



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, August 24, 2020

10:00 AM

Council Chambers

How to Watch the Meeting

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- CenturyLink Channel 18

1. Call to Order

Present 9 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

Councilmember Pico arrived at approximately 10:30 AM.

2. Changes to Agenda

Sarah B. Johnson, City Clerk, stated item 5.B.A. Closed Executive Session will be moved to the end of the 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. [20-466](#) City Council Work Session Meeting Minutes August 10, 2020

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [8-10-20 City Council Work Session Meeting Minutes Final.pdf](#)

The minutes of the August 10, 2020 Work Session meeting were approved by Consensus of City Council.

5. Executive Session

5A. Open**5A.A. [20-415](#)**

Estate of De'Von Bailey, et al. v. City of Colorado Springs, et al.
Case No. 20-cv-01600-WJM-KMT

It is recommended that City Council approve City representation for the named officers as required by the Colorado Governmental Immunity Act and the Liability of Peace Officers Act. The officers were acting in the course and scope of their employment and in good faith during the incident. 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: [CityCouncil_MemoBailey](#)

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.

Councilmember Murray asked if the City is certifying the Officers did not use excessive force or violate the statutory or constitutional rights of these individuals. Erik Lamphere, Division Chief, Office of the City Attorney, stated the City is not condoning unlawful acts, but the Colorado Governmental Immunity Act and the Liability of Peace Officers Act requires the City to provide representation to the Officers unless the Officers acted outside their scope of their employment or acted willfully and wantonly which has to be determined by a court.

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

5A.B. [20-416](#)

Corey Barnes v. City of Colorado Springs, et al. Case No.
20-cv-01384-KMT

It is recommended that City Council approve City representation for the named officers as required by the Colorado Governmental Immunity Act and the Liability of Peace Officers Act. The officers were acting in the course and scope of their employment and in good faith during the incident. 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: [CityCouncil MemoBarnes](#)

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

5B. Closed

5B.A. 20-490

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 (f), 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 personnel matter.

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: 08242020Closed

Tracy Lessig, Division Chief, Office of the City Attorney, stated 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 personnel matter.

President Skorman 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. Each City Councilmember participating the electronic Closed Executive Session affirmatively stated for the record that no other member of the

public not authorized to participate in the electronic Closed Executive Session was present or able to hear the matters discussed as part of the electronic Closed Executive Session.

6. Staff and Appointee Reports

6.A. [20-447](#) Update to the Transit Services Division's Title VI Program

Presenter:

Craig Blewitt, Transit Services Division Manager
Kristin Tighe, Milligan and Company

Attachments: [Council Memo 08-24-2020](#)
[MMT Title VI Draft - Revised July 15](#)
[MMT Title VI Program 2020](#)
[Council Resolution - Title VI Approval](#)

Craig Blewitt, Transit Services Division Manager, introduced the update to the Transit Services Division's Title VI Program

Kristin Tighe, Milligan and Company provided the Transit Services Division's Title VI Program background, requirements, 2020 updates, and 2020 results.

Councilmember Gaebler asked when Mountain Metro Transit met the fifty bus threshold. Erin McCauley, Transit Senior Program Compliance Analyst, stated in the fall of 2018.

Councilmember Gaebler asked when touchless payments and online tickets will be available. Mr. Blewitt stated approximately early to middle 2021.

6.B. [20-465](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 8-24-20.pdf](#)

Sarah B. Johnson, City Clerk, stated the next City Council Work Session will be held on Friday, September 4, 2020 due to the Labor Day holiday.

Councilmember Knight stated the electronic meeting provision expires at the end of September and will need to be extended to the end of the year. Consensus of City Council agreed.

7. Presentations for General Information

7.A. [20-481](#) El Paso County Coroner Annual Report

Presenter:

Dr. Leon Kelly, El Paso County Coroner

Attachments: [2019 Annual report city council](#)

Dr. Leon Kelly, El Paso County Coroner, provided the El Paso County Coroner Annual Report. He gave an overview of the Medico-legal death investigations, total deaths investigated, total autopsies performed, and El Paso County citizen cost breakdown. He provided a breakdown of autopsies performed in nearby counties, manners of death, deaths due to natural causes, accidents, motor vehicle crash, drug related accidents, homicide, and suicide. Dr. Kelly identified the number of child fatalities, teen suicide, homeless deaths, firearms related deaths, and organ/tissue donations.

Councilmember Gaebler stated the statistics regarding pedestrian-fault deaths may be incorrect due to distracted or careless drivers.

Councilmember Geislinger requested additional information regarding the high statistics of firearm-related suicides. Dr. Kelly stated firearms are the most lethal mean to completing a suicide and taking steps to remove access to firearms and offering other mental health measures will help in prevention.

Councilmember Avila asked if women are less likely than men to use a firearm for suicide. Dr. Kelly stated they are, but a large percentage of females also use firearms in suicide.

Councilmember Williams asked what category Colorado's Medical Aid in Dying Law deaths are in. Dr. Kelly stated because the information from the Coroner's Office is public information, the Coroner is not involved those deaths and are not reported.

President Pro Tem Strand asked if during the first two quarters of the year the number of suicides were less than last year. Dr. Kelly stated they were, but since the pandemic, they are now very close with last year's statistics.

President Pro Tem Strand asked how the prevention of teen suicides can be addressed. Dr. Kelly stated parents need to be very proactive and vigilant in getting their children help with any mental health issues especially now with school starting again.

President Skorman asked why the West has more methamphetamine issues than the East. Dr. Kelly stated it has to do with what is popular in the

community and drug distribution.

Councilmember Geislinger asked if the 2020 Coroner's Report will include information regarding the pandemic. Dr. Kelly stated they will be working with El Paso County Public Health to put together those statistics.

President Skorman requested an economic and demographic breakdown. Dr. Kelly stated he will work with El Paso County Public Health to achieve that level of data.

7.B. [20-484](#) Pikes Peak Small Business Development Center Program Updates

Presenter:

Aikta Marcoulier, Executive Director

Aikta Marcoulier, Executive Director, provided an update of the Pikes Peak Small Business Development Center (SBDC) Program. She gave an overview of the COVID-19 relief efforts for small businesses, disaster relief services, programs, funding, and committees. Ms. Marcoulier identified the resources on the SBDC preparedness webpage, center activity in regards to COVID-19, 2020 SBDC programs, SBDC TechSource cybersecurity education, events during Small Business Week and 2020 year-to-date scorecard.

President Pro Tem Strand asked if there is information available for small business for obtaining loans and grants. Ms. Marcoulier stated their website has a link to the available resources and grant opportunities.

President Pro Tem Strand asked if many small businesses will be closing. Ms. Marcoulier stated it is estimated one in six businesses will be closing, but many of them were struggling prior to the pandemic.

7.C. [19-747](#) Special Districts Overview- Session No. 7

Presenters:

Carl Schueler, Comprehensive Planning Manager

Peter Wysocki, Planning and Community Development Director

Attachments: [PowerPoint-Session 7](#)[Attachment 1- Colorado Springs Metro. District Mill Levies and Caps](#)[Attachment 2- Colorado Springs BID Mill Levies and Caps](#)[Attachment 3- Exhibit E Disclosure Form From Model Service Plan](#)[Attachment 4- Example of a Title 32 District Transparency Notice](#)[Attachment 5 - Overview of District Conversion to Resident Owner Control](#)[Attachment 6- 2020 Special District List](#)[Attachment 7- Metro District Contacts- July 2020](#)[Attachment 8- BID Contact information- July 2020](#)[Attachment 9- Metro Spec Dist 8 2020](#)[Attachment 10- Non Metro Spec Dist5 2020](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, gave a review of the previous special districts overview sessions, district accountability, reporting, transition of district governance, and district dissolution.

Councilmember Murray asked if metropolitan districts can have a Homeowner's Association (HOA) fees. Mr. Schueler stated they do not have HOA fees, but metropolitan districts can have other fees such as mill levy fees for common area maintenance and other HOA functions.

Councilmember Williams asked if metropolitan districts have sales tax authority. Mr. Schueler stated they do not.

Councilmember Murray asked how many districts have not been developed by a developer board. Mr. Schueler stated the Downtown Development Authority (DDA) and other districts in El Paso County, but most districts have been developed by a developer board.

Councilmember Murray asked if these boards can do away with term limits. Mr. Schueler stated they could, but cannot determine the ability for people to run for the board.

Councilmember Murray asked how many metropolitan districts there are within the City. Mr. Schueler stated over one hundred.

Councilmember Murray asked how metropolitan districts benefits the citizens. Doug Stimple, CEO, Classic Homes, stated by forming a district and borrowing money cheaper, they can sell homes cheaper which is a financial advantage to the homeowner.

Councilmember Geislinger asked once a district established, how is the information made available to the public. Mr. Schueler stated metropolitan

districts are subject to Colorado Open Records Act and open meeting laws. Councilmember Geislinger asked if there is a dispute, what are the rights of the constituents of the district. Mr. Schueler stated the redress is with whoever controls the district and if the City would be involved if the district is not following the City-approved service plan.

Kevin Walker, Board Member, Housing and Building Association (HBA) of Colorado Springs, President of Walker Schooler District Managers, provided a general overview of metropolitan districts and taxes. He gave an overview of what goes into the cost, the differences in interest rates and cost of capita, infrastructure costs, home purchasing process, appraisals, mortgage financing, and impact on other property taxes,

Mr. Stimple stated metropolitan districts have limited obligation, their only recourse is collection of a mill levy, no ability to lien, no encumbrance rights, and the mill levies are capped. He stated the homeowners understand the financial impacts, risks of the district are borne exclusively by the bond holders, mill levy caps and discharge dates are required by the City in approval of the service plan, and these districts often make projects viable when it otherwise would not be.

Councilmember Williams asked how the change in lending practices by banks have affected districts. Mr. Stimple stated it has made it more difficult to obtain development loans.

Councilmember Williams asked why the districts cannot borrow money at the same interest rate as the federal government. Mr. Stimple stated it is due to being based on risk.

Councilmember Murray stated special districts were created to assist and incentivize the development properties which did not have adequate access to infrastructure, but now the City floats the financing of the developer's infrastructure through property taxes by giving them tax deferred bonds. He stated he believes the citizens would be better served if the cost was put on their mortgage and not their property taxes. Mr. Stimple stated special districts are a partnership with the City through the development of City-responsible infrastructure such as roads, parks, and the maintenance of parks.

Councilmember Geislinger stated he does not believe the City can get rid of special districts without a viable alternative in place because the utility, street, and stormwater infrastructure has to be paid for. He stated his concern is with the increase number of districts occurring there is an increased complexity with what these districts are doing such as infrastructure and HOA type obligations. Councilmember Geislinger stated

in order for City Council to provide oversight of these districts, there needs to be a reasoned process in place. Mr. Walker stated an aggrieved homeowner has almost the same rights as they would if they had a grievance with the City.

Councilmember Geislinger asked if a disclosure form with the conditions of the special district could be presented with the home buyer's mortgage paperwork. Jeff Greene, Chief of Staff, stated there is full transparency and notification at the time of closing if a person is buying a home within an existing district. Mr. Walker stated it is also included in sales contract. Councilmember Knight stated the homeowner should be notified a lot earlier in the process. Scott Smith, Vice President, Oakwood homes, stated disclosure occurs in contract which is well before closing.

Mr. Smith stated there is a need to have development pay its own way and special districts provide private industry a way to do that by financing the very expensive upfront improvements such as arterial streets and detention ponds which minimized the cost of the new homes. He said the mill levies collected and debt service have an expiration date, but the HOA functions would carry on in perpetuity.

Councilmember Williams commented the property tax rates within special districts do not become exorbitantly high when compared to other areas in the country.

Councilmember Geislinger asked why the district does not charge the citizens on a separate invoice as opposed to going through the County Assessor's Office. Mr. Walker stated they are property taxes which is why they are collected as such.

Councilmember Knight stated the City is \$20 million down in revenue due to COVID-19, but if it were a fifty-fifty match of sales tax and property tax, it would be \$10-\$12 million down.

7.D. [20-115](#) Metro District General Overview

Presenter:

Kevin Walker, Board Member Housing and Building Association of Colorado Springs

Attachments: [082420 HBA Metro District Presentation Final](#)

Please see comments in Agenda item 7.C.

8. Items for Introduction

8.A. [20-463](#) A Resolution Authorizing Acquisition of a 0.789 Acre Parcel and a TOPS

Capital Improvement Project Budget Transfer in the Amount of \$85,000 from the Legacy Loop Project to the Sand Creek Trail Planning, Acquisition and Development Project for the Sand Creek Trail

Presenter:

Emily Duncan, TOPS Trails Development Coordinator
Britt Haley, TOPS Program Manager

Attachments: [SandCreekTRLResTOPS CIP-CityCouncilFINAL](#)
[Sand Creek Trail Acquisition Slides](#)
[Resolution TOPS AcquisitionCCWS08242020](#)

Emily Duncan, Trails, Open Space, and Parks (TOPS) Trails Development Coordinator, presented the Resolutions authorizing acquisition of a 0.789-acre parcel and a TOPS capital improvement project budget transfer in the amount of \$85,000 from the Legacy Loop Project to the Sand Creek Trail Planning. She gave an overview of the Sand Creek Parcel, vicinity map, details of the budget transfer, and alternative trail alignment.

Councilmember asked if the alternative pedestrian crossing would be a more expensive at-grade, out of the way, signaled interchange. Ms. Duncan confirmed it would be and the current pedestrian crossing is an underpass connection.

8.B. [20-464](#) A Resolution to Amend Resolution No. 153-19 Removing the 2020 Black Squirrel Creek Basin Bridge Fee

Presenter:

Richard Mulledy, P.E., Stormwater Enterprise Manager, Stormwater Enterprise
Erin Powers, P.E., Senior Technical Engineer, Stormwater Enterprise

Attachments: [2020.07.10 Resolution for 2020 Black Squirrel Creek Bridge Fee Decrease](#)
[Exhibit A 2020 Drainage Fee schedule](#)
[Amended Exhibit A 2020 Drainage Fee schedule proposed](#)
[Exhibit B Drainage Board Agenda](#)
[Black Squirrel Bridge Fee Adjustment 2020](#)

Erin Powers, P.E., Senior Technical Engineer, Stormwater Enterprise, presented the Resolution to remove the 2020 Black Squirrel Creek Basin Bridge fee. She stated the Black Squirrel Creek Basin Planning Study in 1989 anticipated six arterial road crossings, but now only two will be constructed and bridge fees no longer need to be collected and the Drainage Board recommends the removal of the fee.

Councilmember Williams asked if any money is owed for prior construction of bridges. Ms. Powers stated the basin has paid out everything which was due.

9. Items Under Study

- 9.A.** [20-366](#) Discussion on Law Enforcement Transparency and Accountability Commission appointments

Presenter:

Richard Skorman, Council President

Wayne Williams, Councilmember At-Large

Michael Montgomery, Deputy City Council Administrator, provided a breakdown of the twenty-seven applicants which received multiple recommendations from City Councilmembers and stated interviews will be conducted next week with appointments being made September 8, 2020. He requested resolution of the suggested interview questions.

Councilmember Knight, Councilmember Williams, and Councilmember Geislinger recommended all twenty-seven applicants be interviewed.

Councilmember Knight stated it will take some time for City Council to narrow down the twenty-seven interviews to eleven people. Mr. Montgomery stated the item will be on the September 4, 2020 Work Session for discussion and an additional meeting could be scheduled if needed.

Emily Evans, City Council Administrator, stated if an additional meeting is needed, the appointments would either need to be pushed out to the September 22, 2020 City Council meeting or a Special City Council meeting would need to be scheduled.

President Skorman recommended the appointments be made at a special meeting before the next Utility Board Meeting.

Councilmember Geislinger suggested Councilmember Gaebler recommend one more person from District 5 in order to obtain fair district representation. Councilmember Knight agreed with Councilmember Geislinger's suggestion. Councilmember Pico stated he does not agree with the selection of an additional person. Councilmember Gaebler stated

she is fine with not adding another person.

Councilmember Pico, President Pro Tem Strand, and Councilmember Gaebler stated it is more important to do this selection right even if it requires an additional meeting rather than rushing the process.

President Skorman asked if the appointments would need to be publicly noticed 24-hours in advance. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the names of the appointments would not have to be noticed, but the City Charter requires the posting to include specific agenda information where possible such as the topic.

President Pro Tem Strand requested a Special City Council meeting be held Tuesday, September 15, 2020 for the appointments.

Councilmember Williams and Councilmember Pico stated their preference is to have at least a couple of days between the selection of the commission members and the formal appointments.

Councilmember Williams stated this would allow time for public comment.

Councilmember Knight stated the committee members should be selected no later than September 16, 2020 with a discussion at the September 21, 2020 Work Session and the formal vote for appointments at the Regular City Council meeting on September 22, 2020. Consensus of City Council agreed.

Councilmember Gaebler, Councilmember Pico, and Councilmember Murray stated they do not believe there should be public comment after Council has made their selections. Councilmember Williams stated all appointments are subject to public comment.

Councilmember Geislinger stated providing time between selection and appointment would offer the candidates opportunity to respond.

Mr. Montgomery identified the potential interview questions: Please describe your interactions with broader communities and what points of view can you represent?, What is your time availability for this commission?, Are you able to serve a three-year term?, How will you promote improved understanding in building relationships between the

Colorado Springs Police Department (CSPD) and the public?, Are you able to listen to the concerns of both the CSPD and the public equally?, Describe the manner in which you provide feedback after analyzing a situation or issue., How do you use data to form your decision making process?, Describe your ideal makeup for this commission., What recommendations, if any, do you have for CSPD?, Explain your background and knowledge regarding law enforcement hiring, training, retention, general orders, and best practices., If selected, would you participate in CSPD ride-alongs and Citizen Academy, and other training opportunities., and Why do you think we should pick you?

Councilmember Williams stated the question “What recommendations, if any, do you have for CSPD?” should be removed, but he particularly likes “How will you promote improved understanding in building relationships between the Colorado Springs Police Department (CSPD) and the public?” and “If selected, would you participate in CSPD ride-alongs and Citizen Academy, and other training opportunities.”

Councilmember Pico state he prefers “Explain your background and knowledge regarding law enforcement hiring, training, retention, general orders, and best practices.”, “If selected, would you participate in CSPD ride-alongs and Citizen Academy, and other training opportunities?”, “Please describe your interactions with broader communities.” and “How will you promote improved understanding in building relationships between the Colorado Springs Police Department (CSPD) and the public?”

Councilmember Avila suggested a question be added that states “Have you lived in impacted areas of color and low income? and What is your experience with this community?”

Councilmember Knight stated the question “What is your time availability for this commission?” can be removed, and requested the question “What recommendations, if any, do you have for CSPD?” should remain, but rephrased to get insight on what they see the current issues between CSPD and the public are.

Councilmember Geislinger suggested the question “Please describe your interactions with broader communities.” be revised to include “and with the police in your own life.”

Mr. Montgomery stated the five interview questions will be “Please describe your interactions with broader communities and with the police in your own life, and what points of view can you represent?”, “How will you promote improved understanding in building relationships between the Colorado Springs Police Department (CSPD) and the public?”, “If selected, would you participate in CSPD ride-alongs and Citizen Academy, and other training opportunities.”, “Any questions for the committee?”, and “What do you see as current issues between the CSPD and the public?” Consensus of Council agreed to these questions.

10. Councilmember Reports and Open Discussion

Councilmember Knight stated the fire ban may continue through the Labor Day weekend. Jeff Greene, Chief of Staff, said the Fire Marshall will provide more information at the City Council lunch on August 25, 2020 and the City does not allow charcoal fires in City parks.

Councilmember Murray read an article from the Gazette concerning communication with journalists regarding the Colorado Springs Police Department and requested a presentation regarding issues with data collection and transparency. Mr. Greene stated he will discuss this with the Police Chief.

Councilmember Williams stated he and Mayor Suthers visited the Arkansas Valley Fair in Rocky Ford, CO.

11. 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