



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, April 23, 2024

10:00 AM

Council Chambers

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Estimated agenda item times are provided for planning purposes and do not constitute notice of a specific time for any item. Items may take more or less time than estimated. City Council may amend the order of items.

1. Call to Order and Roll Call

President Helms called the meeting to order at 10:05 AM.

Present: 9 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico

2. Invocation and Pledge of Allegiance

The Invocation was made by Minister Eric Eichstedt from the Lifting Jesus Up Church.

President Helms led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

There were no changes to the Agenda.

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. [24-160](#)** Ordinance No. 24-18 amending Section 415 (Appeals) of Part 4 (General Procedures) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to scheduling of hearing.
(First Reading)
(Legislative)

Presenter:

Peter Wysocki, Director, Planning + Neighborhood Services

Mike Tassi, Assistant Planning Director, Planning + Neighborhood Services

Attachments: [UDC-AppealsORD-2024-2-2](#)

[Exhibit 1 - Redline of amendment to UDC Subsection 7.5.415](#)
[-Appeals - Scheduling of Hearing](#)
[Signed Ordinance No. 24-18.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [24-111](#)** Ordinance No. 24-19 amending Ordinance No. 23-65 (2024 Budget Appropriation Ordinance) for a supplemental appropriation to the Conservation Trust Fund in the amount of \$567,118 to address additional operating and capital expenditures

Presenter:

Charae McDaniel, Chief Financial Officer

Chris Fiandaca, City Budget Manager

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

Attachments: [3-25-24 - 2024 CTF Supplemental - City Council - PowerPoint](#)

[CTFSuppAppropORD-2024-03-20](#)

[Signed Ordinance No. 24-19.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C. [24-166](#)** Ordinance No. 24-20 amending Section 104 (Right to Trial By Jury; Jail; Exceptions) of Part 1 (Trial by Jury) of Article 4 (Jury Provision) of Chapter 11 (Municipal Court) of the Code of the City of Colorado

Springs 2001, as amended, pertaining to Careless Driving.

Presenter:

Commander John Koch, Colorado Springs Police Department
Emily Vandenberg, Prosecuting Attorney, City Attorney's Office

Attachments: [CSPD-Careless-Ch 11-ORD-2024-03-12](#)

[2024 Careless Driving - Injury Expired Registration Display](#)

[Signed Ordinance No. 24-20.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.D. [24-164](#)

Ordinance No. 24-21 Amending Section 202 (Definitions) of Part 2 (Definitions) of Article 1 (Administration and Enforcement) and Section 102 (Careless Driving) of Article 6 (Reckless Driving and Careless Driving) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended

Presenter:

Commander John Koch, Colorado Springs Police Department
Emily Vandenberg, Prosecuting Attorney, City Attorney's Office

Attachments: [CSPD-Careless-Ch 10-ORD-2024-03-12](#)

[2024 Careless Driving - Injury Expired Registration Display](#)

[Signed Ordinance No. 24-21.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.E. [24-165](#)

Ordinance No. 24-22 Amending Section 202 (Definitions) of Part 2 (Definitions) of Article 1 (Administration and Enforcement) and Creating Section 232 (License Plates Displayed) of Part 2 (Vehicle Equipment and Inspection) of Article 22 (Vehicle Equipment and Inspection) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, As Amended; Pertaining to Display of License Plates.

Presenter:

Commander John Koch, Colorado Springs Police Department
Emily Vandenberg, Prosecuting Attorney, City Attorney's Office

Attachments: [CSPD-LicensePlates-Ch 10-ORD-2024-03-12](#)

[2024 Careless Driving - Injury Expired Registration Display](#)

[Signed Ordinance No. 24-22.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.F. [24-123](#)

Ordinance No. 24-23 amending Part 3 (Water Service) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City Of Colorado Springs 2001, as Amended, Pertaining to Water Service

Presenter:

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

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

[Signed Ordinance No. 24-23.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.G. [24-125](#)

Ordinance No. 24-24 Amending Part 3 (Wastewater Service) Of Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City Of Colorado Springs 2001, as Amended, Pertaining To Wastewater Service

Presenter:

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

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

[Signed Ordinance No. 24-24.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.H. [24-126](#)

Ordinance No. 24-25 Repealing and Reordaining Section 116 (Special Contract Service) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Outside City Service

Presenter:

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

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

[Signed Ordinance No. 24-25.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.I. [24-133](#)

Ordinance No. 24-26 amending Section 111 (Exclusivity) Of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Exclusive Provider Exceptions

Presenter:

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

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

[Signed Ordinance No. 24-26.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.J.** [CODE-24-0001](#) Ordinance No. 24-27 repealing and re-ordaining Section 701 (annexation of land) of Part 7 (Policy Decisions by City Council) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to annexation.

(Legislative)

Presenter:

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

Attachments: [Attachment 1 - UDC-AnnexationORD-2024-01-03](#)
[Attachment 2 - Table with Proposed Changes to the Annexation Section 1-Annexation-Related Code Changes Presentation for Council March 11 Signed Ordinance No. 24-27.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [24-192](#) City Council Regular Meeting Minutes April 9, 2024

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [4-9-2024 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 4B.B.** [24-144](#) An Ordinance Platting Two Columbaria in Evergreen Cemetery in Block 210

Presenter:

Britt I. Haley, Director - Parks, Recreation and Cultural Services
Kim King, Assistant Director - Parks, Recreation and Cultural Services

Attachments: [Exhibit A - Map of Evergreen Cemetery](#)
[Exhibit B - Schematic of New Columbarium](#)
[4-8-24 - Evergreen Cemetery New Columbaria Platting in Block 210](#)
[4-8-24 - Evergreen Cemetery New Columbaria Ordinance](#)

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

- 4B.C.** [24-171](#) An Ordinance amending multiple Sections of Article 7 (Sales and Use Tax) and Section 105 (Applicability of City Sales and Use Tax Ordinance) of Article 10 (Motion Picture Theater Admissions Tax) both

of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as Amended, pertaining to Sales Related to a School

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [SalesTaxExemptionSalesSchoolORD-2024-03-04_Clean](#)

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

4B.D. [24-167](#)

An Ordinance of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of a First Amendment to Standby Bond Purchase Agreement Among the City of Colorado Springs, Colorado, Computershare Trust Company, N.A., As Tender Agent, and Bank of America, N.A., and an Amended and Restated Fee Agreement Between the City of Colorado Springs, Colorado and Bank Of America, N.A., Relating to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Subordinate Lien Improvement Revenue Bonds, Series 2005a; and Providing Other Matters Relating Thereto.

Presenter:

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

Travas Deal, Chief Executive Officer, Colorado Springs Utilities

Attachments: [2 - CSU Ordinance Approving Replacement SBPAs 2005A \(2024\).](#)
[4864-3978-4107 6](#)
[3 - 1st Amendment to SBPA \(CSU Series 2005A\) \(4\)](#)
[4 - A&R 2005A Fee Agreement \(CSU - BANA\) \(4\)](#)
[5 - 2005A SBPA Renewal CC 4.23.24](#)

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

Approval of the Consent Agenda

Motion by Councilmember Leinweber, seconded by Councilmember Talarico, 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, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

5. Recognitions

5.A. [24-193](#)

City Council Appointments to Boards, Commissions, and Committees

Presenter:

Randy Helms, Council President and Councilmember District 2

Attachments: [04232024 Boards Commissions and Committee Appointments](#)

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

Councilmember Risley, President Helms, and Councilmember Donelson expressed appreciation for the nominees who wish to serve on the Committees/Commissions.

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

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

5.B. [24-115](#) A Resolution recognizing Innovations in Aging Collaborative

Presenter:

Nancy Henjum, Councilmember District 5

Catherine Duarte, HUD Programs Manager, Housing and Community Vitality

Attachments: [Age-Friendly Colorado Springs](#)
[Signed Resolution No. 33-24.pdf](#)

Councilmember Henjum read a Resolution recognizing Innovations in Aging Collaborative (IIAC).

Catherine Duarte, HUD Programs Manager, Housing and Community Vitality, identified the resources the IIAC provided during the pandemic, and how the Housing and Community Vitality Department honors the values of the IIAC.

Dayton Romero, Board Chair, IIAC, expressed gratitude for the support of the IIAC.

David Lord, Board Member, IIAC, provided a brief history of the IIAC and the collaborations with Fire Department Cares, National Alliance On Mental Illness (NAMI), and Silver Key, and working with the City to make it an Age-Friendly community.

Erin Maruzzella, Executive Director, IIAC, spoke about their objectives and expressed appreciation for the City's support.

Jason DeaBueno, President and CEO, Silver Key, spoke about how the

IIAC has helped support transportation, the care of the aging population, and the upcoming fundraiser being held from 7:00 AM to 9:00 AM on May 10, 2024 at the Marriott Hotel.

Jamie Fabos, Chief of Staff, expressed the support of the Administration.

Motion by Councilmember Talarico, seconded by Councilmember Leinweber, that the Resolution recognizing Innovations in Aging Collaborative be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

5.C. [24-194](#) A Resolution recognizing Westside Cares 40 years of service to the Pikes Peak Region

Presenter:

Michelle Talarico, Councilmember District 3

Kristy Milligan, Chief Executive Officer, Westside Cares

Attachments: [Westside Cares](#)
[Signed Resolution No. 34-24.pdf](#)

Councilmember Talarico read a Resolution recognizing Westside Cares forty years of service to the Pikes Peak Region and expressed appreciation for all their achievements.

Kristy Milligan, Chief Executive Officer, Westside Cares, Alex Fulsom, Chair, Westside Cares, expressed gratitude for the opportunity to serve and the recognition, and identified several of their 2023 accomplishments.

Councilmember O'Malley asked how many individuals served by Westside Cares participated in the Colorado Springs Utilities Project COPE. Ms. Milligan stated approximately four hundred individuals were offered either Project COPE or the Colorado Low-income Energy Assistance Program (LEAP).

Councilmember Henjum expressed appreciation for the successes of Westside Cares.

Motion by Councilmember Henjum, seconded by President Pro Tem Crow-Iverson, that the Resolution recognizing Westside Cares forty years of service to the Pikes Peak Region be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

6. Mayor's Business

- 6.A. [24-202](#) Appointment of Cecilia Harry to a five-year term on the Colorado Springs Urban Renewal Authority Board, expiring on April 23, 2029.

Presenter:
Yemi Mobolade, Mayor

Attachments: [harry_cecilia_resume_CityofCOS2024.pdf](#)

President Helms introduced the nomination to reappoint Cecilia Harry for a five-year term, expiring on April 23, 2029, on the Colorado Springs Urban Renewal Authority (CSURA) Board.

Jariah Walker, Executive Director, CSURA, provided an overview of Ms. Harry's background and how she has contributed to the economic development of the CSURA.

There were no comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the appointment of Cecilia Harry to a five-year term on the Colorado Springs Urban Renewal Authority Board, expiring on April 23, 2029 be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

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

Citizen Charles Barber spoke about the importance of clean drinking water.

Citizen David Proctor, Chief Executive Officer, Guardian Service Dogs, provided a brief overview of his business, Guardian Service Dogs, which trains service dogs for veterans.

Citizen David Robinson spoke about how he is unable to sell his property due to the homeless camp on the other side of his property.

Will Lopez and Isaac Lopez, Manager, Drive Easy, expressed appreciation for Councilmember Avila's assistance during the construction of South Academy Boulevard and requested consideration for the City to issue credit for sales tax for secured debt.

Citizen Cory Sutella stated he will reserve his comments about the

Blodgett Open Space Master Plan for the Public Hearing.

Citizen Madeline Claiborne and Pastor Paul Nelson spoke against the people living in campers in her neighborhood.

Citizen Jordy Burson spoke about the Israeli-Palestinian conflict.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [24-053](#) An Ordinance Amending Section 201 (General Penalty) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, Pertaining to Automated Vehicle Identification Systems

Presenter:

Chief Adrian Vasquez, Colorado Springs Police Department
Commander Pamela Castro, Colorado Springs Police Department
Shantel Withrow, Division Chief - Prosecution, City Attorney's Office

Attachments: [AVIS_Ch_1-ORD-2024-02-14.docx](#)
[2024 AVIS-Council Presentation VFinal.pptx](#)

Shantel Withrow, Division Chief - Prosecution, City Attorney's Office, presented the Ordinances amending City Code pertaining to Automated Vehicle Identification Systems (AVIS). She provided an overview of AVIS, current Ordinances, background regarding why the change is needed, and proposed City Code changes for 10.1.115 and five other City Code sections which reference AVIS, the penalties, or definitions.

Councilmember O'Malley asked what the penalty would be if a driver was speeding twenty or thirty miles per hour (mph) over the speed limit. Ms. Withrow stated current Colorado state law dictates that anything detected through the AVIS system must go through this program but there is an exception if it is twenty-five mph or more over the speed limit

which can be personally served and pursued either outside or inside of the program.

Councilmember Donelson asked if a police officer who pulls over a vehicle will be able to see if it has an unpaid AVIS violation fine. Ms. Withrow stated they are working toward that.

Councilmember O'Malley asked if this system can be implemented in the Stetson Hills at Austin Bluffs Parkway intersection. Ms. Withrow stated by state law, they are limited to where they can place the speed safety cameras which must be in a school zone, a residential neighborhood, construction zone, along the street that borders a park, or AVIS corridors. Commander Pamela Castro, Colorado Springs Police Department (CSPD) stated the residential neighborhood is defined as residential on both sides of the street and they are working with Traffic Engineering to identify the roadways which meet these standards.

President Pro Tem Crow-Iverson asked if speeding in a school zone would require a mandatory court appearance. Ms. Withrow stated it only would if the citation was issued by a police officer.

President Helms asked what occurs if a person does not pay the fine. Ms. Withrow stated there is no statute of limitations but if it is not economically feasible for the City to personally serve someone, for example, if they reside out-of-state, they may make a strategical decision not to do so.

Councilmember Donelson asked how many of the 45,000 tickets issued have been paid. Ms. Withrow stated 30,912 which is sixty-eight percent.

Councilmember Donelson stated he is concerned with the fairness aspect of expanding the system which penalizes the good citizens who pay the fines and letting off those who do not. Ms. Withrow stated they are working to increase the amount of people being served and sent to collections if they do not pay their fines.

Councilmember O'Malley asked how people are being educated regarding the financial aspect of not paying their fines. Ms. Withrow stated the information is part of the notice and final order of liability.

Councilmember Leinweber asked what the current fines for speeding

are. Ms. Withrow stated it is generally \$10.00 per mph over the speed limit and double that if it is in a school or construction zone plus surcharges and court costs which is approximately an additional \$65.00.

Councilmember Leinweber stated he supports this system because it is more affordable, quicker, and easier.

Commander Castro identified the current use - photo red light program, proposed new program of speed safety cameras, implementation, and benefits.

Councilmember Donelson asked how many accidents occurred in school zones and were due to speeding. Commander Castro stated she does not have the data separated from construction zones.

Councilmember Donelson requested additional information regarding the five pedestrian deaths, if they were people experiencing homelessness, and if they were due to speeding. Deputy Chief, Dave Edmundson, CSPD, stated two of the five pedestrians died as a result of speeding.

Councilmember O'Malley asked how much the civilian employees who run the vehicles and record violators will be paid. Commander Castro stated her assumption is it would be similar to photo red light technicians which is approximately \$60,000 per year plus benefits.

Councilmember Donelson requested additional information regarding how they can be assured that this program will be cost neutral. Ms. Withrow stated in 2023 they received approximately \$2.3 million in revenue and the contract cost was approximately \$1.122 million for the actual photo technology plus costs associated with the marshals.

President Helms and Councilmember Leinweber stated they support this program.

Councilmember Leinweber asked if the AVIS vehicles will be marked. Ms. Withrow stated there will be signage which notifies drivers.

Deputy Chief Edmundson stated their focus is crime prevention/reduction and traffic safety and this technology/tool is to assist CSPD current staffing levels, allowing officers the opportunity to

do traffic enforcement on their own while at the same time using a tool that can assess speeding much faster, and more efficiently in areas which lack attentiveness. He stated their overall goal is seeking compliance to the law and saving lives.

Councilmember O'Malley stated he does not see how the revenue from the tickets will cover the labor costs of the two civilians in the vehicles, but he does support it as a measure toward traffic safety.

Councilmember Donelson asked how many of these sites would be needed to make an impact. Deputy Chief Edmundson stated they would have to assess the effectiveness of the system before making a conclusion on the effect for public safety.

Councilmember Avila stated she believes this is an excellent program to address speeding.

Motion by Councilmember Henjum, seconded by Councilmember Leinweber, that the Ordinance amending Section 201 (General Penalty) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Automated Vehicle Identification Systems be approved on first reading. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

No: 2 - Donelson, and O'Malley

11.B. [24-102](#)

An Ordinance Amending Section 101 (Penalties) and Repealing and Reordaining Section 115 (Automated Vehicle Identification System (AVIS)) Both of Part 1 (General Provisions), Amending Section 202 (Definitions) of Part 2 (Definitions) of Article 1 (Administration and Enforcement), Amending Section 104 (Exceeding Posted Speed Limit) of Article 5 (Speed Regulations), and Amending Section 105 (Traffic Control Signal Legend) of Article 17 (Official Control Signal Legend) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, As Amended, Pertaining to Automated Vehicle Identification Systems.

Presenter:

Chief Adrian Vasquez, Colorado Springs Police Department
Commander Pamela Castro, Colorado Springs Police Department
Shantel Withrow, Division Chief - Prosecution, City Attorney's Office

Attachments: [AVIS_Ch_10-ORD-2024-02-14.docx](#)

[2024 AVIS-Council Presentation_VFinal](#)

Please see comments in Agenda item 11.A.

Motion by Councilmember Leinweber, seconded by Councilmember Talarico, that the Ordinance amending Section 101 (Penalties) and Repealing and Reordaining Section 115 (Automated Vehicle Identification System (AVIS)) both of Part 1 (General Provisions), amending Section 202 (Definitions) of Part 2 (Definitions) of Article 1 (Administration and Enforcement), amending Section 104 (Exceeding Posted Speed Limit) of Article 5 (Speed Regulations), and amending Section 105 (Traffic Control Signal Legend) of Article 17 (Official Control Signal Legend) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Automated Vehicle Identification Systems be approved on first reading. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

No: 2 - Donelson, and O'Malley

- 11.C. [24-172](#) An Ordinance amending Ordinance No. 23-65 (2024 Budget Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$708,000 for additional projects and events recommended by the LART Citizen Advisory Committee and as amended by City Council

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Amended 2024 LART Supplemental Exhibit -4.29.24](#)

[Amended LART SuppAppropORD 4.29.24 without Exh A](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation of \$658,100 to the Lodgers and Automobile Rental Tax (LART) fund for additional projects and events as recommended by the LART Citizen Advisory Committee (CAC) and provided a brief overview of the LART fund.

Councilmember Avila requested an overview of which events were awarded the largest amounts. Ms. McDaniel provided that information.

Councilmember Avila asked if organizations who had already received funding received any additional funding. Ms. McDaniel briefly explained the LART Committee's approach and how the funding was allocated to recommended events.

Councilmember Avila asked if the Hispanic Chamber La Vida event received any funding. Ms. McDaniel stated they did not.

Councilmember Donelson asked if the Starlight Spectacular event was canceled. Ms. McDaniel stated she was not aware of that.

Councilmember Donelson requested the Veterans Day Parade award be

increased by \$28,700 to bring that event to the full amount requested and that the International Association of Fallen Firefighters (IAFF) Memorial event award be increased by \$39,600 to bring that event to the full amount requested. Councilmember Donelson identified the source of funds for those changes to be the money freed up by the cancellation of the Starlight Spectacular. Ms. McDaniel stated there is also an unallocated LART fund balance of \$36,787.00.

Councilmember O'Malley stated he supports Councilmember Donelson's request.

President Helms asked what the impact of postponing this item would be. Ms. McDaniel stated it would delay the applicants receiving the funding for their events.

Councilmember Talarico requested that the LART Advisory Committee consider funding more outdoor recreational events.

Councilmember Leinweber recused himself due to his wife's business receiving LART funding.

Motion by Councilmember Henjum, seconded by Councilmember Donelson, that the Ordinance approving a supplemental appropriation to the Lodgers and Auto Rental Tax (LART) Fund for additional projects and events recommended by the LART Citizen Advisory Committee as amended to increase the Veteran's Day Parade award by \$28,700 to bring that event to the full amount requested and to increase the International Association of Fallen Firefighters (IAFF) Memorial event award by \$39,600 to bring that event to the full amount requested be approved on first reading. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, O'Malley, Risley, and Talarico

Recused: 1 - Leinweber

- 11.D. [24-168](#)** A Resolution adopting and entering into The Trust Agreement for The Colorado Firefighter Heart, Cancer, And Behavioral Health Benefits Trust and taking other actions in connection therewith

Presenter:

Randy Royal, CSFD Fire Chief

Jayme McConnellogue, Deputy Fire Chief

Attachments: [Heart_Cancer-Trust-Agreement-IGA-3-11-24](#)

[Heart and Cancer PPT - City Council Final](#)

[Resolution-ColoradoFirefighterTrust-FINAL-3-28-24.docx](#)

[Signed Resolution No. 35-24.pdf](#)

Randy Royal, Fire Chief, Colorado Springs Fire Department (CSFD), introduced the Resolution adopting and entering into the trust agreement for the Colorado Firefighter Heart, Cancer, (CFHC) and Behavioral Health Benefits Trust.

Jesse Weddle, Captain CSFD, provided an overview of the presumptive legislation in the United States, cancer study standards/methodology, carcinogens found on the fire ground/associated cancers, study findings examples, Cancer Trust claims information, Cancer Trust loss stratification, Heart Trust claims information, Behavioral Health Trust, and statement of net position.

Councilmember Avila asked if the International Association of Fallen Firefighters (IAFF) Memorial acknowledges the firefighters who have passed away due to cancer. Captain Weddle confirmed it does.

Councilmember Avila and President Helms stated they support this item.

Councilmember Talarico asked if there will be no impact to the City's General Fund. Captain Weddle confirmed the reimbursement will come from Department of Local Affairs (DOLA) and if there was ever a shortfall in funds from DOLA, it would be paid by the Trust.

Councilmember Donelson asked when the eligibility for firefighters ends. Captain Weddle stated it ends ten years post-employment.

Councilmember Donelson asked if the cost for these programs would come from the General Fund or the Fire Department's budget. Chief Royal stated they anticipate the CSFD budget.

Councilmember Donelson asked if they should wait to see if the proposed state legislation is passed. Chief Royal stated they do not support waiting because he believes it should be a local decision.

President Pro Tem Crow-Iverson asked how many of the thirty cases were Worker's Compensation claims. Captain Weddle stated one.

President Pro Tem Crow-Iverson asked since the City is self-insured, why they go through the Worker's Compensation process. Ryan Talmage, Risk Manager, Risk Management, stated it is due to Colorado state law.

President Pro Tem Crow-Iverson asked if the Trust would pay for the entire claim for treatment. Mr. Talmage stated it only pays for the employee's Out-of-Pocket expenses.

President Pro Tem-Crow Iverson asked how much is reimbursed for each type of cancer/stage. Mr. Talmage stated he will provide that information.

Councilmember Henjum asked which cancers are currently covered presumptively under the Trust and are not covered presumptively under Worker's Compensation. Captain Weddle stated thyroid and breast cancers.

Councilmember Henjum asked how much the City has paid out for the Worker's Compensation case. Mr. Talmage stated as of December 31, 2023, \$721,000.00 and they are expecting another \$29,000 on that claim.

Councilmember Henjum asked how many active cases of cancer there are in the CSFD and of those, how many of them have claimed Worker's Compensation. Captain Weddle stated there are thirty cases. Mr. Talmage stated seven of those have claimed Worker's Compensation.

President Pro Tem Crow-Iverson asked if there is any vetting of personal responsibility such as family history, smoking, and bad behaviors in order for the eligible cancers to be covered. Captain Weddle confirmed there is a small amount of vetting such as tobacco use

President Pro Tem Crow-Iverson stated she supports the CSFD and would like to see more personal responsibility towards a health and wellness program for prevention. Captain Weddle stated they are implementing health-related programs to address those.

Councilmember O'Malley stated he fully supports this program.

Councilmember Risley asked why the City has not implemented this program previously. Captain Weddle stated they have been working toward it for approximately seven years. Chief Royal stated some of the pushback was due to this program not offering this benefit to every City

employee.

Councilmember Risley asked how this program would rank in priority compared to more funding for equipment. Captain Weddle stated it would rank number one.

Dave Vitwar and Dan Knox, CSFD Firefighters, provided an overview of their story of battling cancer and the challenges associated with the expenses incurred from treatment.

Motion by Councilmember Avila, seconded by Councilmember Henjum, that the Resolution adopting and entering into The Trust Agreement for The Colorado Firefighter Heart, Cancer, And Behavioral Health Benefits Trust and taking other actions in connection therewith be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

12. Public Hearing

- 12.A.** [ZONE-23-0034](#) Ordinance No. 24-28 amending the zoning map of the City of Colorado Springs relating to 4.783 acres located at 2465 Interquest Parkway from A (Agricultural) to PF (Public Facilities) zone district for the construction of a Colorado Springs fire station (Quasi-Judicial) (Second Reading and Public Hearing)

Presenter:

Kyle Fenner, Senior Planner, Planning + Neighborhood Services.
Peter Wysocki, Director, Planning + Neighborhood Services

Attachments: [Ordinance Colorado Springs Fire Station No. 24 ZC](#)
[Staff Report ZONE-23-0034 CSFD Station #24](#)
[Attachment #1 Rezone Project Statement](#)
[Attachment #2 Land Use Statement & Waiver Request](#)
[Attachment #3 Zone Change Exhibit](#)
[Staff CC ZC CSFD Station #24](#)
[CPC 3.13.24 Minutes 8.C - Draft](#)
[Signed Ordinance No. 24-28.pdf](#)

Kyle Fenner, Senior Planner, Planning and Neighborhood Services, presented the Ordinance amending the zoning map of the City relating to 4.783 acres located at 2465 Interquest Parkway from A (Agricultural) to PF (Public Facilities) zone district for the construction of a Colorado Springs fire station. She provided an overview of the project, vicinity map, project summary, site plan, timeline of review, stakeholder

involvement, agency reviews, PlanCOS compliance, application review criteria, and City Council optional motions.

Councilmember Donelson asked what concerns Planning Commissioner Ricketts had with the proposed project. Ms. Fenner stated he had some concern with PF zoning because it does not have dimensional standards regarding height and setbacks, but the Development Plan does.

Councilmember Donelson asked how big the site is. Ms. Fenner stated 4.783 acres.

Councilmember Donelson asked what the other fire station sites are zoned. Ms. Fenner stated they are predominantly zoned PF.

Kenny Rankin, City Facilities Administrator, Project Manager for Fire Station 24, representing the applicant, provided a brief history of the project and the increased need for emergency response in the area.

President Helms asked how much equipment and personnel this fire station will have. Mr. Rankin stated it would be a single-company fire station with one engine and one brush truck assigned to it.

There was no public comment in support or opposition to the project.

Motion by Councilmember O'Malley, seconded by President Pro Tem Crow-Iverson, that the Ordinance annexing to the City of Colorado Springs that area known as Black Forest Road Addition No. 2, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be finally passed. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 12.B.** [ANEX-23-00](#) An ordinance annexing to the City of Colorado Springs that area
[17](#) known as Black Forest Road Addition No. 2 annexation consisting of 21.879-acres located along existing Black Forest Road south of Old Ranch Road to the intersection with Research Parkway.
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Peter Wysocki, Director, Planning and Neighborhood Services

Attachments: [1. Staff Report_BF Add2_KAW](#)
[Attachment 1 Annexation Plat Black Forest Rd Add. No. 2](#)
[2. Exhibit A_BF Add2](#)
[Attachment 2 Annexation Legal Description Black Forest Rd Add. No. 2](#)
[3. Exhibit B_BF Add2](#)
[Attachment 3 Vicinity Map](#)
[4. Project Statement_BF Add 2](#)
[Attachment 4 Planning Commission Minutes_Draft](#)
[5. Public Comment_BF Add 2](#)
[Attachment 5_PlanningCommissionStaffReport_BlackForestRoad](#)
[6. Public Comment Response_BF Add 2](#)
[Attachment 6 Staff Presentation](#)
[Exhibit A Petition for Annexation](#)
[7.5.701 ANNEXATION OF LAND](#)
[Resolution-Hearing Setting-Black Forest Road Addition No 2](#)
[Signed Resolution No. 22-24.pdf](#)
[ORD_Black Forest Road Addition No. 2](#)

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services, presented the Ordinance annexing to the City of Colorado Springs the area known as Black Forest Road Addition No. 2 annexation consisting of 21.879-acres located along existing Black Forest Road south of Old Ranch Road to the intersection with Research Parkway, Resolution adopting findings of fact and conclusion of law based thereon and determining the eligibility for the annexation of property known as Black Forest Road Addition No 2 Annexation. He provided an overview of the proposed annexation, vicinity map, stakeholder involvement, outside agency comments, PlanCOS compliance, application review criteria, City Council optional motions.

Councilmember Leinweber asked if half of Black Forest belongs to the City and half belongs to El Paso County. Mr. Sevigny confirmed that the western side of Black Forest Road is the City boundary and identified the other City boundaries in the area.

Councilmember Leinweber stated this will provide a huge benefit to County residents without them having to pay into it. Mr. Sevigny explained that this will provide more circulation to City residents and the future use of Pikes Peak Rural Transportation Authority (PPRTA) funding. Katie Carleo, Land Use Planning Manager, Planning and

Neighborhood Services, stated this area ties into ConnectCOS and Black Forest Road will connect with Briargate Parkway and Research Parkway. Councilmember Donelson commented that County residents do have to pay PPRTA tax.

Councilmember Donelson asked how long the City has owned the road. Jeff Bealey, Planning Department, representing the Public Works Department, stated the County deeded it to the City in December 2022.

There was no public comment in support or opposition to the project.

Motion by Councilmember Avila, seconded by Councilmember Henjum, that the Ordinance No. 24-28 amending the zoning map of the City of Colorado Springs relating to 4.783 acres located at 2465 Interquest Parkway from A (Agricultural) to PF (Public Facilities), based upon the finding that the request complies with the criteria set forth in City Code Section 7.5.704 be finally passed. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 12.C.** [ANEX-23-00](#) A resolution adopting findings of fact and conclusion of law based
[17R](#) thereon and determining the eligibility for the annexation of property known as Black Forest Road Addition No 2 Annexation Quasi-Judicial

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Peter Wysocki, Director, Planning and Neighborhood Services

Attachments: [Attachment 1 Annexation Plat Black Forest Rd Add. No. 2](#)

[Attachment 2 Annexation Legal Description Black Forest Rd Add. No. 2](#)

[Attachment 3 Vicinity Map1](#)

[Attachment 4 Planner's Affidavit](#)

[Attachment 5 Surveyor's Affidavit](#)

[ResolutionFindingsofFact Black Forest Road Annexation](#)

[Signed Resolution No. 36-24.pdf](#)

Please see comments in Agenda item 12.B.

Motion by Councilmember Talarico, seconded by President Pro Tem Crow-Iverson, that the Resolution adopting a findings of fact and conclusion of law based thereon and determining the eligibility for the annexation of property known as Black Forest Road Addition No. 2, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 12.D. [SUBD-23-0121](#) An ordinance vacating portions of public right-of-way known as Lakehurst Drive between Jet Wing and Colony Hills Circle consisting of 7,230 sq. ft. located at the southwest corner of Jetwing Dr. and Colony Hills Circle. (Legislative)

Presenter:

Johnny Malpica, AICP, Planner II, Planning + Neighborhood Services.
Peter Wysocki, Director, Planning + Neighborhood Services

Attachments: [SUBD-23-0121-Exhibit A - Legal Description-JM-04-22-2024](#)

[SUBD-23-0121-Exhibit B - Vacation Plat - JPM](#)

[SUBD-23-0121-ORDINANCE DRAFT-JM-04-22-2024](#)

[SUBD-23-0121_Staff Presentation_CC_JPM](#)

Johnny Malpica, Planner II, Planning and Neighborhood Services, presented the Ordinance vacating portions of public right-of-way (ROW) known as Lakehurst Drive between Jet Wing and Colony Hills Circle consisting of 7,230 sq. ft. located at the southwest corner of Jetwing Dr. and Colony Hills Circle. He provided an overview of the project, vicinity map, project summary, site plan, existing conditions of ROW to be vacated, timeline of review, stakeholder involvement, application review criteria, and City Council optional motions.

There was no public comment in support or opposition to the project.

There were no Councilmember comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Ordinance vacating portions of public right-of-way known as Lakehurst Drive between Jet Wing and Colony Hills Circle consisting of 7,230 sq. ft. located at the southwest corner of Jetwing Dr. and Colony Hills Circle, based upon the finding that the request complies with the criteria as set forth in City Code Section 7.5.703 be approved on first reading. The motion passed by a vote of 9-0-0

The motion passed by a vote of

Aye: 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

- 12.E. [24-186](#) A resolution finding a petition for annexation of the area known as Amara Addition No. 1 - 23 Annexation consisting of 3,172.796 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of May 28, 2024, for the Colorado Springs City Council to consider the annexation of the area.
(Legislative)

Presenter:

Katie Carleo, Land Use Planning Manager, Planning + Neighborhood

Services

Peter Wysocki, Director of Planning + Neighborhood Services

Attachments: [Resolution Setting Hearing Amara Annexation](#)
[CRS Sections 31-12-107 and 108.docx](#)
[Attachment 1 - Vicinity Map Amara Annexation](#)
[CC Cover Memo Resolution Setting Hearing Amara Annex](#)
[Clerk Memo to Advertise Amara Annexation](#)
[EXHIBIT 12B Clerk Affidavit](#)
[EXHIBIT A Amara Annexation Petition](#)
[PUBLIC NOTICE Amara Annexation](#)
[Amara Annexation Agreement No.11 Draft 4.11.24](#)
[Amara Annexation Agreement No. 12 Draft 4.8.24](#)
[Amara Annexation Agreement No.13 Draft 4.8.24](#)
[Amara Annexation Agreement No. 14 Draft 4.8.24](#)
[Amara Annexation Agreement No.15 Draft 4.8.24](#)
[Amara Annexation Agreement No.16 Draft 4.8.24](#)
[Amara Annexation Agreement No.17 Draft 4.8.24](#)
[Amara Annexation Agreement No. 18 Draft 4.8.24](#)
[Amara Annexation Agreement No.19 Draft 4.8.24](#)
[Amara Annexation Agreement No.20 Draft 4.8.24](#)
[Amara Annexation Agreement No.21 Draft 4.8.24](#)
[Amara Annexation Agreement No.22 Draft 4.8.24](#)
[Amara Annexation Agreement No.23 Draft 4.8.24](#)
[Signed Resolution No. 37-24.pdf](#)

President Helms introduced the Resolution finding a petition for annexation of the area known as Amara Addition No. 1 - 23 Annexation consisting of 3,172.796 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of May 28, 2024, for the City Council to consider the annexation of the area.

Councilmember Henjum requested the annexation agreement and documentation be provided to the public. Sarah B. Johnson, City Clerk, stated those were provided by the Planning Department and made available to the public yesterday, April 22, 2024.

Motion by Councilmember Avila, seconded by Councilmember Leinweber, that the Resolution finding the petition for annexation to be in substantial compliance with C.R.S. section 31-12-107(1), setting the hearing date of May 28, 2024, for consideration of the Amara Addition No. 1 -23 Annexation, and directing the Clerk to provide notice in accord with C.R.S. section 31-12-108 be adopted. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

No: 1 - O'Malley

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, President Helms adjourned the meeting at 5:09 PM.

Sarah B. Johnson, City Clerk