



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, March 27, 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** 6 - Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, President Tom Strand, and Councilmember Wayne Williams
- Excused** 3 - Councilmember Yolanda Avila, Councilmember Stephannie Fortune, and Councilmember Mike O'Malley

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

- 3.A.** [23-191](#) Request for postponement of items 12.A and 12.B, regarding an appeal of the Planning Commission decision to recommend approval of a zone change and concept plan at 2424 Garden of the Gods, to a date certain for good cause shown to and found by the City Council.

Related Files: PUDC-22-0003 and PUDZ-22-0005

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [March 21, 2023 Request for Rescheduling](#)

Peter Wysocki, Director, Planning and Community Development, stated

they received a request from the applicant to withdraw the applications regarding an appeal a zone change and concept plan at 2424 Garden of the Gods.

Councilmember Murray asked what is the intent of the applicant's withdrawal and if this could be withdrawn for at least a year. Mr. Wysocki stated it is not uncommon for applicants to withdraw applications from processing and if they want to resubmit an application, a new application and new materials are submitted and the review begins. He explained the one-year waiting period to reapply only pertains to applications where there was final action, not withdrawals.

Councilmember Murray requested the applicant explain the withdrawal at the March 28, 2023 City Council meeting. Mr. Wysocki stated once they receive a letter to withdraw, there is no action to approve or deny that withdrawal.

Councilmember Henjum asked if there was any intention of the applicant resubmitting the applications in the future. Steve Mulliken, representing the applicant, explained their reasons for withdrawal are due to the neighbors appealed the approval of the Planning Commission's decision, the neighbors exercised their right to postpone the hearing, the applicant was told their time would be limited at the hearing, and due to illness, there would not be a full City Council present at the hearing. He stated they are also concerned with the politics of the mayoral election and feels they need more time to evaluate the new standards concerning evacuation.

Councilmember Williams asked if the applicant would have to start at ground zero if they reapplied. Mr. Wysocki confirmed they would.

Ben Bolinger, Legislative Counsel, City Attorney's Office, stated the withdrawal of an application is outlined in City Code Section 7.5.202(f) and the review shall be terminated.

President Strand asked if City Council could refuse the withdrawal. Mr. Bolinger stated they could not.

Councilmember Williams asked when the new zoning code will take effect. Mr. Wysocki stated June 5, 2023.

Councilmember Donelson asked if the citizens will be provided the same opportunities for input with a new application as they did with the first application. Mr. Wysocki confirmed they would.

Councilmember Donelson asked what differences there would be under the new zoning code. Mr. Wysocki stated the Unified Development Code (UDC) allows Planned Unit Development (PUD) but the applicant could apply a new zoning district. He stated the process itself largely remains the same except all zone changes go before City Council even if the Planning Commission denies it and the opponents would not be able to file an appeal.

Councilmember Murray asked if the appellant can be reimbursed for their costs associated with the appeal. President Strand stated they would be eligible to file a claim against the City if they feel inclined to do so.

4. Review of Previous Meeting Minutes

There was no Review of Previous Meeting Minutes.

5. Presentations for General Information

There were no Presentations for General Information.

6. Executive Session

6A. Open

There was no Open Executive Session.

6B. Closed

6B.A. [23-184](#)

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), and City Code § 1.5.506(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 providing instruction and negotiation consultation regarding (1) a litigation settlement amount in excess of \$100,000 and (2) enforcement of the terms and conditions of a consolidated service plan for certain metropolitan districts.

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: [2023-03-27 Closed Session Memo](#)

Ben Bolinger, Legislative Counsel, 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 issues to be discussed involves consultation with the City Attorney and City staff for the purpose of receiving legal advice and providing instruction and negotiation consultation regarding (1) a litigation settlement amount in excess of \$100,000 and (2) enforcement of the terms and conditions of a consolidated service plan for certain metropolitan districts.

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.

7. Staff and Appointee Reports

7.A. [23-179](#) CSPD Transparency Matters Presentation

Presenter:
Chief of Police Adrian Vasquez

Attachments: [Chief re TM progress March 2023 Slide only version.pptx](#)

Adrian Vasquez, Chief, Colorado Springs Police Department (CSPD), provided an overview of the CSPD Transparency Matters update, progress on use of force study recommendations, study timeline, recommendations, training, policy areas, supervision, data collection/analysis, community involvement, and transparency.

Councilmember Williams stated the change from twelve values to five values is not reflected on the website. Chief Vasquez stated it will be updated as soon as the final supervision conference is completed.

President Pro Tem Helms asked if they have seen any activity from cartels from Mexico intermixing with gangs here in the City. Chief Vasquez stated there is a fairly large cartel presence regarding the amount of drugs that influx into the City, but it generally ships out to other areas and they are not seeing direct alignment with gangs.

President Pro Tem Helms requested additional information regarding chokeholds and using knees against a person. Chief Vasquez stated chokeholds are illegal to use in Colorado Springs and the utilization of a knee to hold someone down can happen as long as it is not used on the head or neck area.

Councilmember Murray asked if the CSPD is fully staffed and how many are in training. Chief Vasquez stated there are forty-four people in their academy and they are approximately one hundred officers short and they are continuously hiring and training.

Councilmember Murray asked what their attrition rate is. Chief Vasquez stated six to eight people per month.

Councilmember Donelson asked if the new laws create issues for CSPD. Chief Vasquez explained poor legislative challenges do create a hinderance to be able to hold people accountable.

Councilmember Donelson requested an explanation regarding minimization of injury. Chief Vasquez provided an example of how they would implement those tactics during a call.

Councilmember Donelson asked if the City's crime rates were going up. Chief Vasquez stated they are following the nation's trend, however they are seeing a decrease in some areas such as homicides.

Councilmember Donelson asked if some groups attempt to limit police authority. Chief Vasquez stated there are definitely people who push the line of the legal authority of police.

Councilmember Donelson asked what ethnic and racial disparities in CSPD use of force indicates. Chief Vasquez stated disparity does not equate to bias.

Councilmember Henjum asked if they anticipate the supervisor training will result in better retention and recruitment. Chief Vasquez confirmed they do believe the alignment of the supervisors will help.

Councilmember Henjum asked what the five priorities of CSPD are. Chief Vasquez stated: we prioritize the sanctity of human life in all we do, we are committed to protecting the constitutional rights of all individuals, we are committed to treating others with fairness, respect, and dignity, we believe our core functions are to prioritize community safety, prevent crime, and deliver vigorous law enforcement service when crime occurs, we support an organizational climate that promotes employee wellness and resilience.

Councilmember Williams asked what the needs are regarding the CSPD training facility. Chief Vasquez stated in order to get the number of officers on the force up, they have to put more students through the training academy which requires more space.

Councilmember Williams stated the Common Sense Report showed that crime incidents in Colorado Springs over the last twelve years went down 9.3 percent even though the State's crime increased up 45 percent. Chief Vasquez stated they are evaluating that report in comparison to the data they have.

Councilmember Donelson asked how many patrol officers are out in the City at one time. Chief Vasquez stated approximately fifty to seventy, but it is a very fluid number.

Councilmember Donelson asked if the response time is not as good as they want them to be. Chief Vasquez confirmed that is correct and if they were able to achieve their authorized strength of 821 officers, they would be able to decrease service response times. Councilmember Donelson asked of the 821 officers, how many would be out on patrol. Chief Vasquez stated he will provide that information.

President Strand asked if there are currently approximately 750 officers. Chief Vasquez confirmed there are.

President Strand asked how they de-escalate someone who is out of control. Chief Vasquez stated they do not push boundaries and talk to them using their training.

7.B. [23-136](#)

Prospect Lake Aeration Project Update

Presenter:

Kim King, Assistant Director
Parks, Recreation and Cultural Services Department

Erik Rodriguez, Environmental Health and Safety Specialist
Parks, Recreation and Cultural Services Department

Attachments: [3-27-23 - Prospect Lake Aeration Project Update](#)
[3-27-23 - EcoResources Design Report - Prospect Lake Aeration](#)

Erik Rodriguez, Environmental Health and Safety Specialist, Parks, Recreation and Cultural Services Department, provided an overview of the Prospect Lake aeration project goals, background, blue green algae effects on lakes, blue green algae blooms at Prospect Lake, and benefits of a lake aeration system. He identified the future water quality, treatments for blue green algae, current nutrient levels, Design 1 elements, Design 2 elements, ultrasonic algae control, component comparison, effectiveness comparison, building design,

Councilmember Henjum asked where the water in the lake comes from. Mr. Rodriguez stated it comes from a Colorado Springs Utilities water tap.

Councilmember Williams asked if the Design 1 system is compatible with the Design 2 system if an upgraded system is needed. Mr. Rodriguez confirmed it is and they were awarded \$459,000 in American Rescue Plan Act (ARPA) funds for this project so it would not be funded by the Parks budget. Councilmember Williams asked if there are remaining ARPA funds if they could be used elsewhere in the parks system. Britt Haley, Director, Parks, Recreation and Cultural Services Department, stated it was her understanding that remaining funds would be returned to the ARPA pool for the City, but is not specifically designated for the park projects.

Councilmember Williams stated he supports Design 1.

Kim King, Assistant Director, Parks, Recreation and Cultural Services Department, went over the usage samples, activation, communications plan, ongoing updates, and survey.

Councilmember Murray asked if there was a fee for boats to be put on the water. Ms. King confirmed there are.

Councilmember Murray asked how the water is filtered. Mr. Rodriguez stated the aeration system will start to filter with the oxygen and the beneficial bacteria and they are actively treating the lake with an enzyme product.

Councilmember Murray stated he supports Design 2 to protect the public, lake, and environment.

President Pro Tem Helms stated he supports Design 1 which takes into account the health of the lake and the constituents who enjoy motorized water sports.

Councilmember Donelson stated this is the only body of water which is peaceful and nearby which families can enjoy motorized boating on so he supports Design 1.

Councilmember Murray asked how many boats can be on the lake at one time and how is that number enforced. Ms. King stated there is a maximum of five boats and it is self-regulated.

7.C. [23-140](#) 2022 Financial Update

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [March 2023 Financial Report](#)

Charae McDaniel, Chief Financial Officer, presented the 2022 financial update. She went over revenue activity through December 2022, sales tax trends, general fund revenue/expenditures, and economic indicators.

Councilmember Williams asked what percentage of Lodger's and Automobile Rental Tax (LART) revenue is increased compared to what it was before the pandemic. Ms. McDaniel stated she will provide that information.

Kim King, Assistant Director, Parks, Recreation and Cultural Services Department, presented the Ordinance platting a columbarium in Evergreen Cemetery and provided an overview of the location, examples, costs, and revenue.

Councilmember Williams asked if the revenue will cover the cost of installation and the unit. Ms. King confirmed it will.

President Pro Tem Helms asked if the Hotel Occupancy Rate is decreasing due to the increase of the number of rooms available. Ms. McDaniel confirmed it does impact the percentage and she will provide information on how many rooms were added in 2022.

7.D. [23-181](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 3-27-23](#)

Councilmember Donelson asked if the Central Substation Property

Acquisition 2910 item needed to be presented at the April 10, 2023 Work Session as well as the April 11, 2023 City Council meeting. Andy Colosimo, Manager, Governmental Affairs, Colorado Springs Utilities (CSU), stated because it had already been presented to the CSU Board, it did not need to go to the April 10, 2023 Work Session.

8. Items for Introduction

- 8.A.** [23-172](#) A resolution approving an Economic Development Agreement between the City of Colorado Springs and Project Jade
Presenter:
Bob Cope, Economic Development Officer
Shawna Lippert, Senior Economic Development Specialist

Attachments: [EconDev-JadeRES-2023-03-14](#)
[Project Jade Economic Development Agreement 03-14-2023](#)
[EDA Presentation for City Council -Jade - WORK](#)
[Signed Resolution No. 53-23.pdf](#)

Bob Cope, Economic Development Officer, presented the Resolution approving an Economic Development Agreement (EDA) between the City and Project Jade. He provided an overview of Project Jade, the proposed EDA, EDA requirements, expansion: economic impact, expansion: fiscal impact, expansion: calculation of incentives, financial safeguards, consistency with the City's Strategic Plan, and staff recommendation.

President Strand asked if it is better for the City's economy if a primary employer is generating revenue from outside of El Paso County. Mr. Cope confirmed it is because it is importing wealth into the community.

- 8.B.** [23-137](#) Ordinance No. 23-20 Platting a Columbarium in Evergreen Cemetery in Block 210

Presenter:
Kim King, Recreation and Administration Manager
Parks, Recreation and Cultural Services

Britt Haley, Director
Parks, Recreation and Cultural Services

Attachments: [3-27-23 - Cemetery New Columbarium Platting](#)
[Cemetery-EvergreenColumbariumORD-2023-02-24 - Final](#)
[Exhibit A - Map of Evergreen Cemetery](#)
[Exhibit B - Schematic of New Columbarium](#)

Kim King, Assistant Director, Parks. Recreation and Cultural Services

Department, presented the Ordinance platting a columbarium in Evergreen Cemetery and provided an overview of the location, examples, costs, and revenue.

Councilmember Williams asked if the revenue will cover the cost of installation and the unit. Ms. King confirmed it will.

- 8.C.** [23-120](#) Proposed updates to the City of Colorado Springs Civilian Policies and Procedures Manual and Drug and Alcohol Policies and Procedures Manual

Presenter:

Danielle Delgado, Human Resources Manager, Human Resources

Attachments: [Q1 2023 PPM Updates - Detailed](#)
[Q1 2023 PPM Updates - summary](#)
[2023 Drug and Alcohol Policies and Procedures Manual Draft - Council Markup](#)

Michael Sullivan, Chief Human Resources and Risk Officer, stated the proposed updates to the City of Colorado Springs Civilian and Policies and Procedures Manual (PPM) and Drug and Alcohol Policies and Procedures

Manual have been reviewed by the Human Resources Department, Mayor, Chief of Staff, Councilmember Henjum, and Councilmember Williams, and provided an overview of each of the proposed updates to the PPM.

Tracy Lessig, City Attorney's Office, stated the law states an employer cannot take away a person's pay without certain process and identified the pre-deprivation process policy in which if a civilian employee is charged with a felony, the City may put them on leave without pay.

- 8.D.** [23-094](#) A Resolution approving the Intergovernmental Agreement between the City of Colorado Springs and the State Of Colorado providing the Colorado State Patrol access to the Colorado Springs Police Department Airport Hanger Facility.

Presenter:

Mary Rosenoff, Deputy Chief, Colorado Springs Police Department
Frederick Stein, Public Safety Attorney

Attachments: [Resolution-CSPD-CSP_IGA-Hanger-3-7-23](#)
[IGA - CSPD and CSP \(Hangar\)](#)
[Colorado Springs Airport Consent to Sublease](#)

Mary Rosenoff, Deputy Chief, Colorado Springs Police Department (CSPD) presented the Resolution approving the Intergovernmental Agreement (IGA) between the City of Colorado Springs and the State of Colorado providing the Colorado State Patrol (CSP) access to the CSPD airport hanger facility. She provided an overview of the uses of the hanger, statistics of the fatal crashes in the City, their partnership with other regional agencies regarding traffic safety, and CSP fleet of planes.

Councilmember Murray recommended a fleet of drones to do the same tasks which CSP would do. Deputy Chief Rosenoff stated they already utilize drones but CSP could also assist with investigations including metro vice and narcotic investigations.

Councilmember Donelson asked how traffic speed is calculated from a plane. Deputy Chief Rosenoff stated it is her understanding that they would use flare and radar.

Councilmember Donelson asked if this IGA would preclude CSPD from putting a helicopter in the hanger. Deputy Chief Rosenoff stated she does not know the specs of the hanger.

President Pro Tem Helms asked if the aircraft and crew members would be on alert if this IGA goes into effect. Deputy Chief Rosenoff stated the CSP has certain hours in which they fly, but she is unaware of what they are and if there was an emergency, she believes they would report.

Councilmember Donelson asked what the term is for this IGA. Frederick Stein, Public Safety Attorney, City Attorney's Office, stated it is a five-year agreement with a fourteen-day convenience termination period.

- 8.E. [23-122](#) A Resolution adopting the City Council's Annual Report to the Citizens for April 1, 2022 to March 31, 2023

Presenter:

Emily Evans, City Council Administrator

Alex Ryden, City Council Communications Specialist

Attachments: [Council Annual ReportDRAFT1_2022-23](#)
[Council Annual ReportFINAL_2022-23](#)
[Signed Resolution No. 52-23.pdf](#)

Alex Ryden, City Council Communications Specialist, gave a brief

background and the process for creating the City Council annual report to the Citizens for April 1, 2022 to March 31, 2023. He identified some of the highlights for this report which included the year in review, departing and new Councilmembers, strategic plan update, City budget overview, statistics, affordable housing efforts, community events. He provided an overview of the major decisions/legislative issues which impacted the City, an update of the boards, commissions, and committees, trails, open space, and parks land acquisitions, ballot issue updates, Colorado Springs Utilities (CSU) Board of Directors, legislative services and civic engagement. Mr. Ryden requested feedback regarding any additions or changes from City Council.

Councilmember Williams asked when is the deadline for changes. Mr. Ryden stated by the end of this week.

Councilmember Williams stated there was a graphic which included both the veto and board appointments and suggested that the veto be with Ordinances. Mr. Ryden stated that page will contain new graphics when completed.

Councilmember Williams recommended that yellow text on a white background is difficult to read. Mr. Ryden stated he will change that color combination.

8.F. [23-187](#)

Ordinance No. 23-19 amending Section 1001 (Office Of The City Council Administrator) and Section 1002 (Powers And Duties Of City Council Administrator) of Article 2 (Officers Of The City) of Chapter 1 (Administration, Personnel And Finance) of The Code of The City Of Colorado Springs 2001, As Amended, Pertaining To The Powers And Duties Of The City Council Administrator

Presenter:

Tom Strand, Council President and Councilmember At Large
Randy Helms, Council President Pro Tem
Emily Evans, City Council Administrator
Michael Montgomery, Deputy City Council Administrator

Attachments: [OfficeCityCouncilAdministratorORD-2023-03-22](#)
[Signed Ordinance No. 23-19.pdf](#)

Michael Montgomery, Deputy City Council Administrator, presented the Ordinance pertaining to the powers and duties of the City Council Administrator and codifies the operations of the Office of the City Council

Administrator in City Code.

President Strand asked why Committees were not included with Boards and Commissions in the Ordinance. Mr. Montgomery stated the City Charter only gives City Council authority to create Boards and Commissions and the Mayor creates Committees.

9 Items Under Study

There were no Items Under Study.

10. Councilmember Reports, Open Discussion and Takeaways

Councilmember Williams stated he attended the State of the Base event for Peterson Air Force Base, El Paso County Sheriff's Office award ceremony, and 150th Anniversary of the McAllister House. He also stated the Railroad Committee met last week and are very optimistic as they proceed with the next steps.

Councilmember Henjum stated she attended the 150th Anniversary of the McAllister House, the event held by the Palmer Land Conservancy called Tenacity: Women in Conservation, and The Place which is a drop-in center for youth experiencing homelessness.

President Pro Tem Helms stated he also attended the McAllister House event and participated on a panel for nominations to the military service academies.

President Strand stated he attended the Comcast Digital Divide event at the Southeast YMCA, the 39th Annual Cinco De Mayo event will be held on April 29, 2023 at Memorial Park, and North American Aerospace Defense Command (NORAD) will be celebrating their 65th anniversary on May 12, 2023.

Councilmember Donelson stated he assisted Silver Key with delivering meals in District 3 on Thursday, March 23, 2023 and expressed appreciation for the volunteers and employees of Silver Key.

Councilmember Murray stated citizens are concerned about the amount of money spent and the negative advertisements surrounding the campaigns for the upcoming municipal election and requested candidates rise above the negativity and that people turn out to vote.

Councilmember Henjum asked why she had not received a text notifying her that her ballot had been received. Sarah B. Johnson, City Clerk, stated Colorado Ballotrax is a system under a state contract which is used for El Paso County elections and State elections, and is not currently being used by the City, but the City Clerk's Office is hoping to utilize it for the 2025 General Municipal Election.

Councilmember Henjum asked how many ballots were undeliverable. Ms. Johnson stated approximately 11,000 ballots were returned as undeliverable and provided an overview of the process of the voter registration mailing list.

11. Adjourn

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

Sarah B. Johnson, City Clerk