



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, August 9, 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 9 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Pro Tem Richard Skorman, President Tom Strand, and Councilmember Wayne Williams

Councilmember O'Malley arrived at approximately 1:15 PM.

Councilmember Murray and President Pro Tem Skorman attended the meeting virtually.

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

There were no Regular Meeting Comments.

4. Review of Previous Meeting Minutes

4.A. [21-468](#) City Council Work Session Meeting Minutes July 26, 2021

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [7-26-21 City Council Work Session Meeting Minutes Final](#)

Councilmember Donelson requested his name be removed from the statement regarding the comment to increase the 1,000 feet public notice area for item 9.A. Update on the amendment of City Code Chapter 7 (Zoning and Subdivision Regulations). Sarah B. Johnson, City Clerk, agreed to make that amendment.

The minutes of the July 26, 2021 Work Session meeting were approved by Consensus of City Council as amended.

5. Staff and Appointee Reports

5.A. [21-154](#) City Financial Report - 2020 Wrapup, 2021 Update, 2022 Outlook

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [August Financial Report](#)

Charae McDaniel, Chief Financial Officer, presented the 2020 year-end review, 2021 monthly financial update, and 2022 budget outlook. Ms. McDaniel gave an overview of the 2020 General Fund (GF) summary, GF fund balance, balance history, unassigned/unrestricted fund balance, and Popular Annual Financial Reporting (PAFR). She provided the August 2021 financial update which included sales tax trends, revenue/expenses, American Rescue Plan Act (ARP), and economic indicators. Ms. McDaniel outlined the 2022 budget regarding sales tax revenue, GF revenue, budget priorities, and budget approval.

Councilmember Avila asked what the dollar amount was for the Unrestricted fund balance. Ms. McDaniel stated \$63.1M for 2019 and \$106.4M for 2020.

Councilmember Henjum asked if there is a best practice regarding the percentage amount of the Unrestricted fund balance. Ms. McDaniel stated they follow the guidelines of the Government Finance Office Association (GFOA) which is 16.6 percent and the Mayor's goal of 20.0 percent.

Councilmember Donelson asked if the sales tax collection for online sales was in effect in 2019. Ms. McDaniel stated the only thing in place at that time was voluntary compliance.

Councilmember Williams requested revenue and expense actuals data regarding inflation and population adjusted on a per citizen basis. Ms. McDaniel agreed to provide that information.

Councilmember Henjum requested that when the budget priorities meetings are held, the reasoning behind the prioritizations are also presented. Ms. McDaniel agreed to provide that information.

Councilmember Murray asked if the \$37.5M which the City received in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding in 2020 was included in the \$41M increase in the General Fund. Ms.

McDaniel confirmed it was. Councilmember Murray requested a breakdown of the allocations for the \$76M and the 2020 Unrestricted net position deficit of \$78.7M. Ms. McDaniel stated she will provide that information.

Councilmember Donelson asked why local and national unemployment rates went up in June. Ms. McDaniel stated it includes people who were not previously in the employment market who are now entering the employment market.

Councilmember Donelson asked how more homes were sold to date this year than in 2020. Ms. McDaniel stated in combination with the number of new listings, this indicates the stock of homes which were on the market has been used up.

Councilmember Williams asked how the rebate of sales and use tax for affordable housing interacts with the Taxpayer Bill of Rights (TABOR) limitation. Ms. McDaniel stated the rebate would be netted against the sales tax revenue which lowers the amount of revenue collected.

Councilmember Williams requested an analysis of the economic impact of incentivizing the development of affordable housing through expanding the sales and use tax rebate and implementing a sliding scale in respect to Average Median Income (AMI). Ms. McDaniel stated she will provide that report.

5.B. [21-467](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 8-9-21](#)

Councilmember Henjum stated the Planning Department will be working on the process for a carport variance and they are seeking input from citizens in favor and against carports.

President Strand requested a future update at a Work Session from the Colorado Springs Fire Department regarding evacuation planning.

6. Presentations for General Information

6.A. [21-359](#) Colorado Springs Sports Corp. Lodging and Auto Rental Tax Funding

Presenter:

Doug Martin, Acting CEO, Colorado Springs Sports Corp.

Attachments: [Sports Corp LART](#)

Doug Martin, Acting CEO, and Brianna Goodwin, Director Of Development, Colorado Springs Sports Corp, provided a brief history of Colorado Springs Sports Corp, Lodging and Auto Rental Tax (LART) funding key performance indicators (KPI), and the future.

Councilmember Helms requested the total amount of development funds raised in 2020. Ms. Goodwin stated approximately \$1.5M.

Councilmember Henjum asked how they are working to ensure all the sporting events are accessible to residents in the City. Mr. Martin stated they make all the events as inclusive as possible such as the Rocky Mountain State Games and the Labor Day Lift Off.

Councilmember Avila stated she wants to make sure there is diversity and equity in terms of race and ethnicity and the Southeast population is included in these events. Mr. Martin stated they would love to have a discussion for more ideas to make sure everyone is included.

President Strand asked how attendance levels were for 2021. Ms. Goodwin stated they are currently receiving reports from events/partners and are anticipating an increase from previous years.

7. Items for Introduction

- 7.A. [21-452](#) A Resolution Approving a Service Plan for the Vistas at West Mesa Metropolitan District for a new residential development located west of Interstate 25 and Fillmore Road

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [Resolution](#)

[Exhibit- Vistas at West Mesa MD Service Plan 7-28-21](#)

[Staff PowerPoint](#)

[1- Applicant PowerPoint Vistas at West Mesa MD - 7.26.21](#)

[2- Transmittal Letter](#)

[3- Vistas at West Mesa MD Service Plan redline 7-28-21](#)

[4- VWMMMD Infrastructure expenses EOPC 2021-07-13 vf](#)

[5- VWMMMD O&M @ buildout budget](#)

[6- Vistas at West Mesa Sample Bond Issue 07.19.21](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution approving

a service plan for Vistas at West Mesa Metropolitan District. He provided an overview of the vicinity map, site map, summary, operations/maintenance mill levy cap waiver, statutory criteria, questions/comments from the Budget Committee, and next steps.

President Strand requested additional information regarding the new concealed carry language and stated Councilmember O'Malley had commented that this may be a slippery slope. Mr. Schueler explained there was a Senate Bill recently passed which gave the authority for special districts to have more restrictive concealed carry requirements than the local government and the language the City will be adding to service plans will not allow them to have that authority.

Kevin Walker, District Manager, identified the Vistas at West Mesa Metropolitan District Service Plan Team, site location, boundary survey, concept plan, development plan, site data, service plan overview, operations/maintenance costs, proposed finance plan, public infrastructure budget, financial model, and projected bond issuances.

Councilmember Henjum asked what type of landscaping will be used in this development. Mr. Walker stated he will provide that information.

Councilmember Murray asked if funding has been allocated for street maintenance and stormwater repairs after fifteen years. Mr. Walker stated \$18,000 per year goes to a reserve fund to ensure they have adequate funds for major capital projects.

7.B. [21-453](#) A Resolution Amending Metropolitan District Model Service Plans to Address Authority to Limit Concealed Carry Weapons

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [RES ModelServicePlanAmendment Conceal Carry](#)

[Exhibit A - SingleDistrictModelServicePlan](#)

[Exhibit B - MultiDistrictModelServicePlan](#)

[PowerPoint](#)

[SB 21-256](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolutions amending Metropolitan District Model service plans to address authority to limit concealed carry weapons and Business Improvement District (BID)

Operating Plans. He gave an overview of the Senate Bill 21-256, added service plan language, added BID plan language, and next steps.

Councilmember Henjum asked where the authority to limit concealed carry is. Councilmember Williams stated there are many locations identified in the original law where concealed carry is prohibited.

7.C. [21-454](#) A Resolution Amending Annual Model Business Improvement District Operating Plan and Budget

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [RES BID Model Operating Plan and Budget](#)

[Exhibit A- Amended BID Operating Plan and Budget- Concealed Carry](#)

[Redline BID Model Operating Plan Template- Concealed Carry](#)

Please see comments in Agenda item 7.B.

7.D. [21-423](#) Resolution to Carryforward the City's 2021 Private Activity Bond Allocation for Qualified Residential Rental Projects

Presenter:

Steve Posey, HUD Program Manager, Community Development Division

Peter Wysocki, Director, Planning & Community Development

Attachments: [2021 Colorado Springs Carryforward Resolution](#)

[PAB Carryforward 2021 CC Presentation](#)

Steve Posey, HUD Program Manager, Community Development Division, presented the Resolution to carryforward the City's 2021 Private Activity Bond (PAB) allocation for qualified multi-family affordable housing rental projects. He gave an overview of the 2021 allocations, available PAB, and available use and carryforward options.

Councilmember Williams asked if the change of 100 percent to 110 percent was done specifically for the City. Mr. Posey stated that change occurred at the federal level across the country to boost affordable housing developments.

7.E. [21-319](#) An Ordinance ordering that the question of organization of the Colorado Springs Briargate General Improvement District 2021 and approving a mill levy be submitted to the electors of the proposed district at the

coordinated election conducted by mail ballot to be held on Tuesday, November 2, 2021; 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 ordinance

Presenter:
Council Member Randy Helms, District 2
Eric Becker, Special Improvement Maintenance District Administrator

Attachments: [BriargateGID ORD-2021-07-29 \(002\)](#)
[2020042B-DESCRIPTION PG 2 Final](#)
[2020042B-DESCRIPTION PG 1 Final](#)
[2020042B-PLAN Final](#)
[Briargate GID Presentation.7.8.21](#)
[Final Hearing Notice Letter](#)
[Petition Statement of Sufficiency](#)

Marc Smith, Deputy City Attorney, gave an overview of the City Council requested amendments which were made to the Ordinance ordering that the question of organization of the Colorado Springs Briargate General Improvement District (GID) 2021 and approving a mill levy be submitted to the electors of the proposed district at the November 2, 2021 coordinated election and stated it has been requested that bullet points be added to the ballot question.

Peter Susemihl, Law Offices of Susemihl, McDermott & Downie, P.C., stated the public hearing notice made it perfectly clear the mill levy is going to zero and there would be no double taxation and they are concerned with Colorado's single-subject statute because there were initially two questions; whether the district should be formed and to set the mill levy. He stated based on previous cases of multiple ballot questions which have been upheld by the court due to being areas that were closely related and dependent on each other, he believes the proposed draft Ordinance created by the City Attorney's Office will be sufficient and defensible.

Councilmember Helms stated the way the language is written right now, constituents who live in the already taxed area will be receiving a tax increase and will vote against it, but if the language was bulleted, it would define the question in a way it could be broken out and understood better.

Councilmember Henjum and Councilmember Williams stated they support the use of bullets in the ballot language.

Councilmember Murray asked if the bullet points specifically address the restriction of increasing the tax percentage without voter approval. Mr. Smith stated if there is a tax increase, it would need to go to a vote of the residents of the district.

7.F. [21-451](#)

A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 2, 2021, the question of retaining and spending up to \$20,000,000 on City-wide and regional wildfire mitigation and prevention, this amount being the estimated 2021 fiscal year revenue above the 2021 fiscal year revenue and spending limitations, and resetting the revenue and spending limitations for later years based thereon, as voter approved revenue changes; 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:

Mayor John Suthers

Fire Chief Randy Royal, Colorado Springs Fire Department

Marc Smith, Deputy City Attorney

Charae McDaniel, Chief Financial Officer

Attachments: [2021_WLFire_Retention_RES-08-04-21-clean](#)

Mayor Suthers presented the Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 2, 2021, the question of retaining and spending \$20M on City-wide and regional wildfire mitigation and prevention received in 2021, and resetting the revenue and spending limitations for later years as voter approved revenue changes; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this Resolution. He gave an overview of Colorado Springs' history of wildland fires, response to fires, and mitigation efforts. He stated recent legislation allows for the formation of taxing districts in wildland urban interfaces (WUI) to provide funding for mitigation work, but as the economy has rebounded dramatically from COVID, he would like to create a regional wildfire mitigation prevention fund which can be invested and the City can use up to five percent of the balance per year for wildfire mitigation prevention. Mayor Suthers stated he envisions the funds could be used for contracting, summer employees, equipment, and mitigation outside the City limits in cooperative efforts with surrounding jurisdictions such as the National Forest Service, El Paso County, and other bordering cities. He

stated the ballot language will allow voters to authorize to raise the Taxpayers Bill of Rights (TABOR) cap by the amount of this retention.

President Strand asked why the mitigation funding would be limited to five percent. Mayor Suthers stated it is typical for endowments to spend five percent of the corpus each year, the rate of return on this fund is anticipated to be one percent, and if the fund balance is ever less than \$100,000, the City would be authorized to spend the balance and close the fund.

President Pro Tem Skorman stated he believes this is a great solution for the time being and believes it can be expanded in the future. He requested "evacuation planning" be added to the ballot language in addition to wildfire mitigation and prevention and hopes insurance rates will be decreased for the homeowner's in the WUI. Mayor Suthers stated his recommendation is for "evacuation planning" to be added in the Resolution so the ballot language has broad terminology to encompass evacuation planning.

Councilmember Murray stated he is in support of the ballot measure.

Councilmember O'Malley asked if the Resolution allows external funding. Mayor Suthers stated the fund will be managed by the City Administration which is able to receive federal and state grants.

Councilmember Henjum stated she is extremely supportive and fire mitigation also protects the water supply and potential future flooding. Mayor Suthers stated they are partnering with Colorado Springs Utilities and the name of the campaign will be "A Safer Colorado Springs".

Councilmember Henjum asked what can be done to get surrounding jurisdictions to participate. Mayor Suthers stated by being a good example and if the voters pass the ballot measure, he believes those governmental entities will receive more pressure from their constituents to do something similar.

Councilmember Helms stated he fully supports this ballot measure and adding evacuation planning in the Resolution.

Mayor Suthers asked if City Council preferred an advisory committee to be formed. President Strand stated he thinks that would be an important element for this initiative. Consensus of City Council agreed.

Councilmember Williams stated the entire City is impacted by wildfire and he is supportive of this item and appointing an advisory committee.

Councilmember Donelson stated he believes his constituents in District 1 will strongly support this ballot measure and it is a good idea to have an advisory board.

President Strand asked what the Colorado Springs Fire Department (CSFD) would do with \$100,000 to \$500,000 for fire mitigation. Fire Chief Randy Royal, CSFD, stated he would turn it into addition mitigation funding and staffing and would continue collaborating with the state, county, and bordering fire agencies. He stated the value of this ballot measure if passed would increase their year-round mitigation efforts two to three times what they have today.

8. Executive Session

8A. Open

There was no Open Executive Session.

8B. Closed

8B.A. [21-464](#)

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), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed involves consultation with the City Attorney and City staff for the purpose of receiving legal advice and consultation regarding pending litigation.

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: [08092021 Closed Session](#)

Marc Smith, Deputy 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 issue to be discussed involves consultation with the City Attorney and City staff for the purpose of receiving legal advice and consultation regarding pending litigation.

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.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Williams stated he attended the Housing for All Forum and thinks the government may be able to effectively assist with the housing availability and affordability crisis by waiving sales and use tax on affordable housing developments. He stated he also attended the Police Academy Graduation, the City's Sesquicentennial event with several other Councilmembers and colleagues, and the Pikes Peak Area Council of Government Transportation Workshop. Councilmember Williams stated he worked several Attorney Generals and members from the community regarding the need for increasing bipartisanship and attended the Pikes Peak Library District Literary Awards Soiree.

Councilmember O'Malley stated there is a documentary on Netflix called "Social Dilemma" which addresses tracking used by commonly used internet sites.

President Strand identified the Police Officers promoted to new ranks and encouraged Councilmembers to attend these ceremonies.

Councilmember Avila gave recognition to Councilmember Henjum regarding her work on the Housing Collaborative and stated she attended the City's Sesquicentennial event and the Silver Key Gala.

Councilmember Henjum spoke about Silver Key's new services for seniors who want to age in place and stated she attended a Palmer Park

neighborhood meeting with El Paso County Commissioner Cami Bremer.

Councilmember Helms stated he attended the United States Air Force Academy swearing-in ceremony for cadets, and ground-breaking ceremony for their cyber center.

11. Adjourn

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

Sarah B. Johnson, City Clerk