



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, October 25, 2022

10:00 AM

Council Chambers

How to Watch the Meeting

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Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)
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Before the meeting, you may email general comments for items not on the agenda or comments regarding agenda items to: allcouncil@coloradosprings.gov

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

Councilmember Fortune and Councilmember Murray attended the meeting virtually.

Councilmember Fortune was not present for the vote on Agenda item 11.A.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Victoria Heim from Crossroads Ministries.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

There were no Changes to Agenda.

4. Consent Calendar

Motion by President Pro Tem Helms, seconded by Councilmember Donelson, that this be approved 4. Consent Calendar The motion passed by a vote of

Aye: 7 - Avila, Donelson, Helms, Henjum, Murray, O'Malley, and Strand

Absent: 2 - Fortune, and Williams

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. [22-570](#)** Ordinance No. 22-69 amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a Supplemental Appropriation to the Cemetery Enterprise Fund in the Amount of \$1,026,546 to Fund Additional 2022 Operating Expenditures, and to the Cemetery Endowment Fund in the Amount of \$368,968 for a Transfer to the Cemetery Enterprise Fund to Fund a Portion of Additional 2022 Operating Expenditures

Presenter:

Britt Haley, Acting Parks, Recreation and Cultural Services Director
Kim King, Recreation and Administration Manager
Chris Fiandaca, City Budget Manager

Attachments: [9-26-22 - Cemetery Supplemental Appropriation PowerPoint](#)
[ORD-Cemetery Supplemental Appropriation-2022-09-14](#)
[Signed Ordinance No. 22-69](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [22-578](#)** Ordinance No. 22-70 Certifying Delinquent Stormwater Fees and Charges to the El Paso County Treasurer for Collection

Presenter:

Richard Mulledy, P.E., Stormwater Enterprise Manager

Attachments: [Ordinance StormwaterFees-Certification](#)
[Exhibit A.pdf](#)
[Signed Ordinance No. 22-70](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [22-589](#) Ordinance No. 22-71 amending Ordinance No. 79-241 (Ordinance creating Old Colorado City Security and Maintenance District) to delete the requirement to secure and maintain parking lots

Presenter:

Scott Lee, Parking Director, Parking Enterprise

Attachments: [OCC_SecurityMaintDistrictAmendORD-2022-07-26](#)
[Exhibit A - OCC Parking Lot List](#)
[Exhibit B - OCC Parking Lots - Map Updated 7-19-22](#)
[Exhibit C - Storage container parking locations](#)
[TPS Report_DRAFT 07-06-2022_FINAL \(003\).EB 8.9_KB 8.17](#)
[Signed Ordinance No. 22-71](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [22-564](#) Ordinance No. 22-72 repealing Section 1006 (Board Created; Appointments) And Section 1007 (Power and Duties) Of Part 10 (Public Safety Sales And Use Tax Fund) Of Article 6 (City Funds) Of Chapter 1 (Administration, Personnel, And Finance) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To The Public Safety Sales Tax Oversight Committee

Presenter:

Bill Murray, Councilmember At Large
Wayne Williams, Councilmember At Large
Charae McDaniel, Chief Financial Officer

Attachments: [PSST-ORD-2022-08-10](#)
[Signed Ordinance No. 22-72](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.E.** [22-646](#) Ordinance No. 22-73 amending Section 106 (Sale of Unclaimed Vehicles) of Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs, as Amended, Pertaining to Sale of Unclaimed Vehicles.

Presenter:

Commander John Koch, Colorado Springs Police Department
Jennifer Underwood, CSPD Evidence/Impound Manager
Frederick Stein, Public Safety City Attorney

Attachments: [CSPD-VehicleEvidenceCh10-2022-09-14](#)
[2022 Impound Ordinance City Council Powerpoint](#)
[Signed Ordinance No. 22-73](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.F.** [CPC ZC 22-00087](#) Ordinance No. 22-74 amending the zoning map of the City of Colorado Springs relating to 0.734 acres located on the southeast corner of North Parkside Drive and East Bijou Street from OC/R-1 6000 (Office Complex/Single-Family Residential) to OC (Office Complex)

(Quasi-Judicial)

Related File: CPC DP 22-00088

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development
Peter Wysocki, Planning Director, Planning and Community Development

Attachments: [ORD_ZC_Parkside32](#)
[Exhibit A - Legal](#)
[Exhibit B - Zone Depiction](#)
[Consent Item City Council STAFF Presentation Parkside 32 Multi-Family MDA](#)
[CPC Staff Report Parkside 32 Multi-Family](#)
[Parkside 32 Project Statement](#)
[Zone Change](#)
[Development Plan](#)
[Floor Plans](#)
[PlanCOS Vision Map Parkside 32 Multi-Family Project](#)
[Surrounding Uses](#)
[Public Comment](#)
[Public Response](#)
[CPC Minutes Consent 09.14.22](#)
[7.5.603.B Findings - ZC](#)
[Signed Ordinance No. 22-74](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.G.** [CPC PUZ 21-00143](#) Ordinance No. 22-75 amending the zoning map of the City of Colorado Springs relating to 5.814 acres located approximately 420 feet northeast of the Centennial Boulevard and Mesa Valley Road intersection from PUD/HS (Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Multi-Family Residential, 9 maximum dwelling units per acre, and 50-foot maximum building height with Hillside Overlay) zone

(Quasi-Judicial)

Related Files: CPC MPA 00-00103-A4MN22, CPC PUD 21-00144

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

Attachments: [ORD_ZC_CentennialNorth](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Depict](#)

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

[7.5.603.B Findings - ZC](#)

[Signed Ordinance No. 22-75](#)

This Ordinance was finally passed on the Consent Calendar.

4A.H. [CPC ZC 22-00126](#)

Ordinance No. 22-76 amending Ordinance 10-1 (An ordinance amending the zoning map of the City of Colorado Springs relating to 50.2 acres located southwest of North Powers Boulevard and East Woodmen Road) to delete condition of record No. 6 related to specific sign regulations on parcels 6312115009, 6312100021, 6312100023, 6312115001, 6312115007, 6312115008, and 6312116004 consisting of 21.38 acres

Related File: CP 05-00100-6MN22

Presenter:

Tamara Baxter, Senior Planner with Central Team, Planning & Community Development

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_ZC_Woodmen&Powers](#)
[Exhibit A - Legal Desc](#)
[Woodmen and Powers Crossing_TPB](#)
[Ordinance 10-1](#)
[CPC Staff Report_Woodmen and Powers](#)
[Zone Change Exhibit](#)
[Concept Plan Amendment](#)
[Project Statement](#)
[Context Map](#)
[PlanCOS Vision Map](#)
[CPC_Minutes_Consent_09.14.22](#)
[7.5.603.B Findings - ZC](#)
[7.3.507. PlannedProvisionalOverlayCR](#)
[Signed Ordinance No. 22-76](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [22-678](#) City Council Regular Meeting Minutes October 11, 2022

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [10-11-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [22-640](#) A Resolution Amending Resolution 36-21 Adopting Amendments To The
"City Of Colorado Springs Rules And Procedures Of City Council"
Effective October 25, 2022

Presenter:
Emily Evans, City Council Administrator
Michel Montgomery, Deputy City Council Administrator
Carly Hoff, Legislative Analyst, Senior

Attachments: [Rules and Procedures of City Council 2022 Review Clean FINAL](#)
[Rules and Procedures of City Council 2022 Review Redline FINAL](#)
[2022 Rules and Procedures of City Council Resolution](#)
[Signed Resolution No. 152-22](#)

This Resolution was adopted on the Consent Calendar.

4B.C. [22-667](#) Resolution Directing the Chief Executive Officer of Colorado Springs

Utilities to Execute the Sewer Treatment and Disposal Agreement between Colorado Springs Utilities and Stratmoor Hills Sanitation District

Attachments: [10c - Stratmoor Hills Wastewater Resolution 9-21-22](#)
[Stratmoor Hills Wastewater Agreement Final](#)
[10b - Stratmoor Hills Wastewater Agreement](#)
[Signed Resolution No. 153-22](#)

This Resolution was adopted on the Consent Calendar.

4B.D. [22-382](#)

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Barnes & Powers North Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan- Barnes Powers North BID](#)
[Colorado Springs BIDs](#)
[10-10-2022 BID presentation](#)
[Res. Barnes and Powers North BID 2023 Approval Without Exhibit E](#)
[Signed Resolution No. 154-22](#)

This Resolution was adopted on the Consent Calendar.

4B.E. [22-383](#)

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Barnes & Powers South Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan - Barnes Powers South BID](#)
[Res. Barnes and Powers South BID 2023 Approval Without Exhibit E](#)
[Signed Resolution No. 155-22](#)

This Resolution was adopted on the Consent Calendar.

4B.F. [22-384](#)

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Briargate Center Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning
Michael Tassi, Assistant Director, Planning and Community
Development

Attachments: [Briargate Center BID 2023 Operating Plan and Budget](#)
[Res. Briargate Center BID 2023 Approval Without Exhibit E](#)
[Signed Resolution No. 156-22](#)

This Resolution was adopted on the Consent Calendar.

4B.G. [22-385](#)

A Resolution of the City Council of Colorado Springs, Colorado
Approving the Proposed 2023 Operating Plan and Budget for the
Catalyst Campus Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning
Michael Tassi, Assistant Director, Planning and Community
Development

Attachments: [2022-09-29 Ltr re catalyst Campus BID 2023 Operating Plan and
Budget \(w enclosure\)](#)
[Res. Catalyst Campus BID 2023 Approval Without Exhibit E](#)
[Signed Resolution No. 157-22](#)

This Resolution was adopted on the Consent Calendar.

4B.H. [22-386](#)

A Resolution of the City Council of Colorado Springs, Colorado
Approving the Proposed 2023 Operating Plan and Budget for the
Creekwalk Marketplace Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning
Michael Tassi, Assistant Director, Planning and Community
Development

Attachments: [Res. Creekwalk Marketplace BID 2023 Approval Without Exhibit E](#)
[2023 Operating Plan - Creekwalk Marketplace BID\(7143086.2\) Rev 2](#)
[Signed Resolution No. 158-22](#)

This Resolution was adopted on the Consent Calendar.

4B.I. [22-387](#)

A Resolution of the City Council of Colorado Springs, Colorado
Approving the Proposed 2023 Operating Plan and Budget for the First
and Main Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan - First Main BID](#)
[Res. First and Main BID 2023 approval without Exhibit E](#)
[Signed Resolution No. 159-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.J. [22-388](#)** A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the First and Main Business Improvement District No. 2

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan - First Main BID No. 2](#)
[Res. First and Main 2 BID 2023 Approval With Exhibit E](#)
[Signed Resolution No. 160-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.K. [22-389](#)** A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the First and Main North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan - First & Main North BID\(6954199.3\) revised](#)
[Res. First and Main North BID 2023 approval without Exhibit E](#)
[Signed Resolution No. 161-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.L. [22-390](#)** A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Gold Hill North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Gold Hill North BID Operating Plan and Budget\(6987089.5\)
Revised
Res. Gold Hill North BID 2023 approval without Exhibit E
Signed Resolution No. 162-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.M.** [22-391](#) A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [Updated 2023 Operating Plan
Res. Greater Downtown BID 2023 approval without Exhibit E
Signed Resolution No. 163-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.N.** [22-392](#) A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the GSF Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan and Budget- GSF BID
Res. GSF BID 2023 approval without Exhibit E
Signed Resolution No. 164-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.O.** [22-394](#) A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Interquest South Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan and Budget - Interquest South BID](#)
[Res. Interquest South BID 2023 approval without Exhibit E](#)
[Signed Resolution No. 165-22](#)

This Resolution was adopted on the Consent Calendar.

4B.P. [22-395](#)

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Interquest Town Center Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan and Budget- Interquest Town Center BID](#)
[Res. Interquest Town Center BID 2023 approval without Exhibit E](#)
[Signed Resolution No. 166-22](#)

This Resolution was adopted on the Consent Calendar.

4B.Q. [22-396](#)

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the MW Retail Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan and Budget - MW Retail BID\(7117658.1\) Rev 10.17](#)
[MW Retail BID 2023 Approval Res With Exhibit E](#)
[Signed Resolution No. 167-22](#)

This Resolution was adopted on the Consent Calendar.

4B.R. [22-397](#)

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Park Union Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan and Budget - Park Union BID](#)
[Res. Park Union BID 2023 approval without Exhibit E](#)
[Signed Resolution No. 168-22](#)

This Resolution was adopted on the Consent Calendar.

4B.S. [22-398](#)

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan and Budget - Powers and Woodmen Commercial BID](#)
[Res. Powers and Woodment BID 2023 Approval With Exhibit E](#)
[Signed Resolution No. 169-22](#)

This Resolution was adopted on the Consent Calendar.

4B.T. [22-399](#)

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the TrueNorth Commons Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [Res. TrueNorth Commons BID 2023 approval without Exhibit E](#)
[2023 Operating Plan and Budget - TrueNorth Commons BID \(10-15-2022 Update\)\(7148987.1\)](#)
[Signed Resolution No. 170-22](#)

This Resolution was adopted on the Consent Calendar.

4B.U. [22-672](#)

Ordinance No. 22-77 amending Ordinance No. 21-112 (2022 Budget Appropriation Ordinance) for a supplemental appropriation to the Trails, Open Space and Parks (TOPS) fund in the amount of \$275,000 for the master and management plan and implementation at the Blodgett Open Space

Presenter:

Britt Haley, Parks, Recreation and Cultural Services, Director Nominee
David Deitemeyer, Parks, Recreation and Cultural Services, Senior Landscape Architect

Chris Fiandaca, City Budget Manager

Attachments: [CityCouncil Blodgett Open Space MP SupAp](#)
[Ordinance-TOPS Supplemental Appropriation-Blodgett Open Space](#)

- 4B.V.** [CPC A 22-00127R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as West Colorado Avenue Addition No. 1 Annexation (Legislative)

Related Files: CPC A 22-00127, CPC A 22-00128R, CPC A 22-00128, CPC A 22-00129R, CPC A 22-00129, CPC ZC 22-00130, CPC ZC 22-00131

Presenter:

Katie Carleo, Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [RES WestColoradoAveAddNo.1](#)
[Exhibit A - W.Colorado Ave Addition No. 1_Legal](#)
[Planner Affidavit W. Colo](#)
[Surveyor Affidavit W.Colo-Notarized](#)
[Signed Resolution No. 171-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.W.** [CPC A 22-00127](#) Ordinance No.22-78 annexing to the City of Colorado Springs that area known as West Colorado Avenue Addition No. 1 consisting of 5.67 acres located along West Colorado Avenue west of South 31st Street (Legislative)

Related Files: CPC A 22-00127R, CPC A 22-00128R, CPC A 22-00128, CPC A 22-00129R, CPC A 22-00129, CPC ZC 22-00130, CPC ZC 22-00131

Presenter:

Katie Carleo, Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [ORD WestColoradoAveAddNo.1](#)
[Exhibit A - W.Colorado Ave Addition No. 1_Legal](#)
[W.Colorado Ave Addition No. 1 Annexation Plat](#)
[W. Colo Annex_CC Staff Presentation_10.25.22](#)
[CPC Staff Report_W. Colorado Annexations_KAC](#)
[W.Colorado Ave Annexation Exhibit](#)
[7.6.203-Annexation Conditions](#)

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

- 4B.X.** [CPC A 22-00128R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as West Colorado Avenue Addition No. 2 Annexation (Legislative)

Related Files: CPC A 22-00127R, CPC A 22-00127, CPC A 22-00128, CPC A 22-00129R, CPC A 22-00129, CPC ZC 22-00130, CPC ZC 22-00131

Presenter:

Katie Carleo, Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [RES WestColoradoAveAddNo.2](#)
[Exhibit A - W.Colorado Ave Addition No. 2 Legal Planner Affidavit W. Colo](#)
[Surveyor Affidavit W.Colo-Notarized](#)
[Signed Resolution No. 172-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.Y.** [CPC A 22-00128](#) Ordinance No. 22-79 annexing to the City of Colorado Springs that area known as West Colorado Avenue Addition No. 2 consisting of 0.79-acres located along West Colorado Avenue west of South 31st Street (Legislative)

Related Files: CPC A 22-00127R, CPC A 22-00127, CPC A 22-00128R, CPC A 22-00129R, CPC A 22-00129, CPC ZC 22-00130, CPC ZC 22-00131

Presenter:

Katie Carleo, Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [ORD WestColoradoAveAddNo.2](#)
[Exhibit A - W.Colorado Ave Addition No. 2 Legal CPC Staff Report W. Colorado Annexations KAC](#)
[W.Colorado Ave Addition No. 2 Annexation Plat](#)
[W.Colorado Ave Annexation Exhibit](#)
[7.6.203-Annexation Conditions](#)

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

- 4B.Z.** [CPC A 22-00129R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as West Colorado Avenue Addition No. 3 Annexation (Legislative)

Related Files: CPC A 22-00127R, CPC A 22-00127, CPC A 22-00128R, CPC A 22-00128, CPC A 22-00129, CPC ZC 22-00130, CPC ZC 22-00131

Presenter:

Katie Carleo, Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [RES WestColoradoAveAddNo.3](#)
[Exhibit A - W.Colorado Ave Addition No. 3 Legal Planner Affidavit W. Colo](#)
[Surveyor Affidavit W.Colo-Notarized](#)
[Signed Resolution No. 173-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.AA** [CPC A 22-00129](#) Ordinance No.22-80 annexing to the City of Colorado Springs that area known as West Colorado Avenue Addition No. 3 consisting of 0.92-acres located along West Colorado Avenue west of South 31st Street (Legislative)

Related Files: CPC A 22-00127R, CPC A 22-00127, CPC A 22-00128R, CPC A 22-00128, CPC A 22-00129R, CPC ZC 22-00130, CPC ZC 22-00131

Presenter:

Katie Carleo, Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [ORD WestColoradoAveAddNo.3](#)
[Exhibit A - W.Colorado Ave Addition No. 3 Legal CPC Staff Report W. Colorado Annexations KAC](#)
[W.Colorado Ave Addition No. 3 Annexation Plat](#)
[W.Colorado Ave Annexation Exhibit](#)
[7.6.203-Annexation Conditions](#)

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

- 4B.AB** [CPC ZC 22-00130](#) Ordinance No. 22-81 amending the zoning map of the City of Colorado Springs pertaining to 0.555 acres located at 3703 West Colorado

Avenue establishing a PK (Park) zone
(Legislative)

Related Files: CPC A 22-00127R, CPC A 22-00127, CPC A 22-00128R, CPC A 22-00128, CPC A 22-00129R, CPC A 22-00129, CPC ZC 22-00131

Presenter:
Katie Carleo, Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

- Attachments:** [ORD_ZC-PK_WestColoradoAve](#)
[Exhibit A_Legal PK](#)
[Exhibit B_Zone Change PK](#)
[W.Colorado Ave Annexation Exhibit](#)
[W.Colorado Ave Addition No. 1 Annexation Plat](#)
[7.5.603.B Findings - ZC](#)

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

4B.AC [CPC ZC 22-00131](#)

Ordinance No. 22-82 amending the zoning map of the City of Colorado Springs pertaining to 2.009 acres located southeast of West Colorado Avenue establishing the PF (Public Facility) zone
(Legislative)

Related Files: CPC A 22-00127R, CPC A 22-00127, CPC A 22-00128R, CPC A 22-00128, CPC A 22-00129R, CPC A 22-00129, CPC ZC 22-00130

Presenter:
Katie Carleo, Planning Manager, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

- Attachments:** [ORD_ZC-PF_WestColoradoAve](#)
[Exhibit A_Legal PF](#)
[Exhibit B_Zone Change PF](#)
[W.Colorado Ave Annexation Exhibit](#)
[W.Colorado Ave Addition No. 2 Annexation Plat](#)
[7.5.603.B Findings - ZC](#)

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

Approval of the Consent Agenda

Motion by President Pro Tem Helms, seconded by Councilmember Donelson, 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

9-0-0-0

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

5. Mayor's Business

- 5.A. [22-659](#) A Resolution Confirming the Mayor's Appointment of Britt Haley as the Parks, Recreation and Cultural Services Director

Presenter:
John W. Suthers, Mayor

Attachments: [Haley Resolution final](#)
[Signed Resolution No. 174-22](#)

Mayor Suthers gave an overview of the interview process for the position of the Parks, Recreation and Cultural Services Director, identified Britt Haley's qualifications, credentials, and experience, and recommended the appointment of Ms. Haley as Parks, Recreation and Cultural Services Director.

Citizens Wendy Thomas and Corey Sutella spoke in support of Ms. Haley's appointment.

Several Councilmembers expressed support of the appointment.

Ms. Haley expressed appreciation for the appointment and the support of the team dedicated to the park system of the City.

HayDen Kane, Chief Municipal Judge, performed the swearing in ceremony.

Motion by Councilmember Williams, seconded by Councilmember Donelson, that this Resolution confirming the Mayor's appointment of Britt Haley as the Parks, Recreation and Cultural Services Director be adopted. The motion passed by a vote of 9-0-0-0

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

6. Recognitions

- 6.A. [22-704](#) A Resolution recognizing October 31 to November 4, 2022 as National Veterans Small Business Week

Presenter:
Tom Strand, Council President & Councilmember At Large
Aikta Marcoulier, Regional Administrator, Region VIII - Rocky Mountain

Region, U.S. Small Business Administration

Attachments: [National Veterans Small Business Week](#)
[Signed Resolution No. 175-22](#)

President Strand read a Resolution recognizing October 31 to November 4, 2022 as National Veterans Small Business Week.

Aikta Marcoulier, Regional Administrator, Region VIII - Rocky Mountain Region, U.S. Small Business Administration expressed appreciation for the support of veteran-owned small business and spoke about the benefits they bring to the City and introduced several individuals who support small businesses in the community.

Eric Phillips, Veterans Business Development Officer, Small Business Association (SBA) provided an overview of the Boots to Business Program.

Chantal Lucas, veteran business owner of Luchals, and Todd Baldwin, veteran business of Red Leg Brewing Company, identified how their businesses have thrived within this community and expressed appreciation for the support of small businesses.

Councilmember Henjum and Councilmember Donelson recognized the contributions of small businesses to the community.

Citizen Jaymen Johnson expressed appreciation for the recognition.

Motion by President Pro Tem Helms, seconded by Councilmember O'Malley, that this Resolution recognizing October 31 to November 4, 2022 as National Veterans Small Business Week be adopted. The motion passed by a vote of 9-0-0

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

6.B. [22-689](#) Appointments to City Council Boards, Commissions, and Committees

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [102522 Boards Commissions and Committee Appointments R](#)

President Strand presented the City Council Appointments to Boards, Commissions, and Committees to appoint Paul Baumgartner to the Historic Preservation Board and Laura Neumann and Troy Coats to the Downtown Development Authority.

There were no comments on this item.

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

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

Citizens Kenneth Vigen and Robert "Felipe" Velasquez, Victory World Outreach, spoke about the street racing issues occurring on Hancock Parkway and their parking lot.

Citizen Jaymen Johnson spoke in opposition of the Resolution opposing the ballot issue regarding the legalization of recreational marijuana, provided an overview of the differences between cannabis and marijuana, and requested the word "marijuana" be replaced with "cannabis".

Citizen Dallas Gardner spoke about the issues of homelessness, water shortages and family values.

Citizen Mike Tinza spoke about the issues surrounding The Havana Bar and Grill

Citizen Wendy Thomas spoke about her bicycle being stolen from her garage and thanked the Police Officers who returned the bike to her two years later.

Citizen Matthew Grustich spoke against the number of new apartment buildings and increased growth in the City.

8. Items Called Off Consent Calendar

There were no Items Called Off the Consent Calendar.

9. Utilities Business

- 9.A.** [22-579](#) Ordinance No. 22-83 amending Colorado Springs Utilities' Ordinances No. 21-104 and No 21-105 for Supplemental Appropriations to Budget and Annual Sources of Funds.

Presenter:

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [10-25-2022 - 2022 Supplemental Budget Ordinance](#)
[2022 Supplemental Budget & Sources of Funds](#)

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU) presented the Ordinance approving the supplemental appropriations to the annual CSU budget and annual sources of funds for the year ending December 31, 2022. He gave an overview of City Code 12.1.104, uses of funds, sources of funds, and next steps.

There were no comments on this item.

Motion by Councilmember Donelson, seconded by President Pro Tem Helms, that the Ordinance amending Colorado Springs Utilities' Ordinances No. 21-104 and No 21-105 for Supplemental Appropriations to Budget and Annual Sources of Funds be approved on first reading. The motion passed by a vote of 9-0-0

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

- 9.B.** [22-575](#) Public Hearing for the Consideration of Resolutions Setting Water, Wastewater, and Certain Electric Rates Within the Service Areas of Colorado Springs Utilities and Certain Changes to Electric, Natural Gas, Water, and Wastewater Rate Schedules, Utilities Rules and Regulations, and the Open Access Transmission Tariff.
- Presenter:
Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities
Chris Bidlack, Senior Attorney, City Attorney's Office
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [Rate Hearing Agenda-2023 Rate Case 10-25-22](#)
[City Attorney Instructions-2023 Rate Case 10-25-22](#)
[Issues For Decision-2023 Rate Case](#)

Chris Bidlack, Senior Attorney, Colorado Springs Utilities (CSU) Division, presented the 2023 CSU Rate Case Hearing agenda and read the Colorado Springs Utilities rate setting standards and the quasi-judicial role of City Council. Mr. Bidlack polled Council concerning if any members had received any ex parte communications. There were no ex parte communications disclosed.

Tristan Gearhart, Chief Planning and Finance Officer, CSU, gave an overview of the 2023 rate case Resolutions setting electric, natural gas, water, and wastewater rates within the service areas of CSU and certain changes to electric, natural gas, and wastewater rate schedules and Utilities Rules and Regulations.

Councilmember Henjum asked if the water debt additions is the debt related to continually acquiring water. Mr. Gearhart stated it encompasses all the debt service payments made based on past and current purchases.

Councilmember O'Malley stated a constituent said that their residential tier rates have doubled. Mr. Gearhart stated he will look into that.

President Pro Tem Helms asked if 999 cubic feet of water been the norm for Block one. Mr. Gearhart stated that block has been established since 2007. Scott Shirola, Pricing and Rates Manager, CSU, stated prior to 2007 the Blocks were set at a flat usage rate with the exception of summer season usage and ninety-two percent of residential customers are within Block one for their indoor use.

President Strand asked if the last increase was in 2020. Mr. Gearhart confirmed it was.

President Strand asked how many CSU owned and operated electric vehicle (EV) stations are there. Mr. Gearhart stated there are six of them.

Jacqueline Rowland, City Auditor, stated they reviewed the supporting documents and had no issues.

Citizen Jaymen Johnson expressed support of the proposed changes.

- 9.C.** [22-668](#) Ordinance No. 22-84 approving the Annual Budget for Colorado Springs Utilities and Appropriating Monies for the Several Purposes Named in the Colorado Springs Utilities' Annual Budget for the Year Ending December 31, 2023

Presenter:

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [10-25-2022 CC 2023 Budget Ordinance](#)
[2023 Annual Budget & Sources of Funds](#)

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU), presented the Ordinance approving the annual budget for CSU and appropriating monies for the several purposes named in the CSU annual budget for the year ending December 31, 2023 and the

Ordinance identifying and approving the CSU annual sources of funds for the year ending December 31, 2023. He stated the budget is approximately \$1.56B which is a 5.6 percent increase from the 2022 budget largely due to capital project expenditures, programs, and fuel costs. Mr. Gearhart gave an overview of the 2023 budget, existing operational fiber communication network, fiber communication network project needs, fiber communication network options, funding 2023 appropriation, and next steps.

Councilmember O'Malley asked if CSU was able to obtain their own source of natural gas, would they be able to project costs with certainty. Mr. Gearhart stated CSU does go out and procure those fuel costs.

President Strand asked what dark fiber is. Mr. Gearhart stated those are the fibers which are not currently having data transmitted across them.

President Strand asked if the fiber communication network will cost the utilities ratepayers any money. Mr. Gearhart stated the way it is set up, they do not anticipate a cost to the ratepayers. President Strand requested this communication be sent out to the public. Aram Benyamin, Chief Executive Officer, CSU, stated he will provide their plan for notifying the public.

Councilmember Henjum requested the actual proposed budget be available to the public online.

Motion by Councilmember Donelson, seconded by Councilmember Henjum, that the Ordinance approving the Annual Budget for Colorado Springs Utilities and Appropriating Monies for the Several Purposes Named in the Colorado Springs Utilities' Annual Budget for the year ending December 31, 2023 be approved on first reading. The motion passed by a vote of 9-0-0

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

- 9.D.** [22-669](#) Ordinance No. 22-85 identifying and approving the Colorado Springs Utilities' Annual Sources of Funds for the Year Ending December 31, 2023

Presenter:

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [10-25-2022 CC 2023 Source of Funds Ordinance](#)

[2023 Annual Budget & Sources of Funds](#)

Please see comments in Agenda item 9.C.

Motion by Councilmember Williams, seconded by Councilmember Henjum, that the Ordinance identifying and approving the Colorado Springs Utilities' Annual Sources of Funds for the Year Ending December 31, 2023 be approved on first reading. The motion passed by a vote of 9-0-0

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

10. Unfinished Business

There was no Unfinished Business.

11. New Business

11.A. [22-393](#)

A Resolution of the City Council of Colorado Springs, Colorado Approving the Proposed 2023 Operating Plan and Budget for the Interquest North Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager
Michael Tassi, Assistant Director, Planning and Community Development

Attachments: [2023 Operating Plan and Budget - Interquest North BID](#)

[Ltr and attachments to City Council-Interquest North BID 2023](#)

[Proposed Operating Plan and Budget-11Oct22](#)

[Res. Interquest North BID 2023 approval without Exhibit E](#)

[Tim Hoiles Email and attachments](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, presented the Resolution approving the proposed 2023 budget for the Operating Plan and Budget for the Interquest North Business Improvement District (BID) He explained Tim Leonard requested this item to be under New Business on today's Agenda.

Tim Leonard, representing several clients within the BID presented two maps of the development within Interquest North BID, identified the commercial growth, bond transactions, 50.0 mills need to be reduced to 17 mills, and this budget collects way too much taxpayer money.

Councilmember Murray asked if these issues have been presented to Nor'Wood Development. Mr. Leonard stated they spoke with Nor'Wood two years ago regarding these requests. Councilmember Murray stated he will be supporting Mr. Leonard's requests.

President Strand asked what the cost savings would be if the mills were decreased to 17. Mr. Leonard stated overall it is a million dollars and would be a sixty-six percent tax decrease to the property owners.

Councilmember Henjum asked if the revenue must be used within the district or if it can be used outside of this district. Mr. Schueler stated it must remain within the district.

Councilmember Donelson asked if a statement has been provided as to why the mill levy has not been reduced to 17 mills. Russ Dykstra, representing the district, stated the State Statute only requires a preliminary budget, there is a bankruptcy pending for a large property owner within the district, the mill levy is at the discretion of the district board who will be meeting next week to review any outstanding obligations and determine the appropriate level of the mill levy. He stated the board is open to talk with any tenants if they have any concerns.

President Strand asked how many tenants are within the BID. Mr. Dykstra stated approximately thirty to forty.

Councilmember Williams asked when the Board will approve a final budget. Mr. Dykstra stated the budget hearing is scheduled for November 2, 2022, returned to the accountants for adjustments, State Statute Title 31 states City Council must approve the budget within thirty days of submittal, the district must certify the mill levy by December 15, 2022, and the budget by the end of the year.

Councilmember Williams asked who Mr. Leonard is representing. Mr. Leonard stated he is an eligible elector for some of the property owners but does not wish to disclose the identity of his client.

Councilmember Donelson asked what the amount of the outstanding obligations is. Mr. Dykstra stated he will provide that information.

President Pro Tem Helms asked if the interest on the bonds is paid to the individuals who secured the bonds instead of repayment toward the principal. Mr. Dykstra stated this repayment schedule is customized with the interest being loaded first which is not unusual terms for these bonds.

President Pro Tem Helms asked why the Scheels parking lot is not being

taxed. Mr. Dykstra stated it was part of the entire package with Scheels and the parking lot is located in the middle of everything, so it is beneficial to all the businesses in the area.

Councilmember Henjum asked if it is common practice to present a preliminary budget to City Council for approval before it is approved by the district Board. Mr. Dykstra confirmed it is.

Councilmember Henjum asked if there are any taxpayers on the Board. Mr. Dykstra stated Nor'Wood Development is the largest taxpayer, who pays approximately eighty percent is on the Board as well as other Nor'Wood employees.

Councilmember Murray asked how much Scheels pays toward the bonds. Mr. Dykstra stated he will provide that information.

Councilmember Murray stated the mills need to be reduced to 17 mills as was originally agreed upon. Mr. Dykstra stated at the time the bonds were issued, the interest was at market rate, and they are at market rate again.

Mr. Leonard stated he is supportive of the postponement and believes the information regarding the incentives provided to Scheels will be presented and stated that Nor'Wood is the largest taxpayer because they are also the largest landlord in the development.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Resolution approving the proposed 2023 Operating Plan and Budget for the Interquest North Business Improvement District be postponed until the November 8, 2022 City Council meeting. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Fortune

11.B. [22-709](#)

Ordinance No. 22-86 creating a five (5) month moratorium on the enforcement of certain public health code violations related to keeping more than two (2) hoofed pets per household or dwelling

Presenter:

Randy Helms, President Pro Tem, Councilmember District 2
Nancy Henjum, Councilmember District 5

Attachments: [GoatEnforcementMoratorium_fivemonths](#)

Ben Bolinger, Assistant City Attorney, stated the Ordinance has been revised to a five-month moratorium, that a two hoofed pet is defined as a

miniature goat, and the proposed Ordinance would allow three or four miniature goats with a maximum of four pets per household.

Councilmember Williams asked if the Ordinance could be amended to include a Section D which states “no adjacent landowner has objected”. Mr. Bolinger strongly advised against that because they do not want to adopt the motivations of the adjacent landowners.

Councilmember Williams asked if health and safety requirements such as odor mitigation could still be enforced if this proposed Ordinance is approved. Mr. Bolinger confirmed they could and read several sections of City Code Chapter 6, Article 7, Part 1.

Councilmember Donelson asked if any neighbors have issued any complaints. President Pro Tem Helms stated the complaint came from someone outside the local area.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, that the Ordinance creating a five (5) month moratorium on the enforcement of certain public health code violations related to keeping more than two (2) hoofed pets per household or dwelling be approved on first reading. The motion passed by a vote of 9-0-0

12. Public Hearing

There was no Public Hearing.

13. Added Item Agenda

There were no items added to the Agenda.

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