



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, June 21, 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

- 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

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated item 5.B.A. Closed Executive Session will be postponed to the July 12, 2021 Work Session meeting. 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. [21-322](#) City Council Work Session Meeting Minutes June 7, 2021

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [6-7-21 City Council Work Session Meeting Minutes Final](#)

The minutes of the June 7, 2021 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open

5A.A. [21-333](#)

John Mullins v. The City of Colorado Springs, Brian Kelly, Christopher Mace, Mark Neuenfeldt and John Does (1-5), Case No. 21-CV-00589

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 memo Mullins](#)

Tracy Lessig, Division Chief, Office of the City Attorney, 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.

5A.B. [21-334](#)

Brian Halik v. A. Brewer; Unknown Officers of the Tactical Enforcement Unit, Case No. 21-cv-00508-PAB-KMT, United States District Court, District of Colorado

The Civil Action Investigation Committee met on June 4, 2021 and has recommended that the City represent Detective Brewer as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. Detective Brewer was acting in the course and scope of his 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: [2021-06-08-Council Memorandum-Halik](#)

Tracy Lessig, Division Chief, Office of the City Attorney, 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.

5B. Closed**5B.A. [21-353](#)**

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 to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding a lease matter; and (2) consultation with the City Attorney and City staff for the purpose of the lease, transfer or sale of property and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding a public facilities project.

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: [6212021CCClosed](#)

This item was postponed to the July 12, 2021 Work Session meeting.

6. Staff and Appointee Reports**6.A. [21-321](#)**

Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 6-21-21](#)

Councilmember Henjum asked when the overview of the American Recovery Act funding allocations will be presented to City Council. Peter Wysocki, Director, Planning and Community Development, stated it will be presented at the July 12, 2021 Work Session meeting.

6.B. [20-513](#) Electric Scooter Update

(Informational)

Presenter:

Todd Frisbie, City Traffic Engineer, Public Works Department
Ryan Tefertiller, Planning Manager, Planning and Community
Development Department

Attachments: [Scooter Share Council Presentation 06212021](#)

Todd Frisbie, City Traffic Engineer, Public Works Department, provided an update on the one-year pilot project to create an electric scooter (e-scooter) share program within the City limit. He gave an overview of the background of e-scooter sharing, history of the Request for Proposal (RFP) selection process, and next steps.

Councilmember Williams stated the RFP stated three companies would be selected in order to provide expanded options to citizens, but only two companies were selected. Mr. Frisbie stated committee members felt the two firms which were selected stood out the most over the other two firms who were short-listed, other jurisdictions such as Denver, CO selected only two firms, and two companies would be easier for the City to manage than three would be.

Councilmember Murray requested a definition of geofencing. Mr. Frisbie stated the companies can build boundaries around the areas where the e-scooters will operate.

Councilmember Murray and Councilmember Donelson stated they are concerned for pedestrian safety with motorized vehicles on sidewalks. Mr. Frisbie stated the regulations will be similar to that of bicycles.

Councilmember Murray stated there should be penalties for violations of the geofencing regulations.

Councilmember Williams asked how businesses will let the City know if they do not want the e-scooters on their properties. Mr. Frisbie stated they will need to contact City Engineering in the Public Works Department.

Councilmember Williams asked how precise the GPS is. Mr. Frisbie stated three to five feet.

Councilmember Henjum asked how the e-scooters originally came to the City. Mr. Frisbie stated it originated from Councilmember Gaebler.

Councilmember Donelson asked if there are any other large parcels of property besides Colorado College which have opted out of having e-scooters. Mr. Frisbie stated the Garden of the Gods.

Councilmember Donelson asked if the current City Code is adequate to address e-scooters. Mr. Frisbie confirmed it is due the inclusion of micro-mobility options and because the City Codes matches State legislation regarding them.

Councilmember Donelson asked how many e-scooters will be allowed. Mr. Frisbie stated three hundred per company to start and if they would like to add e-scooters, they would need to request it through the City.

Councilmember Donelson asked how many e-bikes are currently being used. Mr. Frisbie stated he will provide that information.

Councilmember Donelson asked if any cities have started e-scooter programs and then pulled out from them. Mr. Frisbie stated there are none that he is aware of.

Councilmember Henjum asked if the fees allocated to the City are adequate to cover the expenses. Mr. Frisbie confirmed they are and will be utilized primarily to cover the cost of Code Enforcement's time to remove e-scooters from areas they do not belong.

7. Presentations for General Information

7.A. [21-304](#) Home Front Military Network

Presenter:

Kate Hatten, Executive Director

Tom Strand, Council President

Attachments: [HFMN presentation for City of Colorado Springs \(June 2021\)](#)

Kate Hatten, Executive Director, Home Front Military Network (HFMN), gave an overview of HFMN, their services, community, collective impact, direct assistance impact, ways to connect for help, 2020 partner agency trainings, and testimonials.

President Strand asked where the utility assistance funding originates from. Ms. Hatten stated they are supported by corporations, individual funders, foundations, and Energy Outreach Colorado.

President Strand asked if a veteran must receive an honorable or general discharge to qualify to receive assistance. Ms. Hatten confirmed in most cases they do.

Councilmember Murray asked how large the population being served is. Ms. Hatten stated the two primary populations are recently transitioned out and post-Vietnam era veterans.

Councilmember Murray asked if a large number of military personnel who leave the service stay in the region. Ms. Hatten confirmed at least half of them stay in the community.

Councilmember Murray asked if there has been an increase in homeless veterans. Ms. Hatten stated it is her understanding that it has remained steady.

Sallie Clark, Home Front Military Network (HFMN), identified upcoming HFMN events, and ways to support HFMN.

Councilmember Helms asked if HFMN assists veterans who may not have a copy of their DD214. Ms. Hatten stated their case manager will assist them in obtaining it.

Councilmember Murray requested some of the City's Coronavirus Aid, Relief, and Economic Security (CARES) Act and Lodgers and Rental Car Tax (LART) funding be used toward HFMN.

Councilmember Avila asked if HFMN received any CARES Act funding. Ms. Hatten stated they received \$50,000 from El Paso County in emergency financial assistance as well as business emergency relief assistance from the State.

Several Councilmembers expressed appreciation for all the efforts of HFMN.

8. Items for Introduction

- 8.A.** [21-291](#) A resolution declaring the intent of the City of Colorado Springs, Colorado to issue its Multifamily Housing Revenue Bonds to finance the acquisition, construction, improvement and equipping of an affordable multifamily housing development located at 5894 Tutt Blvd known as Copper Rose Apartments.

Presenter:

Steve Posey, HUD Program Manager, Planning & Community Development

John Bales, Fred Marienthal, Kutak Rock LLP

Peter Wysocki, Director of Planning and Community Development

Attachments: [Colorado Springs Copper Rose 2021 Inducement Resolution](#)
[Prelim Inducement Res Copper Rose](#)

Steve Posey, HUD Program Manager, Planning and Community Development, presented the preliminary inducement Resolution to issue Private Activity Bonds (PAB) to finance the acquisition, construction, improvement and equipping of Copper Rose Apartments, a 182-unit multi-family affordable housing project located at 5894 Tutt Blvd. He identified the site location, project description, and available PAB.

President Strand asked if the PAB will be \$21M. John Bales, Kutak Rock, LLP, representing the City's bond counsel, stated the inducement is \$21.5M and the PAB is limited to \$18.5M.

Councilmember Williams stated there is a need for affordable housing in this area and appreciates the diversity of the size of the apartments.

Councilmember Murray requested the development cost per square foot. Keith James, Development Lead, Inland Group, representing the development team, stated based on their calculations, this project is approximately twenty to thirty percent below current market rents and they have an affiliated construction company which makes them very cost efficient.

Councilmember Murray asked when this project will begin and be completed. Mr. James stated they anticipate construction to begin in February 2021, the first building would be occupiable ten months after that, and the entire project would be complete by June 2023.

President Strand asked what agency in the federal government PAB is administered from. Mr. Posey stated the Internal Revenue Service (IRS).

President Strand stated four years ago the PAB was \$24.2M, now it is \$26.5M, and asked why it is not increasing at the same rate as inflation. Mr. Posey stated the allocation is based on population.

Councilmember Henjum asked why they have chosen to provide affordable housing. Mr. James stated the City has been a very comfortable environment to work in and the cost of doing business has worked for them.

8.B. [21-314](#) An ordinance amending Ordinance No. 20-92 (2021 Appropriation

Ordinance) for a supplemental appropriation to the 2C/2C2-Road Repair, Maintenance and Improvement Fund in the amount of \$10,416,414 for additional capital expenditures utilizing the final balance of the original 2C funding which ended December 31, 2020

Presenter:

Charae McDaniel, Chief Financial Officer
Travis Easton, P.E., Public Works Director
Corey Farkas, Manager of Operations and Maintenance Division of Public Works

Attachments: [Ordinance for Supplemental Approp-2C Final Balance](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation to the 2C/2C2-Road Repair -Road Repair Maintenance and Improvement Fund in the amount of \$10,416,414 for additional capital expenditures. She stated only the tax revenue from the 2C increment goes into this fund, the first five years concluded in 2020, and they would now like to put the entirety of the sales tax revenue collected during that time into the 2C2 projects.

Councilmember Avila asked if the sales tax revenue collected for 2C will continue to go towards arterial roads. Travis Easton, P.E., Public Works Director, stated approximately eight to ten percent of the 2C program went towards residential roadways and approximately fifty percent of the 2C2 program goes toward residential roadways.

8.C. [21-316](#)

An ordinance amending Ordinance No. 20-92 (2021 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$3,000,000 to fund the replacement of the heating, ventilation and air conditioning (HVAC) system at the Colorado Springs Pioneers Museum (CSPM)

Presenter:

Charae McDaniel - Chief Financial Officer
Karen Palus - Parks, Recreation and Cultural Services Director

Attachments: [Ordinance for Supplemental Approp-Pioneer Museum HVAC](#)

Charae McDaniel, Chief Financial Officer, present the Ordinance for a supplemental appropriation to the General Fund in the amount of \$3M to fund the replacement of the heating, ventilation and air conditioning (HVAC) system at the Colorado Springs Pioneers Museum (CSPM). She stated the preservation of thousands of irreplaceable artifacts within the CSPM relies on the climate and humidity condition provided by the

museum's HVAC system which has been modified over the years, but has reached a critical point of failure that requires immediate action so the project will be complete prior to the winter months. Ms. McDaniel stated the boiler needs to be replaced because it causes additional structural issues due to the steam which leaks into the pipes and walls.

Councilmember Murray asked if the current boiler is oil powered. Ms. McDaniel stated it is gas powered and the existing steam pipes will be drained, but not removed due to the structural concerns of removing them.

Councilmember Donelson asked if the assessment to replace the system was made by an impartial party. Ryan Trujillo, Director, Support Services, confirmed a third party, independent consultant provided the recommendation and design and engineering of the project.

President Strand asked if the \$3M will be enough for the entire project. Ms. McDaniel stated based on the assessment, it will be enough.

8.D. [21-349](#)

A Resolution Authorizing the Use of City Right of Way Known as the Public Alley Between South Weber Street and South Wahsatch Street, South of East Cimarron Street for a Pedestrian Sky Bridge.

Presenter:

Bob Cope, Economic Development Officer

Darlene Kennedy, Real Estate Services Manager

Attachments: [File 21-349 Weber and Cimarron Apartments 99 Year Lease Presentation](#)
[File 21-349 Resolution - Weber and Cimarron Aerial Bridge Lease Exhibit A](#)
[Exhibit B](#)

Bob Cope, Economic Development Officer, presented the Resolution authorizing the ninety-nine-year lease for use of City right of way known located at Weber and Cimarron Apartments for pedestrian bridge. He gave an overview of the proposed area, pedestrian sky bridge project, lease, economic development purposes, public purpose, and staff recommendation.

Councilmember Williams asked what is considered below market rate for the property. Mr. Cope stated it was valued at approximately \$119 per square foot and they are asking for \$100 per square foot.

Councilmember Williams asked if the pedestrian sky bridge was high enough to allow City maintenance vehicles access, utility access, etc., to the alleyway. Mr. Cope confirmed it was fully approved by all those departments.

Councilmember Murray asked what this bridge will be used for. Mr. Cope stated it provides access from the apartments to the parking structure.

- 8.E.** [21-335](#) A Resolution Authorizing the Disposal of Surplus, City-owned Property Consisting of Approximately 7 acres of Land to the Entity known as Project Mustang or its Assign (“Purchaser”) in accord with the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021, and City Code.

Presenter:
Greg Phillips
Director of Aviation
Colorado Springs Airport

Attachments: [AAC - Letter of Support for Mustang](#)
[City Council Presentation for 22 acre and 7 acre sales 6.1.21](#)
[6-14-21 - Project Mustang Draft Resolution](#)
[Resolution Exhibit A](#)
[Resolution Exhibit B](#)
[Signed Resolution 88-21](#)

Greg Phillips, Director of Aviation, Colorado Springs Airport, presented the Resolutions authorizing the disposal of surplus City property to Project Mustang and Project Sunrise. He identified the Peak Innovation Park development, economic development opportunities, advantages of economic development, and action items.

President Strand asked if the Airport Advisory Commission support is unanimous. Mr. Phillips confirmed it was.

Councilmember Strand asked why there is a mix of lease and sale of property instead of just selling all the property. Mr. Phillips stated the leases provide long-term revenue to the airport.

- 8.F.** [21-085](#) Ordinance No. 21-54 creating a two-month extension of a moratorium on the enforcement of certain zoning code violations related to carports in front yard setbacks

(Legislative)

Presenter:
Mitch Hammes, Neighborhood Services Manager

Peter Wysocki, Director of Planning and Community Development

Attachments: [CarportMoratoriumExtORD-6-14-21](#)

Mitch Hammes, Neighborhood Services Manager, gave a brief overview of the Ordinance extending the six-month moratorium on the enforcement of certain zoning code violations related to existing carports in front-yard setbacks for an additional two months. He stated the zoning code Ordinance will be presented at the July 12, 2021 Work Session meeting.

Councilmember Avila expressed appreciation for all the work that has gone into the proposed zoning code Ordinance.

Councilmember Murray asked if this Ordinance applies to new builds. Mr. Hammes stated it does not, it is just an extension of the moratorium on existing carports.

President Strand asked if the Planning Commission vote on the proposed zoning code Ordinance was unanimous. Mr. Hammes stated it was not.

8.G. [21-288](#)

A Resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a Special Municipal Election and to participate in a Coordinated Election to be held on Tuesday, November 2, 2021, and providing the effective date of this resolution.

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Intent to Participate Resolution](#)

Sarah B. Johnson, City Clerk, presented the Resolution declaring the intention of participating in the November 2, 2021 Coordinated Election with El Paso County. She stated this Resolution is the procedural step to place an item on the ballot, there is no financial obligation at this time, and it is not tied to any particular initiative.

President Strand asked if there would be opportunity to place an item on the ballot if they do not adopt this Resolution. Ms. Johnson stated there would not because the City needs to let El Paso County know so that intergovernmental agreements (IGA) can be made for participation entities.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Williams stated he volunteered at the Juneteenth celebration and requested the City address the parking issues at America the Beautiful Park. Peter Wysocki, Director, Planning and Community Development, stated they will provide a presentation to City Council on the City's long-term parking plan.

Councilmember Avila stated there needs to be paratransit/ADA accommodated service available on the express route to the Colorado Springs Airport. She expressed appreciation for all the volunteers who put together the Juneteenth event which she was asked to speak at and requested it be considered for funding by the Lodgers and Automobile Rental Tax (LART).

Councilmember Henjum stated she attended the Urban Water Cycle Tour.

Councilmember Murray thanked the citizens who have received the COVID-19 vaccine and encouraged everyone who has not to get vaccinated.

Councilmember Helms stated the ribbon-cutting ceremony for the pedestrian bridge from the United States Olympic and Paralympic Museum to America the Beautiful park will be held on July 1, 2021 at 10:00 AM.

11. Adjourn

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

Sarah B. Johnson, City Clerk