

Sarah B. Johnson, City Clerk