



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, July 22, 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 David Leinweber, Councilmember Brian Risley, and Councilmember Michelle Talarico
- Excused** 1 - Councilmember Mike O'Malley

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

President Helms stated Councilmember Risley requested item 4B.D. be removed from the July 23, 2024 City Council meeting Consent Calendar. Councilmember Risley stated this item will be tabled until the exhibits are updated with the correct information.

Consensus of City Council agreed to this change.

4. Review of Previous Meeting Minutes

- 4.A. [24-389](#) City Council Work Session Meeting Minutes July 8, 2024

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [7-8-24 City Council Work Session Meeting Minutes Final](#)

The minutes of the July 8, 2024 Work Session were approved by Consensus of City Council.

5. Executive Session

5A. Open

5A.A. [24-387](#) Jacob Root vs Officer Robert Comstock and the City of Colorado Springs 1:24-cv-1293-MEH

Presenter:
Wynetta Massey, City Attorney

Attachments: [24-387 Council Memo Root Final](#)

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 Officer.

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

5B. Closed

There was no Closed Executive Session.

6. Presentations for General Information

6.A. [24-329](#) Common Sense Institute Colorado Springs Housing Affordability Report

Presenter:
Dr. Steven Byers and Peter Lifari

Attachments: [Colorado Springs Housing Affordability Powerpoint \(1\)](#)
[CSI Colorado Springs Housing Affordability Report](#)

Katie Sunderlin, Acting Chief Housing Officer, Housing and Community Vitality Department, introduced Dr. Steven Byers, Common Sense Institute (CSI) Senior Economist, who provided an overview of the CSI Colorado Springs Housing Affordability Report, mission statement, housing deficit, housing affordability, rising costs, household income, and permitting.

Councilmember Donelson requested additional regarding second homes. Dr. Byers stated these are homes which are not available for rent, long

term rental, or for sale.

Councilmember Donelson asked how many second homes there are. Dr. Byers stated he does not have a number but will provide the percentage and explained how they calculate the shortage.

President Helms asked how they will increase the number of permits. Dr. Byers stated when land gets more affordable, there will be more development in lower priced homes.

Councilmember Henjum asked how much the City's housing stock is part of the overall problem. Dr. Byers stated interest rates and people moving to Colorado Springs are big components of unaffordability and the City needs to look at zoning in order to increase density.

Councilmember Henjum asked how the private sector can help the solution. Dr. Byers stated home builders will need to use new technology, materials, and new designs, to build more affordably.

6.B. [24-400](#) Colorado Springs Sports Corp - 2024 mid-year Lodgers and Auto Rental Tax (LART) contract update to City Council

Presenter:

Davis Tutt, Director of Sports Tourism & Olympic Engagement,
Colorado Springs Sports Corp

Attachments: [CS Sports Corp - 2024 City Council LART Report](#)

Davis Tutt, Director of Sports Tourism and Olympic Engagement, Colorado Springs Sports Corp, provided a brief overview of Colorado Springs Sports Corp's mission, who they are, key performance indicators (KPI), 2024 endorsed events, Development Players League - Spring Showcase, the Business of Running Events, Adrenaline Lacross Western Shootout, 2024 growth, future projects in progress, Department of Defense Warrior Games, and 2024 events.

President Helms requested additional information regarding the estimated 15,100 room nights generated in 2023 and 40,000 room nights in 2024. Mr. Tuff stated it is due to going after larger traveling events.

7. Staff and Appointee Reports

7.A. [24-368](#) Wildfire Mitigation Update from Colorado Springs Fire Department

Presenter:

Brett Lacey, Fire Marshall

Attachments: [Wildfire City Council Presentation](#)

Brett Lacey, Fire Marshall, Colorado Springs Fire Department (CSFD), introduced the Wildfire Mitigation Update from Colorado Springs Fire Department (CSFD).

Ashley Whitworth, Wildfire Mitigation Program Administrator CSFD, provided an overview of the Wildfire Mitigation Program, 2D Taxpayer Bill of Rights (TABOR) funds spending as of May 2024, current grant funding, and future grant funding.

Councilmember Henjum asked how CSFD is collaborating with the Friends of Palmer Park group. Ms. Whitworth stated anytime they get a grant or do large project work, they hold a public meeting with the communities that surround that area and that they did hold a public meeting with this area.

Cory Ashby, Fuels/Project Program Administrator, CSFD, identified the Fishers Canyon Mitigation Project, Austin Bluffs Fuels mitigation, Cedar Heights mitigation, Stratton Open Space Mitigation Project, Palmer Park Project/Slope map, and Homeowners Association (HOA)/Neighborhood Projects - TABOR.

Councilmember Henjum asked how the public has been educated regarding what the markings that CSFD uses on the trees mean. Mr. Ashby stated they created signage to illustrate what the markings mean.

Councilmember Talarico asked if the contract for mitigation has been awarded yet. Ms. Whitworth stated they have chosen the contractor, but they are waiting on some of the funding pieces to be finalized.

Ms. Whitworth went over the community support they have received.

Councilmember Leinweber asked what the timeframe is for large re-mitigation projects. Fire Marshall stated it depends on the weather. Mr. Ashby stated retreatment cycles are dependent on the type of vegetation and moisture and oak stands are generally between five and ten years.

7.B. [24-388](#) Agenda Planner Review

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 7-22-24](#)

There were no comments on this item.

8. Items for Introduction

8.A. [24-370](#) Resolution declaring the intent of the City of Colorado Springs, Colorado

to carry forward its 2024 allocation of private activity bonds for the purpose of constructing multi-family housing for low-and middle-income families or persons.

Presenter:

Katie Sunderlin, Acting Chief Housing Officer, Housing and Community Vitality Department

Attachments: [2024 COS Carryforward - Inducement Resolution](#)

[2024 PAB Carryforward](#)

Katie Sunderlin, Acting Chief Housing Officer, Housing and Community Vitality Department, presented the Resolution declaring the intent of the City to carry forward its 2024 allocation of private activity bonds (PAB) for the purpose of constructing multi-family housing for low-and middle-income families or persons. She provided an overview of the private activity bonds (PAB) 2024 allocations, carryforward purposes, use and carryforward options, available PAB, and progress on previously issued projects.

Councilmember Henjum requested additional information regarding Royal Pines. Ms. Sunderlin stated the last briefing received from the neighborhood report was in the middle of July, 2024 and they are now waiting for a determination from the court.

Councilmember Henjum asked what other projects have requested PAB. Ms. Sunderlin stated there are currently three other development projects under study.

Councilmember Donelson asked if how the project will be received by the neighborhood is factored in before issuing PAB. Ms. Sunderlin stated readiness to receive is factored into their review before issuing PAB. Councilmember Donelson requested that the City not choose projects with strong resistance or opposition from the neighborhood.

Councilmember Talarico asked if a carryforward impacts the amount the City receives for the next year. Ms. Sunderlin stated it does not, they are completely separate, and the allocation is based on population.

8.B. [24-392](#)

A Resolution Submitting To The Registered Qualified Electors Of The City Of Colorado Springs, Colorado, At The Coordinated Election Conducted By Mail Ballot To Be Held On Tuesday, November 5, 2024, The Question Of Extending For Ten (10) Years The Existing 0.57% Temporary City Sales And Use Tax For Road Repairs And Improvements Within The City, As A Continuation Of A Voter-Approved Revenue Change; Providing For The Form Of The Ballot Title And Text; Providing For Certain Matters With Respect To The Election; And Providing The Effective Date Of This Resolution

Presenter:

Yemi Mobolade, Mayor

Travis Easton, P.E., Deputy Chief of Staff - Infrastructure and Development

Richard Mulledy, PE, Public Works Director

Gayle Sturdivant, PE, PMP, Deputy Public Works Director/City Engineer

Attachments: [1 BallotRoadRepairImprovementsExtension2024-RES](#)

[2 RES Exhibit A - Planned Paving List](#)

[2C3 Roadway Maintenance Presentation](#)

Mayor Yemi introduced the Resolution submitting to the registered, qualified electors of the City the question of extending for a ten-year period the temporary sales and use tax for road repairs and improvements at a rate of 0.57 percent as a voter approved revenue change (2C3), identified the accomplishments and progress achieved due to the 2C ballot initiative, and requested City Council approve putting in on the November 2024 ballot.

Gayle Sturdivant, Deputy Public Works Director/City Engineer provided a brief overview of 2C, the importance of maintenance, accomplishments of 2C, how 2C is managed, 2015 system condition, 2020 system condition, current system condition, and projected system condition. She identified 2C methodology, what is next for 2C, draft ballot question, and 2C 2026 through 2035.

Councilmember Henjum asked how the percentage of funding which goes toward curb, gutter, and sidewalks is determined. Ms. Sturdivant stated when they do an evaluation on existing roadways which need improvements, they also look at the condition of the curb and gutter to see if water is going to continue to do damage to the roadway, and if it is, they will do a replacement. She stated they also have a commitment due to the Creek settlement to upgrade 14,000 sidewalk ramps for Americans with Disabilities Act (ADA) compliance.

Councilmember Risley asked what the cost will be to place this item on the November ballot. Sarah B. Johnson, City Clerk, stated they will not know the exact cost until July 26, 2024, but the approximate amount is \$400,000 to \$600,000.

Councilmember Risley asked if the cost would increase if an additional item were placed on the ballot. Ms. Johnson stated it may if it requires something extra such as an additional ballot sheet.

Councilmember Henjum asked if this ballot item would be numbered 2C

again. Ms. Johnson stated she refers to this initiative as the road tax question and it would depend on the number of ballot questions that other jurisdictions submit to El Paso County, but she will try as hard as possible to keep it as ballot question 2C.

- 8.C. [24-396](#) An Ordinance Submitting A Charter Amendment To The Registered Electors Of The City Of Colorado Springs, Colorado, At The Coordinated Election Conducted By Mail Ballot To Be Held On November 5, 2024, Adding A New Section 15-130 Of The City Charter Prohibiting Retail Marijuana Establishments

Presenter:

Lynette Crow-Iverson, President Pro Tem and Councilmember At Large

Attachments: [CO Springs rec mj charter ordinance 07.17.2024.docx](#)

President Pro Tem Crow-Iverson presented the Ordinance submitting a Charter amendment to the registered electors of the City at the November 5, 2024 Coordinated Election, adding a new Section 15-130 prohibiting retail marijuana establishments. She stated the citizens have already voted against recreational marijuana in the City and this Charter amendment would prevent the issue from coming back every two to four years.

Councilmember Avila asked if this initiative would supersede the citizen initiative for recreational marijuana if both questions were passed by voters. Ben Bolinger, Assistant City Attorney, stated it is unlikely both questions would pass because they are directly contrary to one another but if it happened, a Charter provision would supersede an Ordinance.

Councilmember Avila asked if the petition currently being circulated is for a Charter amendment or an Ordinance. Sarah B. Johnson, City Clerk, stated the Petitioner's Group had a choice and chose initiated Ordinance.

President Helms asked what the impact would be to this proposed Charter amendment if the Federal government decriminalizes recreational marijuana. Mr. Bolinger stated hypothetically, they would follow State law regulation.

Councilmember Donelson asked if recreational marijuana could still be sold out of another business which is not classified as a recreational marijuana establishment such as a convenience store. Mr. Bolinger stated if a convenience store is selling recreational marijuana, it could then be considered a recreational marijuana establishment. Wynetta Massey, City Attorney, stated when they have had these prior Ordinance initiatives come forward, they have made sure that they mirror the State Constitutional law relating to retail marijuana so when they use the phrase of "retail marijuana establishment", they are also using the definition in the Colorado

Constitution which would include any entity that is selling retail marijuana. She explained that in order to change the definition of “retail marijuana establishment”, there would need to be an amendment to the Colorado Constitution which would require a vote of the people.

Councilmember Donelson asked if there are any other instances within the City in which it is illegal to sell something which is legal to be sold elsewhere. Ms. Massey confirmed there are a number of regulatory schemes on different types of products such as tobacco. Ms. Johnson stated when the State law was put into place for medical or recreational/retail marijuana, it set up a licensing structure which states legal sales of medical or retail/recreational must be done at a dispensary or a center.

Councilmember Henjum asked when the curing period for the citizen initiative will end. Ms. Johnson stated the Petitioner’s Committee has until 5:00 PM on August 9, 2024 to supplement their filing and then the City Clerk’s Office will need at least two weeks to verify if they have reached the threshold for sufficiency.

Councilmember Henjum stated Charter amendments can be very impactful and it is sometimes difficult to see the economic impacts down the road.

Councilmember Leinweber asked if this proposed Charter amendment fails if that would be a statement that there should be recreational marijuana sales within the City. President Pro Tem Crow-Iverson stated the ballot initiative in favor of recreational marijuana failed by a vote of the people two years ago and feels they need to let citizens speak again.

- 8.D. [24-397](#) An Ordinance Amending Section 303 (Commercial And Industrial Uses) Of Part 3 (Use-Specific Standards) Of Article 3 (Use Regulations) Of Chapter 7 (Unified Development Code) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Recreational Marijuana Land Use Regulations

Presenter:

Lynette Crow-Iverson, President Pro Tem and Councilmember At Large

Attachments: [UDC-MMJ-CommIndustUse-2024-07-17](#)

President Pro Tem Crow-Iverson presented an Ordinance and amending Section 303 (Commercial And Industrial Uses) of Part 3 (Use-Specific Standards) of Article 3 (Use Regulations) of Chapter 7 (Unified Development Code) of the City Code pertaining to recreational marijuana land use regulations. She stated this proposed Ordinance would mandate recreational marijuana dispensaries be located at least one mile away from schools, rehabilitation centers, and children’s facilities. She stated this

prioritizes the well-being of children and vulnerable populations over the interests of the marijuana industry and research indicates that children's behaviors are influenced by their perception and availability and by implementing a one-mile buffer zone, would help reduce the likelihood of children perceiving marijuana safe and easy easily accessible.

President Helms asked if this Ordinance would be enacted in the event that the citizen initiative passes, and the Charter amendment does not. President Pro Tem Crow-Iverson confirmed it is.

Councilmember Henjum asked how this compares to the sale of alcohol. Wynetta Massey, City Attorney, stated the comparison should be made with medical marijuana regulation because it has different regulation than liquor. Ben Bolinger, Assistant City Attorney, stated the buffer distance for liquor sales depends on a lot of varying factors and is between 500 and 1,500 feet.

Councilmember Donelson asked if this type of restriction or regulation is done anywhere else where the substance it is regulating is already illegal. Ms. Massey stated if the initiated Ordinance permitting recreational marijuana failed and the Charter amendment prohibiting it prevailed, then City Council would have to come back and take this out of the City Code.

Councilmember Donelson asked if they could just wait and see what happens with the vote. Ms. Massey confirmed that is an option as well.

Councilmember Talarico asked what the buffer distance is for Denver, CO and Manitou Springs, CO. Mr. Bolinger stated they have not previously researched this. President Pro Tem Crow-Iverson stated there is no science behind the proposed one-mile distance, it is just a safeguard.

President Helms asked what the distance buffer is for medical marijuana establishments. Mr. Bolinger stated 1,000 feet.

9. Items Under Study

There were no Items Under Study.

10. Councilmember Reports and Open Discussion

Councilmember Leinweber stated he did the VIP tour of the United States Air Force Academy (USAFA), and he hosted a Neighborhood Gathering.

Councilmember Talarico stated she attended the Westside Center Advisory Board meeting and the Mirasol film presentation by Colorado Springs Utilities (CSU) and Palmer Land Conservancy.

Councilmember Donelson stated July 24, 2024 will be the twelfth anniversary of the death of the death of a Colorado Springs Police Officer, Matthew Tyner, who was 42 years old, served as a police officer for thirteen years, and was killed in a motorcycle accident while performing traffic enforcement on Austin Bluffs Parkway, Oro Blanco Drive, and Old Farm Drive. Councilmember Donelson thanked Officer Tyner for his service and his family for their sacrifice.

Councilmember Avila encouraged everyone to participate in the Zero Fare for Better Air program, where everyone can ride the bus for free from July 1, 2024 through August 31, 2024.

Councilmember Risley stated he attended two nights of the Pikes Peak or Bust Rodeo, the Breakfast For Champions launch event on July 16, 2024 which was hosted by Peak Vista, 2024, and the Taste of Pikes Peak.

Councilmember Henjum stated she has received emails from the Nevada Safety Committee regarding the increased number of deaths and speeding on Nevada Avenue and she attended the Neighborhood Gathering hosted by Councilmember Leinweber, the Neighborhood Gathering hosted by the Knob Hill neighborhood, and the Mirasol film presentation. She stated she had a meeting with the Sand Creek Division of Colorado Springs Police Department, Police Chief Adrian Vasquez, and Officer Mathis regarding the Citadel Mall and they are planning a community meeting for September 20, 2024. Councilmember Henjum stated she has updated her personal website to include all her campaign contributions in order to provide additional transparency.

President Pro Tem Crow-Iverson stated she attended the Pikes Peak or Bust Rodeo on July 10, 2024 which was Military Night where they honored the veterans.

President Helms stated the Saturday matinees of the Pikes Peak or Bust Rodeo are when the 1,100 new cadets from the USAFA attend and then march to Jacks Valley for training.

11. Adjourn

There being no further business to come before City Council, President Helms adjourned the meeting at 1:45 PM.

Sarah B. Johnson, City Clerk