



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, December 13, 2022

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

Present: 9 - President Tom Strand, Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Stephannie Fortune, President Pro Tem Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, and Councilmember Wayne Williams

Councilmember Fortune and Councilmember Murray attended the meeting virtually.

Councilmember Fortune left the meeting at approximately 11:22 AM and returned at approximately 11:50 AM.

Councilmember Avila left the meeting at approximately 12:05 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Tim Anderson from the Colorado Springs Police Department.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

- 3.A. [AR PUD 22-00062](#) Postponement of the appeal of City Planning Commission's approval of the Polaris Pointes Filing No 4 (Sunset Amphitheater) project to the January 10, 2023, City Council meeting.

(Quasi-Judicial)

Related File: AR NV 22-00480; AR NV 22-00481

Presenter:

Tamara Baxter, Senior Planner, Planning and Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [Postponement Request](#)
[Appeal Statement -Jayson Campbell](#)
[CONTEXT MAP](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

This item was postponed to the January 10, 2023 City Council meeting.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, to postpone the appeal of City Planning Commission's approval of the Polaris Pointe Filing No 4 (Sunset Amphitheater) project to the January 10, 2023, City Council meeting per City Code Section 7.5.906.B.3. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

- 3.B. [AR NV 22-00480](#) Postponement of an appeal of City Planning Commission's approval of a nonuse variance from City Code Section 7.4.204(C)(1)(d)(2) for the Polaris Pointe South Filing No. 4 (Sunset Amphitheater) project to the January 10, 2023, City Council meeting.

(Quasi-Judicial)

Related File: AR PUD 22-00062; AR NV 22-00481

Presenter:

Tamara Baxter, Senior Planner, Planning and Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [Project Statement Nonuse Variances](#)
[7.4.204 Alternative Parking Options](#)
[7.5.802.B Nonuse Variance Criteria](#)
[7.5.802.E GuidelinesforReview NonuseVariance](#)

This item was postponed to the January 10, 2023 City Council meeting.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, to postpone an appeal of City Planning Commission's approval of a nonuse variance from City Code Section 7.4.204(C)(1)(d)(2) for the Polaris Pointe South Filing No. 4 (Sunset Amphitheater) project to the January 10, 2023, City Council meeting per City Code Section 7.5.906.B.3. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

- 3.C.** [AR NV 22-00481](#) Postponement of an appeal of City Planning Commission's approval of a nonuse variance from City Code Section 7.4.204(B) for the Polaris Pointe South Filing No. 4 (Sunset Amphitheater) project to the January 10, 2023, City Council meeting.

(Quasi-Judicial)

Related File: AR PUD 22-00062; AR NV 22-00480

Presenter:

Tamara Baxter, Senior Planner, Planning and Community Development
 Peter Wysocki, Director of Planning and Community Development

Attachments: [Project Statement Nonuse Variances](#)
[7.4.204 Alternative Parking Options](#)
[7.5.802.B Nonuse Variance Criteria](#)
[7.5.802.E GuidelinesforReview NonuseVariance](#)

This item was postponed to the January 10, 2023 City Council meeting.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, to postpone an appeal of City Planning Commission's approval of a nonuse variance from City Code Section 7.4.204(B) for the Polaris Pointe South Filing No. 4 (Sunset Amphitheater) project to the January 10, 2023, City Council meeting per City Code Section 7.5.906.B.3. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

4A. Second Presentation:

4A.A. [22-381](#) Ordinance No. 22-89 Repealing Ordinance No. 21-111 and Adopting the City of Colorado Springs - 2023 Salary Structure for Civilian and Sworn Municipal Employees

Presenter:
Mike Sullivan, Chief Human Resources and Risk Officer
Charae McDaniel, Chief Financial Officer

Attachments: [2023 Salary Schedule](#)
[11-21-22 - Ordinance - 2023 Salary Schedule](#)
[Signed Ordinance No. 22-89](#)

This Ordinance was finally passed on the Consent Calendar.

4A.B. [22-380](#) Ordinance No. 22-90 Annual Appropriation Ordinance Adopting the Annual Budget and Appropriating Funds for the Several Purposes Named in Said Budget for the Year Ending December 31, 2023

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [2023 Budget Ordinance-11.14.22](#)
[Signed Ordinance No. 22-90](#)

This Ordinance was finally passed on the Consent Calendar.

**4A.C. [CPC](#)
[V-22-00046](#)** Ordinance No. 22-91 vacating a portion of public right-of-way known as Chelton Road consisting of 6,904 square feet (.16 acres)

(Legislative)

Presenter:
William Gray, Senior Planner, Planning and Community Development Department
Peter Wysocki, Planning Director, Planning and Community Development Department

Attachments: [ORD_VacationROW_NCheltonRd](#)
[Exhibit A Chelton Rd Vacation Legal Description](#)
[Exhibit B Chelton Rd Vacation Depiction](#)
[Project Statement](#)
[Warranty Deed](#)
[Before and After Illustration](#)
[Chelton Rd Vacation PUBLIC COMMENT](#)
[Vicinity Map](#)
[7.7.402.C Vacation Procedures](#)
[Signed Ordinance No. 22-91](#)

This Ordinance was finally passed on the Consent Calendar.

4A.D. [CPC A
17-00127](#)

Ordinance No. 22-92 annexing to the City of Colorado Springs that area known as Park Vista Addition No. 5B consisting of 0.579 acres located at 1122 Orchid Street.

(Legislative)

Related Files: CPC A 17-00127R, CPC ZC 20-00037, CPC PFP 20-00038

Presenter:

Daniel Sexton, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ParkVistaAddNo.5BAnnexation](#)
[Exhibit A - Annexation Legal Description](#)
[ParkVistaAddNo5B_DJS Presentation](#)
[CPC Staff Report_ParkVistaAdd5B](#)
[Project Statement](#)
[Annexation Plat](#)
[BOR Assent Approval Letter](#)
[Draft AnnexationAgreement](#)
[Zone Change](#)
[Context Map](#)
[Preliminary-Final Plat](#)
[PublicComment](#)
[CPC_Minutes_ParkVistaAdditionNo5B](#)
[7.6.203-Annexation Conditions](#)
[Signed Ordinance No. 22-92](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.E.** [CPC ZC 20-00037](#) Ordinance No. 22-93 amending the zoning map of the City of Colorado Springs pertaining to 0.165 acres located at 1122 Orchid Street establishing the R-5 (Multi-Family Residential) zone.

(Legislative)

Related Files: CPC A 17-00127R, CPC A 17-00127, CPC PFP 20-00038

Presenter:

Daniel Sexton, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_ParkVistaAdditionNo.5B](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Change](#)

[7.5.603.B Findings - ZC](#)

[Signed Ordinance No. 22-93](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.F.** [CPC A 21-00100](#) Ordinance No. 22-94 annexing to the City of Colorado Springs that area known as Extol Park Vista Addition No. 1 consisting of 0.960 acres located at 4417 and 4421 Siferd Boulevard.

(Legislative)

Related Files: CPC A 21-00100R, CPC ZC 22-00017, CPC PFP 22-00018

Presenter:

Daniel Sexton, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ExtolParkVistaAddNo.1Annexation](#)
[Exhibit A - Annexation Legal Description](#)
[ExtolParkVistaAddNo1_DJS Presentation](#)
[Petition-SOA_ExtolParkVistaAddNo1](#)
[CPC Staff Report_Extol Park Vista Addition No. 1 Annexation](#)
[Project Statement](#)
[Annexation Plat](#)
[Zone Change Exhibit](#)
[Context Map](#)
[Preliminary and Final Plat](#)
[Vicinity Map](#)
[CPC_Minutes_ExtolParkVistaAdditionNo1](#)
[BOR Assent Approval Letter](#)
[7.6.203-Annexation Conditions](#)
[Signed Ordinance No. 22-94](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.G.** [CPC ZC 22-00017](#) Ordinance No. 22-95 amending the zoning map of the City of Colorado Springs pertaining to 0.331 acres located at 4417 and 4421 Siferd Boulevard establishing the R-5/AO (Multi-Family Residential with Airport Overlay) zone.

(Legislative)

Related Files: CPC A 21-00100R, CPC A 21-00100, CPC PFP 22-00018

Presenter:
Daniel Sexton, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_ExtolParkVistaAdditionNo.1](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Change](#)
[7.5.603.B Findings - ZC](#)
[Signed Ordinance No. 22-95](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [22-775](#) City Council Regular Meeting Minutes November 22, 2022

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [11-22-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [22-738](#)

An ordinance by the City of Colorado Springs, Colorado extending the effective date of Ordinance No. 22-51, increasing the not to exceed amount of the bonds to \$21,500,000 and authorizing the execution and delivery by the City of certain loan documents for Paloma Garden

Presenter:

Katie Sunderlin, Senior Affordable Housing Coordinator

Steve Posey, Community Development Division Manager

John Bales, Fred Marienthal, Kutak Rock LLP

Peter Wysocki, Director of Planning and Community Development

Attachments: [COS Paloma Garden 2022 Amendment to Ordinance](#)

[COS Paloma Garden 2022 Financing Agreement](#)

[COS Paloma Garden 2022 Tax Regulatory Agreement](#)

[No. 22-51_Signed PAB Ordinance_Paloma Garden](#)

[Paloma Gardens CC Work Session_11212022](#)

This Ordinance was approved on first reading on the Consent Calendar.

4B.C. [22-759](#)

An ordinance amending section 102 (inoculation required for dogs and cats) of article 8 (regulation of animals - pets) of chapter 6 (neighborhood vitality / community health) of the code of the city of Colorado Springs 2001, as amended, pertaining to inoculation requirement

Presenter:

Jamie Norris, Director of Animal Law Enforcement

Humane Society of the Pikes Peak Region

Attachments: [NeighborhoodVitality-InnoculationORD-2022-11-4](#)

[RABIES FAQ](#)

[2022a_1235_signed](#)

This Ordinance was approved on first reading on the Consent Calendar.

4B.D. [22-407](#)

A Resolution Approving the 2023 Budget for Pikes Peak Regional Building Department

Presenter:

Charae McDaniel, Chief Financial Officer

Roger Lovell, Building Official, Pikes Peak Regional Building Department
Erin Garcia, Finance Director, Pikes Peak Regional Building Department

Attachments: [2023 Final Budget](#)
[2023 Budget Presentation - City Council](#)
[2023 PPRBD Budget Resolution-11.21.22](#)
[Signed Resolution No. 218-22](#)

This Resolution was adopted on the Consent Calendar.

4B.E. [22-708](#)

A Resolution of the City of Colorado Springs approving an Amended and Restated Service Plan for the Upper Cottonwood Creek Metropolitan District No. 5 serving the Wolf Ranch area in northern Colorado Springs

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department
Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)
[Exhibit 1- Final - Amended and Restated Service Plan - UCC No. 5](#)
[Staff PowerPoint-UCC](#)
[Amended and Restated Service Plan No. 5 Cover Letter](#)
[Applicant Budget Committee Hearing Presentation - UCC MD No. 5](#)
[Original Submittal Redline Comparison](#)
[Redline - Deleting Exhibit C-2 - UCC MD No. 5](#)
[Original Service Plan UCCMD District Nos. 2-5.pdf](#)
[First Amendment to Original Service Plan UCCMD Nos. 2-5](#)
[Second Amendment to Original Service Plan UCCMD Nos. 2-5](#)
[Signed Resolution No. 219-22](#)

This Resolution was adopted on the Consent Calendar.

4B.F. [22-710](#)

A Resolution of the City of Colorado Springs approving an Amended and Restated Service Plan for the Reagan Ranch Metropolitan District Nos. 1-4 serving an area in the west central part of Banning Lewis Ranch

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department
Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)

[Exhibit 1- Amended and Restated Service Plan - North Reagan Ranch MD Nos. 1-5](#)
[Staff PowerPoint- Reagan Ranch MD](#)

[Amended and Restated Service Plan Cover Letter - Reagan Ranch MD Nos. 1-4](#)
[Original Service Plan](#)

[Redline Comparison - Reagan Ranch](#)

[Signed Resolution 145-21 - Approving First Amendment to SP](#)

[Budget Committee Applicant Presentation - Reagan Ranch MD Nos. 1-4](#)
[Signed Resolution No. 220-22](#)

This Resolution was adopted on the Consent Calendar.

4B.G. [22-715](#)

A resolution of the City of Colorado Springs approving a change to the legislative status of Allison Valley Master Plan from operative to implemented.
(Legislative)

Presenter:

Daniel Besinaiz, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [Resolution](#)

[Exhibit A](#)

[Allison Valley Master Plan](#)

[Allison Valley MP ppt](#)

[Allison Valley Master Plan CPC Staff Report](#)

[Allison Valley Master Plan Attachment](#)

[Signed Resolution No. 221-22](#)

This Resolution was adopted on the Consent Calendar.

4B.H. [22-750](#)

A Resolution Approving the Intergovernmental Agreement for Fire Protection Services between the City of Colorado Springs and the Colorado Centre Metropolitan District

Presenter:

Randy Royal, Fire Chief, Colorado Springs Fire Department

Attachments: [Resolution-CCMD-CSFD IGA-11-7-22 \(002\)](#)

[IGA Approved by CCMD Board-11-3-22](#)

[Signed Resolution No. 222-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.K.** [PUDZ-22-00](#)
[04](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 5.664 acres located at 1100 S. Royer Street from M2/PUD/SS (Heavy Industrial and Planned Unit Development with the Streamside Overlay) to PUD/SS (Planned Unit Development with a maximum of 0.36 dwelling units per acre, maximum 10,000 square feet of non-residential structures, and maximum building height of 40 feet, with the Streamside Overlay)

(Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

Peter Wysocki, Planning Director, Planning and Community Development

Attachments: [ORD ZC 1100SouthRoyerStreet](#)
[Exhibit A - Concrete Coyote Zone Change Legal](#)
[Exhibit B - Concrete Coyote Zone Change Depiction](#)
[CPC Staff Report Concrete Coyote RBTupdated](#)
[FIGURE 1 - Concrete Coyote Development Plan](#)
[FIGURE 2 - Concrete Coyote Project Statement](#)
[FIGURE 3 - Concrete Coyote Zoning Context Map](#)
[FIGURE 4 - PlanCOS Vision Map](#)
[FIGURE 5 - Concrete Coyote Letter of Support](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.603.B Findings - ZC](#)

This Ordinance was approved on first reading on the Consent Calendar

- 4B.L.** [PUDD-22-00](#)
[18](#) The Concrete Coyote PUD Development Plan showing the construction of a roughly 1,100 square foot structure and associated improvements located west of S. Royer St. and north E. Las Vegas St.

(Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

Peter Wysocki, Planning Director, Planning and Community Development

Attachments: [FIGURE 1 - Concrete Coyote Development Plan](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

Motion by Councilmember Williams, seconded by Councilmember O'Malley, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

- 4B.P.** [SUBD-22-00](#) An ordinance vacating portions of a public right-of-way known as Hill Street consisting of 0.049-acres located at the eastern terminus of Hill Street.
[61](#)

(Legislative)

Presenter:
Johnny Malpica, AICP Candidate, Planner I, Planning and Community Development
Peter Wysocki, AICP, Planning Director, Planning and Community Development

Attachments: [ORD HillStreetRight-of-way Vacation](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Vacation Plat](#)
[7.7.402.C Vacation Procedures](#)

This Ordinance was approved on first reading on the Consent Calendar.

- 4B.Q.** [MAPN-22-00](#) A resolution approving a major amendment to the Mohawk Commercial Center Master Plan to reconfigure the identified land uses to add residential land use and maintain areas of commercial and recreational use consisting of 28.5 acres located at the southwest intersection of Mohawk Road and Woodmen Road
[05](#)
(Legislative)

Presenter:
Katelynn Wintz, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [RES_MohawkCommercialCenterMPA](#)
[Exhibit A - Master Plan Amendment](#)
[Staffreport Mohawk Commercial_KAW](#)
[Mohawk Commercial Presentation](#)
[ProjectStatement](#)
[Concept Plan Amendment](#)
[7.5.408 Master Plan](#)
[Signed Resolution No. 226-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.R.** [COPN-22-00](#)
[09](#) A major concept plan amendment to the Mohawk Commercial Center concept plan establishing a mix of residential, commercial, and recreational land use, located at the southwest intersection of Woodmen Road and Mohawk Road.
(Quasi-Judicial)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [Concept Plan Amendment](#)
[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

- 4B.S.** [PUDD-22-00](#)
[01](#) A planned unit development plan for Verde Commons residential project to build 13 duplexes for a total of 26 units at the southwest corner of Verde Drive and Zebulon Drive.
(Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Development Plan](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

This Item was approved on the Consent Calendar.

- 4B.T.** [PUDZ-22-00](#)
[01](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 2.03-acres located on the southeast corner of Verde Drive and Zebulon Drive from R-5/AO (Multi-family Residential with Airport

Overlay) to PUD/AO (Planned Unit Development: Residential, maximum of 12.81 dwelling units per acre, and maximum building height of 36 feet with Airport Overlay)

(Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_VerdeCommons](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Change](#)

[CPC Staff Report_Verde Commons](#)

[Project Statement](#)

[Development Plan](#)

[Public Comments](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

[7.5.603.B Findings - ZC](#)

This Ordinance was approved on first reading on the Consent Calendar.

4B.U. [22-783](#)

Introduction of the Unified Development Code (ReToolCOS) and the setting of a public hearing date of January 10, 2023, for consideration of its adoption.

(Legislative)

Presenter:

Morgan Hester, Planning Supervisor
Mike Tassi, Assistant Planning Director
Peter Wysocki, Director of Planning and Community Development

Attachments: [Notice for UDC Hearing](#)

[ReToolCOS-AdoptingORD-2022-12-05](#)

[Pages A-BB PENALTY PROVISIONS UNDER UDC - 2022-12-05](#)

[COS UDC Final Draft November 2022 \(Oct 26 22\) \(1\)](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Williams, seconded by Councilmember O'Malley, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

President Strand stated Agenda items 4.B.M., 4B.N., and 4B.O. should have also been removed from the Consent Calendar.

Reconsideration of the Consent Agenda

Motion by President Pro Tem Helms, seconded by Councilmember O'Malley, that the Consent Calendar be reconsidered. The motion passed by a vote of 9-0-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

Approval of the Consent Calendar

Motion by Councilmember Williams, seconded by Councilmember O'Malley, that all matters on the Consent Calendar with 4B.M., 4B.N., and 4B.O. removed, be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

5. Recognitions

- 5.A.** [22-737](#) A Resolution Celebrating December 20, 2022 as the 3rd Anniversary of the United States Space Force

Presenter:

Randy Helms, President Pro Tem and Councilmember District 2

Attachments: [Space Force Anniversary](#)
[Signed Resolution No. 229-22](#)

President Pro Tem Helms provided a brief history of the United States Space Force and read a Resolution celebrating December 20, 2022 as the 3rd Anniversary of the United States Space Force.

Motion by Councilmember Henjum, seconded by President Pro Tem Helms, that the Resolution Celebrating December 20, 2022 as the 3rd Anniversary of the United States Space Force be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

- 5.B.** [22-771](#) Appointments to City Council Boards, Commissions, and Committees

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [121322 Boards Commissions and Committee Appointments](#)

President Strand presented the City Council Appointments to Boards, Commissions, and Committees.

Richard Mulledy, Stormwater Enterprise Manager, Public Works Department, expressed appreciation for the nominees who wish to serve on the Stormwater Advisory Committee, (SAC), and gave a brief overview of the functions of the committee.

David Siegel, nominee appointee to the Lodgers and Automobile Rental Tax (LART) Citizen Advisory Committee, expressed gratitude for the opportunity to serve and stated the City's LART tax is incredibly low compared to other jurisdictions.

Motion by Councilmember Williams, seconded by Councilmember Henjum, that the Appointments to City Council Boards, Commissions, and Committees be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

6. Mayor's Business

- 6.A.** [22-590](#) Nomination to reappoint Martha Barton for a three-year term on the Colorado Springs Health Foundation Board of Trustees, beginning on January 1, 2023, and expiring on December 31, 2025.

Presenter:
John Suthers, Mayor

Attachments: [CSHF Board Ltr to Mayor_re-appts_Aug2022](#)

Councilmember Fortune recused herself due to her husband serving on the Colorado Springs Health Foundation Board of Trustees.

Mayor John Suthers presented the nomination to reappoint Martha Barton for a three-year term beginning on January 1, 2023 and expiring on December 31, 2025 on the Colorado Springs Health Foundation Board of Trustees.

Ms. Barton expressed appreciation for the nomination.

Motion by Councilmember O'Malley, seconded by Councilmember Williams, that the reappointment of Martha Barton for a three-year term on the Colorado Springs Health Foundation Board of Trustees, beginning on January 1, 2023, and expiring on December 31, 2025 be approved. The motion passed by a vote of 8-0-0-1

Aye: 8 - Strand, Avila, Donelson, Helms, Henjum, Murray, O'Malley, and Williams

Recused: 1 - Fortune

- 6.B. [22-591](#) Nomination to reappoint Mary Coleman for a three-year term on the Colorado Springs Health Foundation Board of Trustees, beginning on January 1, 2023, and expiring on December 31, 2025.

Presenter:
John Suthers, Mayor

Attachments: [CSHF Board Ltr to Mayor re-appts Aug2022](#)

Councilmember Fortune recused herself due to her husband serving on the Colorado Springs Health Foundation Board of Trustees.

Mayor John Suthers presented the nomination to reappoint Mary Coleman for a three-year term beginning on January 1, 2023 and expiring on December 31, 2025 on the Colorado Springs Health Foundation Board of Trustees.

Motion by Councilmember O'Malley, seconded by Councilmember Henjum, that the reappointment of Mary Coleman for a three-year term on the Colorado Springs Health Foundation Board of Trustees, beginning on January 1, 2023, and expiring on December 31, 2025 be approved. The motion passed by a vote of 8-0-0-1

Aye: 8 - Strand, Avila, Donelson, Helms, Henjum, Murray, O'Malley, and Williams

Recused: 1 - Fortune

- 6.C. [22-592](#) Nomination to reappoint Jim Johnson for a three-year term on the Colorado Springs Health Foundation Board of Trustees, beginning on January 1, 2023, and expiring on December 31, 2025.

Presenter:
John Suthers, Mayor

Attachments: [CSHF Board Ltr to Mayor re-appts Aug2022](#)

Councilmember Fortune recused herself due to her husband serving on the Colorado Springs Health Foundation Board of Trustees.

Mayor John Suthers presented the nomination to reappoint Jim Johnson for a three-year term beginning on January 1, 2023 and expiring on December 31, 2025 on the Colorado Springs Health Foundation Board of Trustees.

Motion by Councilmember Henjum, seconded by Councilmember O'Malley, that the reappointment of Jim Johnson for a three-year term on the Colorado Springs Health Foundation Board of Trustees, beginning on January 1, 2023, and expiring on December 31, 2025 be approved. The motion passed by a vote of 8-0-0-1

Aye: 8 - Strand, Avila, Donelson, Helms, Henjum, Murray, O'Malley, and Williams

Recused: 1 - Fortune

7. Citizen Discussion For Items Not On Today's Agenda

President Pro Tem Helms introduced Joe Chang who is a member of the Law Enforcement Advisory Commission who will be commissioned to the United States Space Force.

Citizen Arthur Martinez ceded his time to Citizen Francelle Moore, Citizens Susan Repp, and John Lieberman, who spoke in opposition of the retail sale of puppies.

Citizen Monika May spoke about the public safety issues surrounding the Babilonia Bar and Grill.

Citizen Joe Mangles spoke about the City's shortcomings regarding food supply, clothing, and transportation for people experiencing poverty.

Citizens Jackie Othon, Chris Bonham, Mariah Lower, John Christianson, Shawn Walls, and Brova Bits, Democratic Socialists of America (DSA), spoke about homelessness and the need for Housing for All.

Citizen Lawrence Martinez spoke about the cost of utilities for apartment renters.

Citizen Jaymen Johnson wished everyone a happy holiday and expressed appreciation for the appointments to Boards and Commissions and for the passing of the City's budget.

8. Items Called Off Consent Calendar

- 4B.I.** [22-757](#) A Resolution to Amend Resolution No. 202- 22 eliminating the Sand Creek Drainage Basin Drainage Fee for the portion of the Sand Creek Drainage Basin within Banning Lewis Ranch

Presenter:

Richard Muledy, P.E., Enterprise Manager
Travis Easton, P.E., Public Works Director

Attachments: [Exhibit A - Resolution - Basin Closure](#)
[Exhibit B - Memo Basin Closure](#)
[Staff Memo DRAFT 11-4-22_RG edits](#)
[SandCreekBLR_BasinClosureRES-2022-11-14](#)
[Signed Resolution No. 223-22](#)
[Receipt 212258_Sandcreek](#)

Ben Bolinger, Assistant City Attorney, stated in order to close the drainage basin, there is a requirement that some fees be paid which they have not been yet.

Richard Mulledy, Stormwater Enterprise Manager, Public Works Department, explained that a drainage basin cannot be closed until the fees have been paid.

Councilmember Donelson asked when the fees will be paid. Mr. Mulledy stated that the payment is underway and that it should only be a matter of days until it is paid.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, that the Resolution amending Resolution No. ____ - 22 eliminating the Sand creek Drainage Basin drainage fee for the portion of the Sand Creek Drainage Basin within Banning Lewis Ranch conditioned upon the payment of unpaid fees in the amount of \$895,019 as recommended by City/County Drainage Board at its October 11, 2022 meeting be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

4B.J. [22-758](#) A Resolution Authorizing the Disposal of City Owned Property (Banning Lewis Ranch Drainage Tracts) to Applicable Owners

Presenter:

Peter Wysocki, Planning Director

Richard Mulledy, Stormwater Enterprise Manager, Public Works Department

Darlene Kennedy, Real Estate Services Manager

Travis Easton, P.E., Director of Public Works

Attachments: [BLR Drainage TractsRES-2022-11-14](#)
[BLRDrainageTractsRESExhibit A](#)
[BLRDrainageTractsRESExhibit B-1](#)
[CLRDrainageTractsRESExhibit B-2](#)
[CC MEMO-Banning Lewis Drainage Tracts REVISED 11-4-22](#)
[Signed Resolution No. 224-22](#)
[Receipt 212258_Sandcreek](#)

Please see comments in Agenda item 4B.I.

Motion by Councilmember O'Malley, seconded by President Pro Tem Helms, that the Resolution authorizing the disposal of surplus City property to the Applicable Owners and authorizing the City Real Estate Services Manager and Mayor to execute all documents necessary to dispose of the approximately 275.369 acres of land to the Applicable Owners conditioned upon closure of the Sand Creek Basin within Banning Lewsi Ranch as provided for in the Banning Lewis Ranch Restated and Amended Annexation Agreement be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

- 4B.M.** [CPC MP 87-00381-A3 0MJ22](#) A resolution approving a major amendment to the Banning Lewis Ranch master plan changing land use designations from Residential, Parks, and Public Facility uses to accommodate a mix of Residential and Civic uses consisting of 537.357 acres located east of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road, and Banning Lewis Parkway.

(Legislative)

Related Files: CPC PUZ 22-00004, CPC PUP 22-00005

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [RES_BanningLewisRanchMPA_FreestyleNorth](#)

[Exhibit A - Master Plan Amendment](#)

[CPC Report_FreestyleNorth@BLR](#)

[PUD Zone Change](#)

[PUD Concept Plan](#)

[Project Statement](#)

[PlanCOS Vision Map](#)

[Public Comments](#)

[Public Comment Response](#)

[Geologic Hazard Letter](#)

[Fiscal Impact Analysis Letter](#)

[Context Map](#)

[CPC_Minutes_ConsentCalendar](#)

[Receipt 212258_Sandcreek](#)

[7.5.408 Master Plan](#)

[Signed Resolution No. 225-22](#)

Please see comments in Agenda item 4B.I.

Motion by Councilmember Henjum, seconded by President Pro Tem Helms, that the Resolution amending the Banning Lewis Ranch Master Plan relating to 557.357 acres to allow updates to land use designations, based upon the findings that the request meets the review criteria for establishing a Master Plan, as set forth in City Code Section 7.5.408 conditioned upon closure of the Sand Creek Basin within Banning Lewis Ranch and the transfer of the Banning Lewis Ranch Drainage Tracts as provided for by Council Resolution be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

4B.N. [CPC PUZ
22-00004](#)

An ordinance amending the zoning map of the City of Colorado Springs relating to 557.357 acres located east of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with conditions of record, Multi-Family Residential with conditions of record, Planned Business Center with conditions of record, and Planned Unit Development with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99du/ac, and 35-50 foot maximum building heights with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A30MJ22, CPC PUP 22-00005

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_FreestyleNorth](#)

[Exhibit A Legal Description](#)

[Exhibit B - PUD Zone Change](#)

[Receipt 212258 Sandcreek](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

[7.5.603.B Findings - ZC](#)

Please see comments in Agenda item 4B.I.

Motion by Councilmember Henjum, seconded by President Pro Tem Helms, that the Ordinance amending the zoning map of the City of Colorado Springs relating to 557.357 acres from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with Conditions of Record, Multi-Family Residential with Conditions of Record, Planned Business Center with Conditions of Record, Planned Unit Development and Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99du/ac, 35'-50' Max.

Building Heights; with Streamside and Airport Overlays), based upon the findings that the review criteria for establishing a PUD zone have been met, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603 and authorizing City Staff to amend the zoning ordinance to condition approval upon closure of the Sand Creek Basin within Banning Lewis Ranch and the transfer of the Banning Lewis Ranch Drainage Tracts as provided for by Council Resolution be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

- 4B.O.** [CPC PUP 22-00005](#) A PUD concept plan for the Freestyle North at Banning Lewis Ranch project illustrating a residential development.

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A30MJ22, CPC PUZ 22-00004

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [PUD Concept Plan](#)

[Receipt 212258 Sandcreek](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

Please see comments in Agenda item 4B.I.

Motion by Councilmember O'Malley, seconded by President Pro Tem Helms, that the PUD Concept Plan for the Freestyle North at Banning Lewis Ranch project, based upon the findings that the plan meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E) conditioned upon closure of the Sand Creek Basin within Banning Lewis Ranch and the transfer of the Banning Lewis Ranch Drainage Tracts as provided for by Council Resolution be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Strand, Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

- 4B.V.** [22-776](#) An ordinance amending Section 102 (Functions) of Part 1 (Municipal Airport Advisory Commission) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the code of the City of Colorado Springs 2001, as amended, pertaining to Municipal Airport Advisory Commission functions

Presenter:

Wynetta Massey, City Attorney/Chief Legal Officer

Attachments: [AAC Functions ORD-2022-11-08](#)

Councilmember Donelson stated he pulled this item off from the Consent Calendar because City Council was not aware of the change in management for the business park and this Ordinance changes the role of the Airport Advisory Commission.

Wynetta Massey, City Attorney/Chief Legal Officer, stated this Ordinance is intended to clarify the role of the AAC as it makes any recommendations regarding economic development activities within the business park and relieves the Airport Director from having to function within the realm of economic development, and no functions have been taken over by the Administration of which they did not already have authority over.

Councilmember Donelson asked if there were positions which have been moved over to the Administration. Greg Phillips, Director of Aviation, Colorado Springs Airport, stated there are three position salaries which have been changed to be funded out of one of the Airport's business park sub-fund.

Charae McDaniel, Chief Financial Officer, stated the reporting relationship does not dictate how funds are budgeted, they are based on function and benefit.

Councilmember Donelson asked if there were any other enterprises where the commission would report to the Administration instead of the enterprise director. Ms. Massey confirmed there was and said the Colorado Springs Utilities and the Colorado Springs Airport was two examples where there are attorneys who are paid by the enterprise funds, but report to the Administration.

Councilmember Henjum asked what caused the need for this Ordinance and why it needs to be considered as a back-to-back item. Ms. Massey stated it was brought to their attention due to an economic development matter that occurred, and the Chief of Staff felt that it would be appropriate to consolidate all the economic development of the City and its enterprises in one area so the Administration could be more proactive in helping to shape some of those deals.

President Pro Tem Helms stated the AAC should be considering safety

issues and not the economic development of the airport.

Councilmember Murray stated the airport director, Mr. Phillips, has been very successful with the economic development of the airport and does not feel there needs to be a change in his role. Mr. Phillips stated the success of the airport is due to Troy Stover, Assistant Director of Aviation, and a successful team.

Councilmember Williams stated it was discussed at a previous City Council meeting regarding the management of economic development and the role of the AAC is designed to reflect the airport operations, not business development.

Councilmember Donelson recommended this item be postponed until after a full presentation with personnel charts and an explanation of salaries is given.

Ryan Trujillo, Deputy Chief of Staff, stated Mr. Phillips and his team have done an outstanding job with economic development at the airport but Peak Innovation Park has grown to where the economic development needs to be aligned with the rest of the City's economic developments.

Councilmember Henjum stated there needs to be more communication between the Administration and City Council regarding these types of items.

Mr. Stover provided an overview of the business park, how it has grown, and stated any economic development within the airport will still come before City Council.

Councilmember Murray asked if the organizational charts have changed. Mr. Trujillo stated the budget structure has not changed as to how the Airport Enterprise is funded.

Motion by Councilmember Donelson, seconded by Councilmember Henjum, that the Ordinance amending Section 102 (Functions) of Part 1 (Municipal Airport Advisory Commission) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the code of the City of Colorado Springs 2001, as amended, pertaining to Municipal Airport Advisory Commission functions be postponed to the February 14, 2023, City Council meeting and is proceeded by a presentation at the February 13, 2023 Work Session. The motion passed by a vote of 6-2-1-0

Aye: 6 - Strand, Donelson, Helms, Henjum, Murray, and O'Malley

No: 2 - Fortune, and Williams

Excused: 1 - Avila

4B.W. [22-680](#) Resolution Directing the Chief Executive Officer of Colorado Springs Utilities to Execute an Agreement for Regional Full Service Water between Colorado Springs Utilities and the Rock Creek Metropolitan District

Presenter:

Jenny Bishop, Water Resource Planning Engineer IV, Colorado Springs Utilities

Travas Deal, Acting Chief Executive Officer, Colorado Springs Utilities

Attachments: [Utilities-RCMDWaterServiceRES-2022-11-23](#)

[RCMD Water Service Agreement Utilities response to RCMD](#)

[Comments 11-22-22](#)

[Signed Resolution No. 227-22](#)

Jenny Bishop, Water Resource Planning Engineer IV, Colorado Springs Utilities (CSU), stated the Rock Creek Metropolitan District is a small district asking for 244 acre-feet of full-service water and the difference between the agreement which was originally sent to City Council and the current agreement included the City's requirements regarding the pipelines for redundancy.

Councilmember Henjum asked when these changes to the agreement were made. Ms. Bishop stated these issues were identified last Friday.

Councilmember Murray asked how far outside the City limits this district is located. Ms. Bishop stated the parcel is abutting City limits just south of Cheyenne Mountain State Park.

Motion by Councilmember Henjum, seconded by Councilmember Murray, that the Resolution authorizing the Chief Executive Officer of Colorado Springs Utilities to execute the attached Regional Full Service Water Agreement with RCMD be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Strand, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

Excused: 1 - Avila

4B.X. [22-777](#) Resolution Directing the Chief Executive Officer of Colorado Springs Utilities to Execute a Regional Wastewater Service Agreement between Colorado Springs Utilities and the Rock Creek Metropolitan District

Presenter:

Jenny Bishop, Water Resource Planning Engineer IV, Colorado Springs

Utilities

Travas Deal, Acting Chief Executive Officer, Colorado Springs Utilities

Attachments: [Utilities-RCMD-WastewaterServiceRES2022-11-23](#)
[RCMD Wastewater Service Agreement Utilities response to RCMD](#)
[Comments 11-22-22](#)
[Signed Resolution No. 228-22](#)

Please see comments in Agenda item 4B.W.

Motion by Councilmember Murray, seconded by Councilmember Henjum, that the Resolution authorizing the Chief Executive Officer of Colorado Springs Utilities to execute the attached Wastewater Service Agreement with RCMD be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Strand, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

Excused: 1 - Avila

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

There was no New Business.

12. Public Hearing

There was no Public Hearing.

13. Added Item Agenda

- 13.A. [22-786](#) Consideration of an employee request for the cost of defense and/or fine pursuant to City Code Section 1.4.301

(Administrative)

Presenter:

Wynetta Massey, City Attorney

Erik Lamphere, Division Chief - Litigation/Employment

Attachments: [2022-12-13 CityCouncilCriminalRepresentationMemo](#)
[City Code Section 1.4.301](#)

Ben Bolinger, Assistant City Attorney, presented the consideration of an employee request for the cost of defense and/or fine pursuant to City Code Section 1.4.301.

Councilmember Donelson requested additional information regarding when the City should defend. Erik Lamphere, Division Chief, Litigation/Employment, City Attorney's Office, stated in order to approve representation, the employee would have to have been acting in the course and scope of their employment, without malice and in good faith, and in the City's interests.

Councilmember Donelson asked if the employee was acting in the course and scope of their employment, without malice, and in good faith. Mr. Lamphere stated he probably was. Councilmember Donelson stated in order to maintain good morale of Fire Department employees, he recommended the City defend this employee.

Motion by Councilmember O'Malley, seconded by Councilmember Murray, to deny the request that the City bear the cost of defense and/or fine for Wesley Cosgrove in the matter of People of the State of Colorado v. Wesley Cosgrove, based upon the finding that the request does not meet the determinations required by City Code Section 1.4.301.A. The motion passed by a vote of 6-2-1-0

Aye: 6 - Strand, Helms, Henjum, Murray, O'Malley, and Williams

No: 2 - Donelson, and Fortune

Excused: 1 - Avila

13.B. [22-801](#) Appointments to the Pikes Peak Rural Transportation Authority

Presenter:

Randy Helms, President Pro Tem & Councilmember District 2

Attachments: [PPRTA Appointments](#)

President Pro Tem Helms presented the appointments to the Pikes Peak Rural Transportation Authority and stated they are recommending the same three appointments to serve, Councilmember Avila, President Pro Tem Helms, and Councilmember Williams.

Motion by Councilmember Henjum, seconded by Councilmember Murray, that the Appointments to the Pikes Peak Rural Transportation Authority be approved. The motion passed by a vote of 8-0-1-0

Aye: 8 - Strand, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Williams

Excused: 1 - Avila

14. Executive Session

There was no Executive Session.

15. Adjourn

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

Sarah B. Johnson, City Clerk