



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 11, 2024

10:00 AM

Council Chambers

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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

President Helms called the meeting to order at 10:00 AM.

Present 8 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico

Excused 1 - Councilmember David Leinweber

Councilmember O'Malley arrived at approximately 1:00 PM.

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. [24-124](#) City Council Work Session Meeting Minutes February 26, 2024

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [2-26-24 City Council Work Session Meeting Minutes Final](#)

The minutes of the February 26, 2024 Work Session were approved by

Consensus of City Council.

5. Presentations for General Information

- 5.A. [24-117](#) Update on Golden Mill Cycle Remediation from Colorado Department of Public Health and Environment

Presenter:

Doug Jamison, Colorado Department of Public Health and Environment

Attachments: [Gold Hill mesa HMWMD \(1\)](#)

Doug Jamison, Colorado Department of Public Health and Environment (CDPHE), Superfund and Brownfields Unit, Hazardous Materials and Waste Management Division, provided an overview of the CDPHE voluntary cleanup program (VCUP) process at Gold Hill Mesa, history of the Golden Cycle Mill, regulatory authority, Environmental Protection Agency (EPA) actions at Gold Hill Mesa, CDPHE VCUP, VCUP process, VCUP process for Gold Hill Mesa, and CDPHE oversight.

Councilmember Henjum asked what prompted the presentation today. Mr. Jamison stated they have received hundreds of inquiries over the history of this site and City Council approves the various filings for Gold Hill Mesa, so they thought it was important to put on record documentation of the voluntary cleanup process.

Councilmember Henjum asked if the CDPHE or El Paso County Health Department have any data showing airborne occurrence of any of the known contaminants at Gold Hill in the areas of homes being built after people moved into the homes in Gold Hill. Mr. Jamison stated they do not.

Councilmember Henjum asked if the basements of the homeowners that have complained of odors and dark staining have been sampled for elevated levels of known contaminants in the last ten years. Fonda Apostolopoulos, CDPHE, Brownfields Unit, stated part of the cleanup plan involved a materials management plan which included addressing a complaint approximately ten years ago regarding the amount of dust in the area and they remedied the situation by increasing the number of water trucks from one to three. He stated approximately five years ago, a homeowner had a drainage pipe collapse, so they sampled the water which had flooded into the basement for dissolved metals and total metals and in both instances the results were below the EPA regional screening levels.

Councilmember Henjum asked if any scrub or areas of dead grass has been sampled for contaminants. Mr. Apostolopoulos stated they have not because they have not seen dead grass or dead trees in the residential

areas.

Councilmember Henjum asked if there have been any health concerns within the dog population. Mr. Apostolopoulos explained how the mitigation process was performed to eliminate exposure.

President Helms asked what kind of risk was there prior to the cleanup. Mr. Jamison stated the risk posed by uncontrolled tailings, (high volume low toxicity waste), where there are potential exposures and impacts to surface water, would be to the recreational users of the neighboring properties.

President Helms asked if there is ongoing cleanup of the site. Mr. Jamison confirmed there is, in the areas slated for commercial development, toward the western side of the property.

President Helms asked if there will be any kind of follow up procedures to check for contamination after all the development is complete. Mr. Jamison stated typically there is not any kind of follow up, but they are continually collecting data to ensure the cleanup plan is implemented as approved and will provide surface water sampling results for Fountain Creek.

Councilmember Donelson requested the CDPHE or the EPA explain the increase in arsenic levels detected in the 2022-2023 study the EPA performed at the A-one Mobile Village trailer park. Mr. Jamison explained that A-one Mobile Village is not part of the Gold Hill Mesa, and he is not familiar with the data that shows an increase in arsenic concentrations. David Fronczak, EPA, Region 8, stated the assessment has been ongoing in the A-one Mobile Village and within the past month, the levels were recently lowered, and he does not have evidence that it is increasing.

Councilmember Donelson asked what will be done if arsenic levels at A-One Mobile Village are unacceptable. Mr. Fronczak stated they are developing ways to mitigate it and they are continuing to monitor it through site inspections.

Councilmember Donelson asked if the soil from the A-one Mobile Village will be removed in the near future. Mr. Fronczak confirmed it will be.

Councilmember Talarico asked if the Gold Hill Mesa site is an EPA Superfund site. Mr. Fronczak stated it is on the Superfund inventory site, but it is not proposed for the Superfund National Priorities List (NPL).

Councilmember Talarico asked if the mitigation process is sound and there are no public health concerns at this time. Mr. Jamison confirmed it is.

Councilmember Talarico asked if Gold Hill Mesa would be responsible for the cleanup in A-One Mobile Village. Mr. Fronczak stated he does not believe they would be responsible for that cleanup.

President Pro Tem Crow-Iverson asked if the majority of arsenic is consumed through water and asked if Fountain Creek water could be tested. Mr. Fronczak stated he is not able to answer that because he is not a toxicologist. Jennifer Talbert, CDHPE, Remediation Program Manager, Hazardous Materials and Waste Management, stated the community is on municipal water which is why they do not require that type of testing. Andy Colosimo, Colorado Springs Utilities, stated they conduct regular and extensive water quality testing.

Councilmember Donelson stated a lot of children play in Fountain Creek and asked why the water has not been tested. Mr. Jamison stated they do not test Fountain Creek as part of the voluntary cleanup, but the developer cleaned up the flood plain of Fountain Creek and removed the tailings which prevents additional contamination of Fountain Creek, and they will provide the data from surface water samplings which other agencies have conducted.

5.B. [24-118](#) Update from Men of Influence on efforts to help prevent violence in Colorado Springs

Presenter:

Dee Smith, Men of Influence

Conrad Dawes, Men of Influence

Jennifer Smith, Men of Influence

Attachments: [Empowering Colorado Springs Investing in Community Betterment with OneBody ENT City Council Immersion Brief-1](#)

Conrad Dawes, Men of Influence, provided an update on Men of Influence's efforts to help prevent violence in Colorado Springs. He introduced the members of the team and provided an overview of their main objective, OneBody ENT, ongoing projects, and vision.

Dee Smith and Jennifer Smith, OneBody ENT, expressed appreciation for the support given to their organization.

Councilmember Henjum asked how City Council can partner with Men of Influence. Mr. Dawes stated by allowing them to share the details of their organization and promote their brand. Mr. Smith stated they also need continued financial support from Lodgers and Automobile Rental Tax (LART) fund for events such as Juneteenth.

Councilmember Avila acknowledged all the work done for the community by OneBody ENT and Men of Influence.

6. Staff and Appointee Reports

6.A. [24-122](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 3-11-24](#)

Councilmember Donelson asked why items 7.C. through 7.G. are scheduled to be back-to-back for the March 12, 2024 City Council meeting. Renee Congdon, Utilities Division Chief, City Attorney's Office, stated these items have already been presented to Colorado Springs Utilities Board and Planning Commission and she will be unavailable on March 26, 2024 but staff is amenable to postpone them to the April 9, 2024 City Council meeting.

7. Items for Introduction

7.A. [24-103](#) Sworn and Civilian Policies and Procedures Manual Updates

Presenter:

Danielle Delgado, Human Resources Manager, Human Resources

Attachments: [Q1 2024 Policies and Procedures Manual Updates - Detailed](#)

[Q1 2024 Policies and Procedures Manual Updates - Summary](#)

Danielle Delgado, Human Resources Manager, Human Resources Department, stated the proposed updates to the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals (PPM) have been reviewed by the Human Resources Department, President Helms, Councilmember Donelson, and are sent out to City employees for comment. She provided an overview of each of the proposed updates to the PPM.

Councilmember Henjum asked if the addition of the breastfeeding room at City Hall was to come into compliance with the updates to the PPM. Ms. Delgado stated it is part of the accommodation they provide for nursing mothers and it was requested by someone who works in the building.

7.B. [24-081](#) An Ordinance amending Ordinance No. 23-65 (2024 Budget Appropriation Ordinance) for a supplemental appropriation to the Patty Jewett Golf Enterprise Fund in the amount of \$2,000,000 for a portion of the cost of replacing the irrigation system at Patty Jewett Golf Course

Presenter:

Chris Fiandaca, City Budget Manager

Britt Haley, Director - Parks, Recreation and Cultural Services

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

Attachments: [Ordinance- Supp Approp-Golf Enterprise irrigation systems](#)
[2024 Supplemental Funding for golf irrigation -PowerPoint Final](#)

Chris Fiandaca, City Budget Manager, presented the Ordinance for a supplemental appropriation to the Patty Jewett Golf Enterprise Fund in the amount of \$2 million for a portion of the cost of replacing the irrigation system at Patty Jewett Golf Course.

Pat Gentile, Golf Course Superintendent, provided an overview of the Golf Enterprise, current irrigation systems, new irrigation systems, turf grass reduction, irrigation design, funding challenge, and funding plan.

Councilmember Henjum asked what created the difference between the American Rescue Plan Act (ARPA) funding which was granted and the actual cost of the irrigation system. Mr. Gentile stated the projection was made in 2020 and since then, the cost for labor and parts has increased drastically.

Kim King, Assistant Director, Parks, Recreation and Cultural Services, identified the funding plan summary.

President Helms asked why the ARPA funds will be used for Vally Hi Golf Course instead of just selling Valley Hi Golf Course and using the ARPA funds for Patty Jewett Golf Course. Ms. King stated the availability of public courses has been reduced over the years and keeping the green space is a benefit to the community.

Councilmember Risley asked how much would remain in the Patty Jewett Golf Enterprise Fund after the \$2 million is expended. Mr. Gentile stated approximately \$700,000 would remain in the fund balance and \$300,000 per year has been going into that fund balance.

Councilmember Risley requested additional information regarding the \$1.6 million lease purchase. Mr. Gentile stated the interest rates are 7.5 percent, there is a \$285,000 payback per year for seven years. the collateral is the irrigation system itself, and it is through PNC Bank.

Councilmember Donelson stated this is a smart way to use the available resources and will be supporting this item.

Councilmember Avila stated the green space of Valley Hi Golf Course is

very much needed because the Southwest is a heat island.

Councilmember Henjum stated she will also be supporting this item.

President Pro Tem Crow-Iverson asked if this project would help Valley Hi Golf Course become more self-sustaining. Mr. Gentile stated both courses are already self-sustaining, but this would make them even more profitable.

- 7.C. [CODE-24-00](#) An Ordinance repealing and re-ordaining Section 701 (annexation of land) of Part 7 (Policy Decisions by City Council) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to annexation.

[01](#)

(Legislative)

Presenter:

Peter Wysocki, Director of Planning + Neighborhood Services
Renee Congdon, Utilities Division Chief, City Attorney's Office

Attachments: [Attachment 1 - UDC-AnnexationORD-2024-01-03](#)

[Attachment 2 - Table with Proposed Changes to the Annexation Section 1-Annexation-Related Code Changes Presentation for Council March 11](#)

Renee Congdon, Utilities Division Chief, City Attorney's Office, presented the Ordinances pertaining to annexation, water service, wastewater service, outside city service, and exclusive provider exceptions. She provided an overview of the background, nature of changes, reorganization, proposed changes to Sections of City Code Chapters 7 and 12, and approval process.

Councilmember Henjum requested additional information on the proposed changes to the annexor's obligation if there is an overlap in existing services. Ms. Congdon identified the specifics of the proposed changes to Chapter 7, Section 7.5.701 which clarifies what is required if the annexor does not currently own all of the required easements.

Councilmember Henjum asked if Colorado Springs Utilities (CSU) was previously the exclusive provider due to the size of CSU and the City. Ms. Congdon confirmed that was a large factor, but now they need to evaluate due to the availability of resources and the ability to meet regulatory requirements.

Councilmember Risley expressed support of the proposed changes and the flexibility/streamlining of the procedures.

- 7.D. [24-123](#) An Ordinance amending Part 3 (Water Service) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City Of Colorado Springs 2001, as Amended, Pertaining to Water Service

Presenter:

Renee Congdon, Utilities Division Chief, City Attorney's Office

Attachments: [CSU-WaterServiceCh12-ORD 12.4.302-305.docx](#)

Please see comments in Agenda item 7.C.

- 7.E. [24-125](#) An Ordinance Amending Part 3 (Wastewater Service) Of Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City Of Colorado Springs 2001, as Amended, Pertaining To Wastewater Service

Presenter:

Renee Congdon, Utilities Division Chief, City Attorney's Office

Attachments: [CSU-outside city wastewater service 12.5.302-304](#)

Please see comments in Agenda item 7.C.

- 7.F. [24-126](#) An Ordinance Repealing and Reordaining Section 116 (Special Contract Service) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Outside City Service

Presenter:

Renee Congdon, Utilities Division Chief, City Attorney's Office

Attachments: [CSU-OutsideCityService-ORD 12.1.116.docx](#)

Please see comments in Agenda item 7.C.

- 7.G. [24-133](#) An Ordinance amending Section 111 (Exclusivity) Of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Exclusive Provider Exceptions

Presenter:

Renee Congdon, Utilities Division chief, City Attorney's Office

Attachments: [CSU-ExclusiveProviderExceptions-ORD 12.1.111.docx](#)

Please see comments in Agenda item 7.C.

8. Items Under Study

- 8.A. [ANEX-23-00](#)
[30](#) An informational presentation of the proposed Amara Annexation
(Legislative)

Presenter:

Peter Wysocki, Director of Planning + Neighborhood Services
Katie Carleo, Planning Manager of Planning + Neighborhood Services
La Plata, LLC, Annexor
Economic and Planning Systems, Inc.

Attachments: [Presentation by Staff Amara City Council Work Session \(03.11.24\)](#)
[Presentation CW Housing Market Overview City Council Work Session \(3.11.24\)](#)
[Presentation La Plata Amara City Council Work Session \(03.11.24\).pdf](#)

Councilmember Risley introduced the informational presentation of the proposed Amara Annexation guidelines and consideration policy checkpoint. He reminded everyone that the requirements for annexation are listed in the Unified Development Code (UDC) and these are proposed guidelines and a framework for the annexation process as they come before City Council.

Councilmember Henjum stated she believes this will make the process more transparent to the public.

Katie Carleo, Planning Manager of Planning and Neighborhood Services, provided a brief overview of the Amara Annexation timelines and presentations.

Mike Ruebenson, Chief Operating Officer, Annexor La Plata Communities, introduced John Covert, Cushman & Wakefield, who went over the Colorado Springs market, Front Range starts by county, Denver, CO metro annual starts/closings, annual new home permits 1999-2023, EL PASO population growth 2000-2050, submarket annual starts percent share of overall market (2003-2023), and submarket average sales price trend (2016-2023).

Councilmember O'Malley asked if they have verified their permit numbers with Roger Lovell, Pikes Peak Regional Building Department. Mr. Covert stated they have not, but generally the numbers generally track with one another.

Councilmember Henjum requested additional information regarding the migration graph. Mr. Coverts explained the aspects of each of the projections.

Councilmember O'Malley asked if their calculations of available lots included the 180,000 residents in Banning Lewis Ranch. Mr. Covert confirmed they do.

Cody Humphrey, Director of Planning, La Plata Communities, representing the annexor, went over the City's future growth regional context map, key areas of the El Paso County Master Plan, current/future urban development growth, Amara Master Plan, Amara Vision, requirements/guidelines, and proposed process.

Councilmember Henjum asked if it was a benefit to the residents and the City of Cimmaron Hills for it to be an enclave. Mr. Humphrey stated that would be a question for Colorado Springs Utilities (CSU). Councilmember O'Malley stated that district would never be able to meet City of Colorado Springs standards. Councilmember Risley stated the Amara annexation may unlock the ability to annex some of the portions of El Paso County adjacent properties due to the utility extensions it will provide. Doug Quimby, President and Chief Executive Officer, La Plata Communities, representing the annexor, spoke about the annexation of the Briargate and Banning Lewis Ranch areas which included the discussion of the inconvenience of the enclave of Cimmaron Hills.

Councilmember Henjum asked what part of the El Paso County Master Plan City Council needs to take into consideration. Councilmember Risley, former Chair, El Paso County Commission, explained some of the aspects of the El Paso County Master Plan which was done in conjunction with City Planning staff and other municipal agencies.

Councilmember O'Malley asked if Lorson Ranch will ever be annexed into the City. Mr. Humphrey stated it should have been, but the developer decided to stay within the County.

Councilmember O'Malley asked where the fire and police stations will be located. Mr. Humphrey stated the fire station will be located between PA 18 and PA 19 and Colorado Springs Police Department (CSPD) declined the need for a police substation.

Councilmember O'Malley asked why the Utilities Board process has been removed from the process. Mr. Ruebenson stated they presented to the Utilities Board on June 21, 2023 and the water Ordinance was approved.

Mr. Humphrey identified the housing diversity, sufficiency of existing or planned public safety staffing, fire station locations, Colorado Springs Fire Department (CSFD) letter of support, public safety, diversity of development, and school districts.

Councilmember O'Malley asked about the logical extension of City boundaries in relation to the City of Fountain. Mr. Humphrey stated they do not have a slide to present to City Council today, but the requirements have been vetted thoroughly by City staff. Mr. Ruebenson stated City staff requested that they focus mainly on the guidelines and they will provide additional information at their formal presentation.

Tristan Gearhart, Chief Planning and Financial Officer, CSU, identified the CSU capital costs, operation/maintenance (O&M) costs at full buildout, and cumulative capital expense flow.

President Pro Tem Crow-Iverson asked when commercial and light industry will be built. Mr. Humphrey stated they anticipate it will be done in the middle phase of the buildout.

Councilmember O'Malley stated he thinks the two proposed fire stations should go in when construction starts. Mr. Humphrey stated they will continue their conversation with CSFD.

Councilmember Risley asked if the temporary fire stations were proposed by the developer or requested by CSFD. Mr. Humphrey stated CSFD requested them.

Councilmember O'Malley asked when the two permanent fire stations will be built. Andrew Knudtsen, Economic & Planning Systems Inc., representing the applicant, stated Fire Station 1 will be built in 2030 and Fire Station 2 will be built in 2037.

Councilmember O'Malley asked what fire station would respond in the interim if there was a fire. Brett Lacey, Fire Marshal, CSFD, stated Station

11 and Station 25.

Councilmember O'Malley asked which police station would respond. Deputy Chief Mary Rosenoff, CSPD, stated the Sand Creek Division or Stetson Hill Division, but it will be the Officers located in the closest sectors to the incident.

Mr. Ruebenson provided an overview of the reasonable utilities cost recovery and return on investment (ROI) projections.

Councilmember Henjum asked what assumed absorption rates are expected. Mr. Ruebenson stated 300, 375 and 450.

Mr. Humphrey went over the desirable parkland/open space, sufficiency of existing or planned roadway infrastructure, proximity/opportunity to serve employment centers, economic impact on City, connectivity/proximity to transportation options, and ability to fund/offset costs needed for public facilities.

Councilmember O'Malley asked if the parkland is located in a creek bed. Mr. Humphrey stated it is anticipated to be open space and trail.

Councilmember Henjum asked if the regional trails are being planned or are already in existence. Mr. Humphrey stated they are being planned.

President Pro Tem Crow-Iverson asked if Squirrel Creek Road will be part of the annexation. Mr. Humphries stated it was included in the annexation agreement for improvements. Todd Frisbie, City Traffic Engineer, stated in order for La Plata Communities to make improvements to that road, it would have to be annexed into the City.

Councilmember O'Malley asked if Squirrel Creek Road is the only road to the landfill. Mr. Frisbie confirmed it is and La Plata Communities would own the right of way for improvements to infrastructure.

President Pro Tem Crow-Iverson asked what the missing middle housing prices are projected to be. Mr. Humphrey stated between \$300,000 to \$600,000.

Councilmember Henjum asked when the first house is expected to be built.

Mr. Ruebenson stated late 2026.

Councilmember Henjum asked how the South Powers Boulevard extension will be funded. Scott Asher, Wilson and Company, Traffic Engineer, stated eventually the Colorado Department of Transportation (CDOT) will take it over, but right now it will be funded by Pikes Peak Regional Transportation Authority (PPRTA) III and is on the project A list.

Councilmember O'Malley asked if the commercial development would be viable with no timeline for the South Powers Boulevard extension. Mr. Humphrey confirmed it is viable and the commercial buildout would depend on the number of residential units built in the area.

Mr. Knudtsen provided an overview of the fiscal impact methodology, City funds with a nexus to growth, nexus to growth factors, cost to service residents/employees, fiscal impact model, and development summary. He went over the Amara net fiscal impact, project revenues, project expenditures, net fiscal impact (NFI), NFI by fund, and cumulative NFI.

Councilmember O'Malley asked if Amara will be asking for assistance from the Colorado Springs Urban Renewal Authority (CSURA). Mr. Knudtsen stated they will not.

Councilmember O'Malley requested additional information regarding the tailored approach they used in calculating the estimates for the case studies for the fiscal impact nexus to growth factors. Mr. Knutson stated he will provide that information.

Councilmember Henjum asked what absorption rate the net fiscal impact was based on. Mr. Knudtsen stated he will provide additional information on that at the formal presentation.

Councilmember Henjum asked if the commercial revenue was calculated with consideration of the commercial businesses near the area. Mr. Knudtsen confirmed it was and they were conservative in their calculations which is to the benefit of the municipality.

President Pro Tem Crow-Iverson asked how much of the commercial revenue will be dedicated to Colorado Springs. Mr. Knudtsen stated all the sixty percent revenue capture rates reflected in the slides were for

Colorado Springs.

Tristan Gearhart, Chief Planning and Financial Officer, Colorado Springs Utilities (CSU), identified the CSU capital costs, operation/maintenance (O&M) costs at full buildout, and cumulative capital expense flow.

Councilmember O'Malley asked if this is a logical extension of CSU. Mr. Gearhart stated he believes it is.

Councilmember Henjum asked if the proposed new regulations would have an impact on existing ratepayers. Mr. Gearhart stated they are considering how those proposed changes will affect current rates.

Councilmember Henjum asked what kind of risk this annexation will pose to CSU. Mr. Gearhart stated there could be things which could slow down growth of the debt capacity.

President Pro Tem Crow-Iverson asked if this is a logical extension of CSU boundaries. Bryan English, Development Projects Manager, CSU, stated they are presenting the facts and data, it is ultimately City Council's decision, and they must assess the risk which includes water quality and stranded assets.

President Pro Tem Crow-Iverson asked if the reasonable utility cost recovery plan is reasonable. Mr. Gearhart stated based on the other debt capacities they have, it is not .

Councilmember O'Malley asked if there was consensus of Council to not proceed any further with this proposed annexation. President Pro Tem Crow-Iverson and President Helms stated they are not prepared to make that decision at this time.

Councilmember Avila stated it is also not customary to make a decision at a Work Session and they should go through the formal process.

Councilmember Risley stated he believes it would be premature to make a decision at this point.

8.B. [24-110](#)

An Informational Presentation of a Draft Fiscal Impact Analysis for the Proposed Amara Annexation

(Legislative)

Presenter:
Peter Wysocki, Director of Planning + Neighborhood Services
Katie Carleo, Planning Manager of Planning + Neighborhood Services
La Plata, LLC, Annexor
Economic and Planning Systems, Inc.

Attachments: [233111- Amara Fiscal Impact Model Update 3-5-24.pdf](#)
[Presentation CSU Cost Summary City Council Work Session \(03.11.24\)](#)

Please see comments in Agenda item 8.A.

9. Councilmember Reports and Open Discussion

This item will be taken at the March 12, 2024 City Council meeting.

10. Executive Session

10A. Open

10A.A. [24-132](#) Tyrone Moss v. Allen Simmons and Peter Mandry Two Colorado Springs Police Department Officers 23CV32168

Presenter:
Wynetta Massey, City Attorney

Attachments: [24-132 Moss Council Memo](#)

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

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

10A.B. [24-095](#) James Taggart v. Jason Otero Case No. 23-CV-23090

Presenter:
Wynetta Massey, City Attorney

Attachments: [24-095 2024-02-10 CAIC MemoToCOUNCIL](#)

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

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

10B. Closed

10B.A. [24-130](#)

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 a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney for the purpose of receiving legal advice and determining positions relative to negotiation regarding a litigation settlement in excess of \$100,000.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may conduct a Closed Executive Session. In the event any City Councilmember is participating electronically or telephonically in the Closed Executive Session, each City Councilmember participating in the Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the Closed Executive Session is present or able to hear the matters discussed as part of the Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney/Chief Legal Officer

Attachments: [Closed Session memo - 3-5-24](#)

Ben Bolinger, Assistant City 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 for the purpose of receiving legal advice and determining positions relative to negotiation regarding a litigation settlement in excess of \$100,000.

President Helms 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.

11. Adjourn

Upon conclusion of the Closed Executive Session and there being no further business to come before City Council, President Helms adjourned the meeting at 6:22 PM.

Sarah B. Johnson, City Clerk