



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, September 23, 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 10:01 AM.

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

Excused 1 - Councilmember Mike O'Malley

Councilmember Talarico left the meeting at 12:00 PM.

2. Changes to Agenda

There were no Changes to Agenda.

President Helms introduced Sara Brewen, Attorney, with the City Attorney's Office, sitting in the Legislative Counsel seat.

3. Regular Meeting Comments

President Helms stated Citizen's Discussion will be held at the end of the September 24, 2024 City Council meeting. Councilmember Donelson and Councilmember Avila stated moving it to an unknown time suppresses citizens from speaking because they do not know what time it will be held. President Helms stated he does not feel it is fair to break for lunch in the middle of citizen's discussion either.

Councilmember Henjum stated she supports moving it to the end of tomorrow's meeting.

Councilmember Avila stated she does not support that the immigration/sanctuary city Resolution item being separate from the rest of the Resolutions. President Helms stated it is separate because it is not a recognition.

Councilmember Risley stated City Council needs to be respectful of the decisions of President Helms and President Pro Tem Crow-Iverson and the work of Council staff.

Councilmember Leinweber stated the citizens just need a more reliable time such as 1:00 PM and that they should receive their full three minutes to speak.

4. Review of Previous Meeting Minutes

4.A. [24-528](#) City Council Work Session Meeting Minutes September 9, 2024

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [9-9-24 City Council Work Session Meeting Minutes Final](#)

The minutes of the September 9, 2024 Work Session were approved by Consensus of City Council.

5. Executive Session

5A. Open

There was no Open Executive Session.

5B. Closed

There was no Closed Executive Session.

6. Presentations for General Information

6.A. [24-385](#) Economic and Fiscal Impacts of Urban Renewal Area in Colorado Springs

Presenter:
Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority

Tom Binnings, Senior Partner, Summit Economics, LLC

Attachments: [URA City Council Presentation v2](#)

Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority (URA) introduced Tom Binnings, Senior Partner, Summit Economics, LLC, who provided an overview of the economic and fiscal impacts of URA in Colorado Springs, research objective, key findings, total market versus assessed value, value of building permits post-URAs creation, new construction versus renovation. He identified the total Tax Incremental Financing (TIF) eligible taxes versus actual TIF, total URAs TIF eligible sales tax 2008-2022, property taxes, cumulative non-TIF tax receipt estimates, percent change of URA Census tracts from 2010-2020, and fifteen years past versus future forecasts.

Councilmember Henjum asked what caused the change from seventy-seven percent of TIF eligible sales tax increment to property tax. Mr. Binnings stated areas with more retail potential have a higher contribution of sales taxes otherwise they become more property tax oriented.

Councilmember Henjum asked why the City Auditorium is listed under the URA. Mr. Walker stated the entire block where the City Auditorium is located which includes the Hyatt is under URA.

Councilmember Henjum asked why the URA is primarily on the western side of the City. Mr. Binnings stated urban renewal is a process which generally occurs after an area has a significant decline and the market is a central driver. Councilmember Henjum stated she would like to see the southeast and eastern side to start seeing some urban renewal.

President Helms asked why the URA is moving more towards property taxes versus sales tax. Mr. Binnings stated starting in 2008 with north Nevada, they took a blighted area and converted it into retail center as well as other areas which have generated very significant sales taxes in the URA but moving forward, there are fewer of those opportunities and the future opportunities lie more in the realm of affordable or attainable housing and industrial reconfiguring.

7. Staff and Appointee Reports

7.A. [24-521](#) Lithium-Ion Battery Presentation

Presenter:

Brett T. Lacey, Fire Marshal, Colorado Springs Fire Department
Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department

Attachments: [City Council Lith-ion Power Point Presentation 2024](#)

Brett Lacey, Fire Marshal, Colorado Springs Fire Department (CSFD), introduced Kris Cooper, Deputy Fire Marshal, CSFD), who provided an overview of the risks associated with lithium-ion (Li-ion) batteries, battery types, causes of Li-ion fires, statistics associated with Li-ion fires, CSFD concerns, local fires, and addressing the risk. He identified the micro-mobility fire hazards, electric bus hazards, electric vehicle fire hazards, topic response, Li-ion Task Force, response tactics, handling, and disposal. Deputy Fire Marshal Cooper went over the acronym C.H.A.R.G.E. which stands for choose certified products, handle with care, always stay alert, recycle properly, get out quickly, and educate others

President Helms asked if the fire incidents within the City were due to modifications made to electric bikes. Deputy Fire Marshal Cooper stated a majority were due to modifications, but a couple incidents were related to factory electric bikes.

Councilmember Risley commented that these types of fires are also difficult to extinguish.

Councilmember Henjum asked what the industry is doing to address this issue. Deputy Fire Marshal Cooper stated the industry is concerned and they are looking at new technologies for batteries.

Councilmember Henjum asked how to identify which batteries are Li-ion. Deputy Fire Marshal Cooper stated most rechargeable batteries purchased within the past five years are Li-ion.

Councilmember Leinweber stated he is concerned about the dangers of the Li-ion in power tools and asked if smoke detectors are required for garages. Deputy Fire Marshal Cooper stated they are not but there is a one-hour separation required for garages.

Councilmember Donelson asked if micromobility charging is banned in multi-family housing units within the City. Deputy Fire Marshal Cooper stated it is not, but they do ban commercial charging of micro-mobility, and they recommend it be banned in multi-family housing units. Councilmember Donelson stated he would support that coming before City Council as a regulation.

Councilmember Talarico stated retailers selling these batteries should have the dangers identified with the sale. Deputy Fire Marshal Cooper stated they are continuing to educate the public about the concerns with these types of batteries.

7.B. [24-527](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 9-23-24](#)

Councilmember Henjum asked how City Council can be assured that the various district budget items have been fully vetted before City Council votes on them. President Helms stated there is a process which is followed in which staff briefs City Council on the information. Charae McDaniel, Chief Financial Officer, stated the items will be presented at a Work Session which will indicate any changes or outside of a normal Service Plan.

8. Items for Introduction**8.A.** [24-483](#) A resolution accepting and endorsing the recommendations from the Lodgers and Automobile Rental Tax (LART) Citizen Advisory Committee for expenditures from the LART special fund for inclusion in the 2025 budget

Presenter:

Charae McDaniel, Chief Financial Officer

Sally Hybl, Chair, LART Citizens' Advisory Committee

Attachments: [LART Resolution - 2025 Projects](#)

[2025 LART Resolution Exhibit A - w modifications - 9-12-24](#)

Charae McDaniel, Chief Financial Officer, presented the Resolution accepting and endorsing recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2025 budget. She stated the total amount available for appropriation for 2025 is \$10,687,000.

President Helms stated this item was presented to the Budget Committee and any recommendations have been addressed.

Councilmember Donelson asked which amounts were revised. Ms. McDaniel stated the total stayed the same but the US Senior Open was increased by \$7,500, the Olympic and Paralympic Hall of Fame Festival increased by \$50,000, the fallen Firefighters Fighters Memorial had an increase of \$7,500, the Pikes Peak Pride Festival and parade was reduced by \$15,000 to provide funding for the Festival portion and then there was \$50,000 reduction from the reserves which the committee put aside for any potential future events.

Councilmember Donelson stated he does not support funding for the Pikes Peak Pride Festival which is an LBGQT event which supports transgenders because and he cannot support taxpayer dollars going to promote and support a celebration of children being put on hormonal therapy, surgeries to remove teenage girl's breasts, and men and girls shared locker rooms when there are zero dollars going toward the Colorado Springs Western Street Breakfast, the Pikes Peak or Bust Rodeo, and the Festival of Lights parade.

President Helms stated because the other parades are not being funded, they agreed that the Pikes Peak Pride parade would not be funded either, but festival is a different matter. Councilmember Donelson stated these are only recommendations by the LART Advisory Committee and that it is Council's obligation to refer items to the Mayor's Office for funding. Councilmember Talarico stated she believes it is very important for Council to support the work of the committee and the two City Council liaisons who also supported these recommendations.

President Helms stated he believes the LART Community considers the broad perspectives of the community.

- 8.B. [24-473](#) Review of Draft Proposed Gas Cost Adjustment Rates effective October 1, 2024.

Presenter:

Travas Deal, Chief Executive Officer, Colorado Springs Utilities
Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Attachments: [2- 09-24-2024 CC Mtg-GCA Resolution](#)
[3- Sheet 2.4 Rate Tbl - 26th Revised - Redline](#)
[4- Sheet 2.4 Rate Tbl - 26th Revised - Final](#)
[5- GCA Worksheet](#)
[09-23-24 09-24 -24 CC ECA-GCA.pptx](#)
[Signed Resolution No. 116-24.pdf](#)

Scott Shirola, Pricing and Rates Manager, Colorado Springs Utilities (CSU) presented the Resolutions setting the Gas Cost Adjustment (GCA), and Electric Cost Adjustment (ECA) rates effective October 1, 2024 and provided an overview of the types of fuel related cost, natural gas prices as of September 1, 2024, ECA and GCA projections for September 2024, sample residential bill, and how customers can receive assistance.

Councilmember Leinweber asked how the storage of natural gas is utilized. Mr. Shirola stated they do utilize the storage of natural gas on an economic basis in the winter to optimize supplies.

Councilmember Leinweber asked how much natural gas is in storage at any given time. Tristan Gearhart, Chief Planning and Finance Officer, CSU, stated they have fifteen to twenty percent in storage.

Councilmember Henjum asked when the last increase was. Mr. Shirola stated October 2022.

Councilmember Donelson commented that CSU does not make a profit on these GCA and ECA, it simply balances out the cost and they are approximately ten percent less than other Front Range utilities.

8.C. [24-474](#) A Resolution Setting the Electric Cost Adjustment Rate Effective October 1, 2024

Presenter:

Travas Deal, Chief Executive Officer, Colorado Springs Utilities
Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Attachments: [2- 09-24-2024 CC Mtg-ECA Resolution](#)
[3- E Sheet 2.9 Rate Tbl - 25th Revised - Redline](#)
[4- E Sheet 2.9 Rate Tbl - 25th Revised - Final](#)
[5- ECA Worksheet](#)
[09-23-24 09-24 -24 CC ECA-GCA.pptx](#)
[Signed Resolution No. 117-24.pdf](#)

Please see comments in Agenda item 8.B.

8.D. [24-442](#) An ordinance including certain property into the boundaries of the Gold Hill North Business Improvement District (Legislative)

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services
Kevin Walker, Interim Director, Planning and Neighborhood Services

Attachments: [Cover Letter](#)
[Gold Hill Inclusion ORD - TDG](#)
[Gold Hill North MD No. 1 and BID Financial Plan](#)
[Gold Hill North MD No. 1 and BID Financing Overview](#)
[Map 2024](#)
[Staff PowerPoint Gold Hill BID Inclusion 2024 v.2](#)

Kyle Fenner, Senior Planner, Planning and Neighborhood Services, presented the Ordinances and Resolution including/excluding certain

property into the boundaries of the Gold Hill North Business Improvement District (BID) and approving the issuance of tax supported and special revenue bonds by the Gold Hill North BID. She provided an overview of the background, summary of inclusions and exclusions, existing boundaries, proposed exclusions, summary of debt request, and staff recommendation.

Blair Dickhoner, White Bear Ankele Tanaka and Waldron, representing the applicant, identified the history of the site, governing law/policies, boundary adjustments, costs of public improvements, BID financial plan, and debt issuance.

Councilmember Donelson requested additional information on the inclusion properties. John Olson, Urban Landscapes LLC, representing the applicant, stated they have always been a part of this, but were in the metropolitan district, and is part of the parkland dedication which will be maintained by the BID.

Councilmember Donelson asked if any bonds have been issued. Ms. Fenner stated there has not been, this is the first issuance.

Councilmember Donelson asked if it is unusual to issue bonds ten percent higher than the property value. Ms. Fenner stated there is a policy which addresses this and will require a super-majority vote by City Council.

- 8.E. [24-443](#) An ordinance excluding certain property from the boundaries of the Gold Hill North Business Improvement District
(Legislative)

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services
Department

Kevin Walker, Interim Director, Planning and Neighborhood Services

Attachments: [Cover Letter](#)

[Gold Hill Exclusion ORD - TDG](#)

[Gold Hill Inclusion & Exclusion Map 2024](#)

[Gold Hill North MD No. 1 and BID Financial Plan](#)

[Staff PowerPoint Gold Hill BID Exclusion 2024_v.2](#)

Please see comments in Agenda item 8.D.

- 8.F. [24-496](#) A Resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of tax supported and special revenue bonds by the Gold Hill North Business Improvement District
(Legislative)

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services
Kevin Walker, Interim Director, Planning and Neighborhood Services

Attachments: [Cover Letter & Bond Docs 2024-08-16](#)
[2024 Gold Hill North BID Operating Plan and Budget](#)
[RESOLUTION Gold Hill North BID Debt Issuance TDG](#)
[Service Plan - Gold Hill MD Nos. 1 and 2 revised](#)
[Staff PowerPoint Gold Hill BID Debt Issuance 2024 v.2](#)

Please see comments in Agenda item 8.D.

- 8.G.** [24-481](#) A resolution including certain property into the boundaries of the Waterview North Metropolitan District Nos. 1 & 2 (Legislative)

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services
Department

Attachments: [RESOLUTION Waterview North WITH EXHIBITS v.3](#)
[Cover Letter with Petitions](#)
[EXHIBIT A - Waterview North MD Nos. 1 2 - Consolidated Service Plan 2023-08-22](#)
[Exhibit B - Vicinity Map 2023-08-18](#)
[Exhibit C-1 - Initial Districts Boundaries Map, 2023-05-10](#)
[Exhibit C-2 - Inclusion Area Map, 2024](#)
[Waterview North Newspaper Notice 2024.07.29](#)
[45-day Notice to County for Proposed Activity, Nos. 1 2, 2024-07-22](#)
[Staff PowerPoint Waterview North Districts 1 & 2 Inclusion v.2](#)

Kyle Fenner, Senior Planner, Planning and Neighborhood Services, presented the Resolution including certain property into the boundaries of the Waterview North Metropolitan District Nos. 1 and 2. She provided an overview of the background of the districts, location, summary of inclusions, existing boundaries, proposed inclusions, Colorado Revised Statutes Title 32, outside review, and staff recommendation.

Councilmember Donelson requested a presentation from the applicant. Ms. Fenner stated they have requested the applicant be present at the October 8, 2024 City Council meeting and they would like to keep this item on track due to the upcoming November elections.

- 8.H.** [24-525](#) A Resolution Approving the Third Amended and Restated Intergovernmental Agreement for the Pikes Peak Rural Transportation Authority Funded Capital Projects, Maintenance Programs and

City-Sponsored Transit Activities

Presenter:

Gayle Sturdivant, PE, PMP, City Engineer/Deputy Public Works Director
Ryan Phipps, PE, Engineering Program Manager, Capital Projects

Attachments: [1 PPRTA-IGA-RES 2024](#)
[2 Comp IGA 3rd Amended and Restated Redline](#)
[3 Comp IGA 3rd Amended and Restated Clean](#)
[4 Presentation](#)

Gayle Sturdivant, City Engineer/Deputy Public Works Director, presented the Resolution approving the Third Amended and Restated Intergovernmental Agreement (IGA) for the Pikes Peak Rural Transportation Authority funded capital projects, maintenance programs, and City-sponsored transit activities. She provided an overview of what is covered in the IGA, why it is needed now, and next steps.

Councilmember Henjum requested additional information from the Councilmembers who serve on the PPRTA Board. President Helms stated it is basically a cleanup. Ms. Sturdivant stated it also identifies by name the PPRTA 3 projects which were on the ballot. Councilmember Risley stated there were no concerns identified by the Board.

Councilmember Donelson asked if the IGA was approved unanimously by the PPRTA Board. Ms. Sturdivant confirmed it was.

- 8.I. [24-526](#) A Resolution Authorizing the Use of Possession and Use and/or Eminent Domain to Acquire Property Needed for the Park Vista Drainage Channel Improvements Project

Presenter:

Adam Copper, Senior Engineer, Stormwater Enterprise
Gayle Sturdivant, PE, PMP, City Engineer/Deputy Public Works Director
Kellie Billingsley, Acting Real Estate Services Manager

Attachments: [1 Park Vista P 47 Mussman Resolution](#)
[Park Vista Drainage Channel Improvements Presentation 20241008](#)

Gayle Sturdivant, City Engineer/Deputy Public Works Director, presented the Resolution authorizing the Use of Possession and Use and/or Eminent Domain to acquire property needed for the Park Vista Drainage Channel Improvements Project. She provided an overview of the project location, project background, project purpose, property acquisitions, negotiation history, project timeline, and next steps.

Councilmember Donelson asked how far off was the City's offer to what the

property owner is asking. Ms. Sturdivant stated they are very close now, but started off at a five times difference and the appraised value was \$18,000.

Councilmember Donelson asked if this property had unique characteristics which would create a special value. Ms. Sturdivant stated not that they are aware of, and this property is located in a floodplain which the property owner's appraisal did not identify.

- 8.J. [24-530](#) A Resolution Authorizing the Use of Possession and Use and/or Eminent Domain to Acquire Certain Easements Needed for the I-25 Ramps/Nevada Tejon Corridor Improvements Project

Presenter:

Gayle Sturdivant, PE, PMP, City Engineer/Deputy Public Works Director
Kellie Billingsley, Acting Real Estate Services Manager

Attachments: [1 Property Location Map](#)
[2 South Nevada - Resolution](#)
[3 Resolution - Exhibits A and B](#)
[4 Resolution - Exhibits C and D](#)
[5 South Nevada - Presentation 20241008](#)

Gayle Sturdivant, City Engineer/Deputy Public Works Director, presented the Resolution authorizing the Use of Possession and Use and/or Eminent Domain to acquire property needed for the I-25 Ramps/Nevada Tejon Corridor Improvements Project. She provided an overview of the property location map, project site, Parcel 04 - total area value/negotiation history, Parcel 10 - total area value/negotiation history, project timeline, and procedure manual information.

President Helms asked if the property is owned by a corporation on the east side and a private owner on the west side. Ms. Sturdivant confirmed they are.

Councilmember Leinweber asked if the owners will lose the nonconforming grandfathered sign. Ms. Sturdivant stated they will not, the owner also requested protections against damage to the sign, and a guarantee for the future of the sign.

Councilmember Donelson requested a picture of the sign be presented at the October 8, 2024 City Council meeting. Ms. Sturdivant stated she will provide that.

Councilmember Donelson asked if there was a higher probability of the sign being hit during construction. Ms. Sturdivant stated there is not a higher potential for it being damaged during the project.

- 8.K. [24-518](#) An Ordinance amending Section 2(A) of Ordinance No. 23-64, And Amending Section 3 Of Ordinance No. 14-20 (An Ordinance Confirming The Mayor’s Appointment Of The City Attorney And Setting The Salary Of The City Attorney), And Prescribing The Salary Of The City Attorney.

Presenter:

Myra Romero, Chief Human Resources and Risk Officer

Attachments: [24-518 City Attorney 2024 Salary Ordinance](#)

Myra Romero, Chief Human Resources and Risk Officer, presented the Ordinance approving the salary of the City Attorney and stated they are recommending moving Wynetta Massey’s annual salary to the market average of \$244,179.00 effective June 1, 2024.

There were no comments on this item.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Risley stated he and several other Councilmembers attended the DC Fly-In in Washington D.C.

Emily Evans, City Council Administrator, provided an overview of the Lodgers and Automobile Rental Tax (LART) process review meeting with facilitator Cathy Ritter, Chief Executive Officer, Better Destinations, and the LART Solutions Team being held at 3:00 PM today.

Councilmember Henjum stated she attended the DC Fly-In, Downtown Partnership Breakfast, Food to Power ten-year anniversary celebration, and the community conversation regarding the Citadel Mall.

President Pro Tem Crow-Iverson stated she was also at the DC Fly-in.

Councilmember Avila stated that she attended the ribbon-cutting ceremony for the Solid Rock Village, Fiestas Patrias event, Centro de la Familia open house, Food to Power Harvest Festival, and the governor’s mansion in honor of Hispanic Heritage Month.

Councilmember Donelson read four recommendations to be added to the

existing draft Resolution declaring Colorado Springs a non-sanctuary City and stated he will request votes on each one during the Regular Council meeting the next day. The four recommendations are:

1. City Council calls for the City of Colorado Springs to join the current lawsuit by El Paso and other Colorado Counties against the State of Colorado for creating a "Sanctuary State".
2. City Council calls for the City of Colorado Springs to explore with Castle Rock, Aurora and other Front Range cities the possibility of joining their potential lawsuit against Denver regarding its "Sanctuary City" status and the resulting impacts on surrounding communities.
3. Call on the Governor of Colorado and our legislature to reverse legislation which has turned Colorado into a "Sanctuary State" - including HB 19-1124 and HB 23-1100.
4. Call for remigration/deportation of all of the approximately 20 million illegal aliens who have recently entered our country. He stated he would also like the Whereas paragraphs 2 and 3 be completely removed.

Councilmember Leinweber stated he would like the advice of the City Attorney's Office regarding Councilmember Donelson's requests prior to City Council voting on the Resolution at the September 24, 2024 City Council meeting. Trevor Gloss, Attorney, City Attorney's Office, stated they would need to discuss the recommendations with the City Attorney.

President Helms stated he would like to move forward with the Resolution as presented and address Councilmember's Donelson's recommendations at a later time. Councilmember Risley stated he is not comfortable with these proposed changes being presented with less than twenty-four hours' notice and asked that Council be polled regarding whether or not they want to move forward with Councilmember Donelson's recommendations.

President Helms polled Council regarding their desire to proceed with Councilmember Donelson's recommendations. Consensus of Council agreed to only move forward with recommendation 3. Call on the Governor of Colorado and our legislature to reverse legislation which has turned Colorado into a "Sanctuary State" - including HB 19-1124 and HB 23-1100. Councilmember Donelson stated it may be best to wait a couple

of weeks in order to allow the City Attorney to review it.

President Helms stated he attended the 9/11/01 Memorial Service, Saluting Branches at Evergreen Cemetery, and the International Fallen Fire Fighters Memorial Service. He stated he also spoke to the third-grade classes at the Banning Lewis Elementary School regarding local government.

11. Adjourn

There being no further business to come before City Council, President Helms adjourned the meeting at 2:03 PM.

Sarah B. Johnson, City Clerk