



City of Colorado Springs

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

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, January 10, 2022

10:00 AM

Council Chambers

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 and Roll Call

- Present** 7 - Councilmember Yolanda Avila, Councilmember Dave Donelson, President Pro Tem Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, President Tom Strand, and Councilmember Wayne Williams
- Excused** 1 - Councilmember Mike O'Malley

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. [22-034](#) City Council Work Session Meeting Minutes December 13, 2021

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [12-13-21 City Council Work Session Meeting Minutes Final](#)

The minutes of the December 13, 2021 Work Session were approved by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed**5B.A. [22-043](#)**

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 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 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 If consent to the electronic Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.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: [1-10-22Closed Session-Final](#)

Ben Bolinger, Senior Attorney, City Attorney's Office, 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 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.

6. Staff and Appointee Reports**6.A. [22-033](#) Agenda Planner Review**

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 1-10-21](#)

There were no comments on this item.

7. Presentations for General Information

7.A. [22-031](#) Pikes Peak Area Council of Governments

Presenter:
Andrew Gunning, Executive Director

Attachments: [COS PPACG Member Outreach - January 10 2022](#)

President Strand stated this item will be postponed to the February 7, 2022 City Council meeting.

8. Items for Introduction

8.A. [22-041](#) A Resolution Extending the Deadline for Issuance of the USAFA Visitors Center Business Improvement District Series A, B and C Bonds Previously Authorized by Resolution Nos. 103-19, 94-20 and 18-21

(Legislative Item)

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development
Peter Wysocki, Director of Planning and Community Development
Bob Cope, Chief Economic Development Officer

Attachments: [Resolution](#)
[PowerPoint](#)
[Resolution 18-21](#)
[Resolution 94-20](#)
[Resolution 103-19](#)
[Signed Resolution 07-22](#)

Councilmember Helms stated he will need to recuse himself from the discussion and vote on this item due to being on the Association of Graduates Board of Directors.

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution extending the deadline for issuance for the USAFA Visitors Center Business Improvement District (BID). He provided a brief summary, project site, proposal, latest proposed bonds, and next steps.

Bob Cope, Chief Economic Development Officer, gave a high-level

overview of the USAFA Visitors Center BID project and the economic impact to the City.

President Strand asked for the total amount investment for the project. Mr. Cope stated \$340M. President Strand asked how much is remaining to be funded. Mr. Cope stated approximately \$19M.

Councilmember Henjum asked what the cause of the delay was. Mr. Cope stated COVID-19.

Councilmember Murray stated he supports the extension.

- 8.B.** [22-021](#) Ordinance No. 22-05 amending the cable franchise agreement between Falcon Broadband, LLC doing business as StratusIQ and the City of Colorado Springs to expand the Service Area in which StratusIQ may provide cable television services.

Presenter:

Joshua Pace, Senior Contracting Specialist, Office of Innovation

Attachments: [ORD CableFranchise StratusIQ](#)
[Falcon Broadband Amended and Reinstated Cable Franchise Agreement - 12.6.21](#)
[StratusIQ Existing and Proposed Service Area 1.18.22](#)

Joshua Pace, Senior Contracting Specialist, Office of Innovation, presented the Ordinance amending the cable franchise agreement between Falcon Broadband, LLC doing business as StratusIQ and the City to expand the service area in which StratusIQ may provide cable television services and identified the boundaries of the existing and proposed service areas.

There were no comments on this item.

- 8.C.** [21-754](#) A Resolution Authorizing the Acquisition of 1.856 Acres of Land and Easements from El Paso County School District No. 20 Using PPRTA Funds for the Black Forest Road, Roadway Improvements: Woodmen Road to Research Parkway Project

Presenter:

Gayle Sturdivant, City Engineer/Deputy Public Works Director
Mike Chaves, Engineering Manager
Darlene Kennedy, Real Estate Services Manager

Attachments: [Draft Resolution 10-11-21](#)
[SD-20 Council Presentation-2](#)
[Exhibit A-Res 102-12](#)
[Signed Resolution 03-22](#)

Mike Chaves, Engineering Manager, presented the Resolution authorizing the acquisition of a 1.856 acres of land and easements from El Paso County School District No. 20 using PPRTA funds for the Black Forest Road, roadway improvements: Woodmen Road to Research Parkway Project. He provided a map of the project limits and District 20 property on Black Forest Road.

Councilmember Helms stated the roadway improvements to Black Forest Road is definitely necessary.

- 8.D.** [21-762](#) Ordinance No. 22-03 amending Ordinance No. 20-92 (2021 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$2,261,331 for a transfer to the Capital Improvement Program Fund, and to the Capital Improvement Program Fund in the amount of \$2,261,331 for a capital transportation infrastructure project, the funding being the result of one-time American Rescue Plan Act (ARPA) funding distributed through the Highway Users Tax Fund

Presenter:

Charae McDaniel, Chief Financial Officer

Travis Easton, Public Works Director

Attachments: [Supplemental Approp Ordinance for addl HUTF funding-2021](#)

Charae McDaniel, Chief Financial Officer, introduced the Ordinance for a supplemental appropriation to the General Fund in the amount of \$2,261,331 for a transfer to the Capital Improvement Program Fund, and to the Capital Improvement Program Fund in the amount of \$2,261,331 for a capital transportation infrastructure project, the funding being the result of one-time American Rescue Plan Act (ARPA) funding distributed through the Highway Users Tax Fund to supplement the existing 30th Street Safety Improvement Project.

President Strand asked how this \$25M project would be funded if the City did not have this mechanism. Ms. McDaniel stated they would have to review other funding options during the City's 2023 budget planning process.

President Strand requested an update regarding the progress of the project. Travis Easton, Public Works Director, stated it is expected to be completed in the second or third quarter of 2023.

- 8.E.** [21-756](#) Ordinance No. 22-04 Amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$1,634,877 to Transfer UC Health Margin Share Proceeds to the Colorado Springs Health Foundation
 Presenter:
 Charae McDaniel, Chief Financial Officer

Attachments: [Supplemental Approp Ord for MHS Revenue Share-2022](#)

Charae McDaniel, Chief Financial Officer, explained the process for the transfer of \$1,634,877 from the Memorial Health System Enterprise Fund to transfer UC Health margin share proceeds to the Colorado Springs Health Foundation.

President Strand asked if this is the largest amount of transfer since 2016. Ms. McDaniel believes it might be.

- 8.F.** [21-766](#) A Resolution of the City of Colorado Springs extending the effective date of resolution No. 96-21 to June 30, 2022 to issue the City's multi-family housing revenue bonds in an aggregate principal amount not to exceed \$21,500,000.

 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: [RES - Copper Rose - 2022 Amendment to Inducement Extension Copper Rose](#)
 [Signed Resolution 08-22](#)

Steve Posey, HUD Program Manager, Planning and Community Development, presented the Resolution extending the effective date of Resolution No. 96-21 to June 30, 2022 to issue the City's multi-family housing revenue bonds in an aggregate principal amount not to exceed \$21,500,000 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 this project is designed for families due to the three and four- bedroom units. Mr. Posey stated two-bedroom apartments are the most common sized apartments across the City and they are excited to be able to offer this to families.

- 8.G. [22-032](#) A Resolution establishing development application fees for the Land Use Review Division of the Planning and Development Department specifically adding a fee for carport permits and minor amendments to the fee schedule.
(Legislative)

Presenter:

Mike Tassi, Assistant Director of Planning and Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [Resolution](#)
[Exhibit A - Fee Schedule](#)
[2 - Staff Presentation Carport Permit Fee](#)
[Fee Schedule - Redline of Changes](#)
[Signed Resolution 09-22](#)

Mike Tassi, Assistant Director of Planning and Community Development, presented a Resolution establishing development application fees for the Land Use Review Division of the Planning and Development Department specifically adding a fee for carport permits and minor amendments to the fee schedule. He provided a brief background of the request, carport permit fee, and timeline.

Councilmember Avila asked if the \$119 permit fee can be reduced. Peter Wysocki, Director of Planning and Community Development, stated the fees are established based on administrative costs and \$119 is in line with other fees they collect.

Councilmember Henjum requested an evaluation of fees be completed. Mr. Wysocki stated they will be reviewing fees with the Finance Department.

- 8.H. [22-020](#) Ordinance No. 22-07 amending Section 112 (Sitting or Lying in Commercial Districts) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the City Code

Presenter:

Commander John Koch, Colorado Springs Police Department
Anne Turner, Assistant City Attorney - Litigation/Employment

Attachments: [PAACommercialDistrictORD-2021-12-30](#)
[Ordinance Letter - Switchbacks & Weidner](#)
[Ordinance Letter - Downtown Partnership](#)
[Ordinance Letter - O'Neill Group](#)
[Ordinance Letter - Norwood Group](#)
[Ordinance Letter - Danny Mientka](#)
[2022 Pedestrian Access Act \(01-18-2022\)](#)

Anne Turner, Assistant City Attorney - Litigation/Employment, presented the Ordinance amending Section 112 (Sitting or Lying in Commercial Districts) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the City Code also known as the Pedestrian Access Act. She gave an overview of the current City Code, definition of public right-of-way, affirmative defenses, map of Old Colorado City (OCC), and a map of downtown.

Commander John Koch, Colorado Springs Police Department, identified why the conduct is unsafe, Mercurial Security Solutions, new proposed boundary, north boundary, south boundary, boundary expansion, data, citizen generated calls for service (CFS), and Officer initiated calls by area,

Councilmember Henjum asked how this issue will be addressed if it expands into Shooks Run or beyond. Commander Koch stated they have other Ordinances which can be enforced, the Homeless Outreach Team (HOT) are providing resources on a daily basis, and the penalty is based on a serve and release summons.

Councilmember Williams asked if there is an Ordinance in place which prohibits people from occupying the median of busy roadways. Ms. Turner stated there is a median Ordinance which has been enacted to address those high-volume traffic areas.

Councilmember Murray asked how many Police Officers will be required to enforce this expansion and how many legal actions will be taken against the City. Ms. Turner stated as long as the prohibition is not in effect in all areas of the City, twenty-four hours a day, they are Constitutional and are only subject to rational basis review. Commander Koch stated there are currently twenty-one Police Officers assigned to Downtown Area Response Team (DART) and HOT and can adequately police this area effectively.

Councilmember Avila requested information regarding how many of the homeless were incarcerated and what the City paid per capita for each inmate.

Councilmember Avila and Councilmember Henjum stated the City needs to address the root causes of these issues.

Councilmember Donelson requested the calls be tracked for areas outside the boundaries of these expansion areas to see if the activities are being pushed to surrounding neighborhoods. Commander Koch agreed to provide that information.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Murray stated he is concerned with the rise in gun violence and crime and requested the Chief of Police address it.

Councilmember Williams stated there will be a Special City Council Meeting held on Friday, January 14, 2022, at 1:00 PM to discuss and vote on the appointment of a District 3 City Councilmember.

President Strand stated he and several Councilmembers attended the retirement ceremony for Colorado Springs Police Department (CSPD) Detective Chuck Szatowski.

Councilmember Avila stated she attended the ribbon cutting ceremony for Carmel Community School.

Councilmember Henjum stated CSPD Sergeant Jim Stinson was also supposed to be at the retirement ceremony but was unable to make it due to COVID. She invited citizens who are interested in Metropolitan Districts to attend the Policy Review Committee meetings.

11. Executive Session

11B. Closed

11B.A. [22-047](#)

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involve: (1) consultation with the City Attorney for the purpose of receiving legal advice regarding a contract amendment; and (2) consultation with the City Attorney and City staff for the purpose of receiving legal advice, determining matters that may be subject to negotiations; developing strategy for negotiations, and instructing negotiators regarding a land exchange.

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Presenter:

Wynetta Massey, City Attorney

Attachments: [1-10-22ClosedSession-Final](#)

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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.

12. Adjourn

Upon completion of the Closed Executive Session, there being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk