



# City of Colorado Springs

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

## Meeting Minutes Council Work Session

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Monday, June 12, 2023

10:00 AM

Council Chambers

### How to Watch the Meeting

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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** 7 - President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Brian Risley, and Councilmember Michelle Talarico
- Excused** 2 - Councilmember Yolanda Avila, and Councilmember Mike O'Malley

### 2. Changes to Agenda

There were no Changes to Agenda.

### 3. Regular Meeting Comments

- 3.A.** [23-310](#) Procedural Changes Pursuant to Unified Development Code (UDC)

Presenter:

Mike Tassi, Assistant Planning Director  
Ben Bolinger, Legislative Counsel

Mike Tassi, Assistant Planning Director, provided an update to the procedural changes pursuant to Unified Development Code (UDC) and stated pursuant to the UDC, certain quasi-judicial land use hearings, including rezoning hearings, must take place after first reading and prior to second reading of the Ordinance, in order to highlight and clarify the procedure, City Staff has been updating the titles of rezoning Ordinances on first reading to clarify that the purpose of first reading is to set a hearing date and publish the proposed Ordinance, and the motion has also been

updated to state the purpose of first reading is to set a hearing date and publish the proposed Ordinance. He identified that the process for conducting quasi-judicial hearings is still governed by the Rules and Procedures of City Council, which includes an opportunity for public comment and the published notice will state "If Council sets the hearing date, it will be on that particular City Council meeting date.

Councilmember Henjum, Councilmember Donelson, and Councilmember Talarico requested this information be provided to her in writing. Mr. Tassi agreed to provide that information.

Councilmember Henjum asked if the Ordinance passes on the Consent Calendar on the first reading and then fails on the second reading if there would be third reading of the Ordinance. Ben Bolinger, Legislative Counsel, City Attorney's Office, stated there would not because any failure ends the process, but if the Ordinance were amended, it would require a third reading.

Councilmember Donelson asked if this procedural change is due to parts of the land use and development plans only requiring one reading. Mr. Tassi confirmed that the pieces of the project which are not the zone change only require one reading.

Councilmember Donelson asked what the goal of this change is. Mr. Tassi stated the goal is primarily to alleviate the confusion if something is approved at the first reading and then is denied at the second reading.

Councilmember Donelson stated he is concerned with the reduction of citizen comment at the first meeting will have an unintended consequence at the hearing.

President Helms clarified that the first reading is not a public hearing or an approval of the Ordinance, it is setting the date for the public hearing.

#### **4. Review of Previous Meeting Minutes**

4.A. [23-289](#) City Council Work Session Meeting Minutes May 22, 2023

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [5-22-23 City Council Work Session Meeting Minutes Final](#)

The minutes of the May 22, 2023 Work Session were approved by Consensus of City Council.

## **5. Executive Session**

### **5A. Open**

- 5A.A.** [23-292](#) Michael Lynn Ratcliff v. Tyler Brown, Bill Elder, Francis Johnson, Lizet Castillo, Shane Owen and Clayton Sunada, Case No. 23-cv-00605-RM-MDB, United States District Court, District of Colorado

The Civil Action Investigation Committee has met and recommends that the City represent Castillo and Sunada as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. Both officers were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, City Council should reserve the right not to pay any award of punitive damages.

Presenter:  
Wynetta Massey, City Attorney

**Attachments:** [2023-6-6 Ratcliff Council Representation Memo](#)

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

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

- 5A.B.** [23-299](#) Francisco Serna and Ajhalei Snoddy v. City of Colorado Springs, Wynetta Massey, Darlene Kennedy, Dennis Barron, No. 23-cv-00728-DDD-MDB, United States District Court, District of Colorado

The Civil Action Investigation Committee has met and recommends that the City represent Wynetta Massey and Darlene Kennedy as required by the Colorado Governmental Immunity Act. Ms. Massey and Ms. Kennedy were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, City Council should reserve the right not to pay any award of punitive damages.

Presenter:  
Marc Smith, Deputy City Attorney

**Attachments:** [2023-05-26 City Council Representation Memo - Serna](#)

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

President Helms polled City Council regarding authorizing the City to represent the employees. Consensus of City Council agreed.

### **5B. Closed**

There was no Closed Executive Session.

### **6. Presentations for General Information**

#### **6.A. [23-273](#) Careers in Construction and HBA Cares Update**

Presenter:

Glen Hard, Mike Ruebenson, and George Hess

George Hess, Chairman, Careers in Construction Colorado (CICC), provided a briefing on the CICC program, a workforce development initiative of the Associated General Contractors and the Housing and Building Association (HBA). He identified the CICC Board of Directors, vision, mission, values, school locations. Mr. Hess gave an overview of the number of students enrolled, current school year/cumulative program statistics, and program goals.

President Helms encouraged Councilmembers to attend one of the events at the schools.

Councilmember Henjum requested CICC connect with Community Works who also has a building program for furniture and cabinet making. Mr. Hess agreed to reach out to them.

Glenn Hard, HBA, CEO/CICC President, gave an overview of the achievements and number of Pre-Apprenticeship Certificate Training (PACT) certificates earned.

Councilmember Risley commended CICC for their work and contributions to the community.

President Pro Tem Crow-Iverson identified the social impact of this program.

Councilmember Donelson asked how many open positions there are in construction in the Pikes Peak Region. Mr. Hess stated he does not have the local numbers, but nationally the construction industry is 250,000 short of qualified, skilled, construction workers.

Dave Dazlich, Vice President, Government Affairs, Colorado Springs Chamber and EDC, express support of CICC and their programs.

Josh Peterson, COO, Vanguard Homes, Board of Directors Member, HBA Cares, provided an overview of their mission, community projects, CICC students, sponsorship of a car donated by George Hess for the Pikes Peak International Hill Climb, and the Brick Fundraiser event to benefit Ingram Guest House.

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

- 7.A. [23-301](#) Update on the Lodgers & Auto Rental Tax (LART) Event Application Review Process

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [LART Process Update - 06-12-23](#)

Charae McDaniel, Chief Financial Officer, provided an overview of the Lodgers & Auto Rental Tax (LART), event application review process, development of the updated process, and rubric categories.

Councilmember Risley asked when the rubric was first utilized. Ms. McDaniel stated it was during the 2023 off-cycle.

Councilmember Leinweber stated outdoor recreation should be a subcommittee and have its own rubric.

Councilmember Henjum read the definition of civic tourism and stated there is room for all aspects of tourism to be included.

Councilmember Donelson stated the LART committee does not ignore outdoor recreation and identified that the largest event funded in the off cycle was \$250,000 for North Cheyenne Canyon and Sports Corp. reviews the sporting events which sometimes occurs in the outdoors such as trail races and mountain biking.

- 7.B. [23-288](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Agenda Planner Review 6-12-23](#)

There were no comments on this item.

**8. Items for Introduction**

There were no Items for Introduction.

**9. Items Under Study**

There were no Items Under Study.

**10. Councilmember Reports and Open Discussion**

Councilmember Donelson stated he attended the Entegris groundbreaking ceremony, Public Works Citizens Academy, the retirement of Colorado Springs Police Department Sergeant Fred Walker, spoke about Detective Sergeant George Kaltenberger who was killed in the line of duty in City Hall eighty-two years ago, on June 12, 1941, and encouraged everyone to hang an American flag outside their house on Flag Day, June 14, 2023.

Councilmember Risley stated he attended the 40th anniversary of Nunn Construction, toured Children's Hospital, Housing and Building Association (HBA) meeting, University of Colorado, Colorado Springs (UCCS) Legislative Wrap-up, St. Jude's home raffle, and United Way volunteers recognition event.

Councilmember Henjum stated she attended the Public Works Citizens Academy, Buffalo Soldiers reenactment at Evergreen Cemetery, Colorado Springs Fire Department (CSFD) promotions, Salvation Army Family Center ribbon cutting ceremony, ZEB bus one-year anniversary ribbon cutting ceremony, Neighborhood Network Board with Council of Neighbors and Organizations (CONO), Community Works workforce development meeting, Colorado Creative Industries Summit, and spoke with Councilmember Avila, Councilmember Talarico, and Mayor Yemi at the tribute in honor of the five victims of the Club Q shooting.

President Pro Tem Iverson stated she attended the John Suthers scholarship reception.

President Helms introduced the City's new Chief of Staff, Jamie Fabos and stated he attended the Swearing-In ceremony for Mayor Yemi, Memorial Day event which Councilmember Donelson spoke at, an event sponsored by the HBA and George Hess related to the Pikes Peak International Hill Climb, United States Air Force Academy graduation, Colorado Springs Utilities (CSU) Garden Center, gave a speech advertising the Colorado

Springs Western Street Breakfast which will take place June 21, 2023 from 5:30 AM to 9:00 AM and the proceeds go to support the military and their families.

Councilmember Leinweber stated he participated with the Pikes Peak Outdoor Recreation Alliance at The Big Gear Show: Outdoor Industry Trade and Consumer Show in Denver, CO and spoke to thousands of people, including the Governor, about the breadth of what Colorado Springs has to offer and attended the Colorado Outdoor Recreation Industry Office (OREC) meeting.

Councilmember Talarico stated it has been a very robust couple of weeks and one of the events she attended what the Public Works Citizens Academy and the ZEB bus one-year anniversary ribbon cutting ceremony.

Jamie Fabos, Chief of Staff, stated she looks forward to working with Council, expressed appreciation for all the events they have attended, and stated she attended the CSU commissioning of the Natural Gas Generators (NGG), inaugural Sun Country flight, they are actively working on their 100-Day Plan, and the 2023 State of the State with Governor Polis will be held on June 15, 2023.

## **11. Adjourn**

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

Sarah B. Johnson, City Clerk