



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, September 27, 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 - 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

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Larry Selman from the Colorado Springs Fire Department.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Strand stated items 4B.A., 4B.E., and 4B.M, have been requested to be removed from the Consent Calendar. Consensus of Council agreed to these 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. [22-509](#)** Ordinance No. 22-58 amending Ordinance No. 21-112 (2022 Budget Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$2,500,000 to complete the replacement of the heating, ventilation and air conditioning (HVAC) system at the Colorado Springs Pioneers Museum

Presenter:

Chris Fiandaca, City Budget Manager

Charae McDaniel - Chief Financial Officer

Britt Haley - Acting Parks, Recreation and Cultural Services Director

Attachments: [Ordinance for Supplemental Approp-Pioneer Museum HVAC 2022](#)
[Signed Ordinance No. 22-58](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [22-485](#)** Ordinance No. 22-59 declining the participation of the City of Colorado Springs in the Colorado Paid Family and Medical Leave Insurance Program

Presenter:

Michael Sullivan, Chief Human Resources Officer, City of Colorado Springs

Renee Adams, General Manager - Human Resources, Colorado Springs Utilities

Attachments: [FAMLI Declination ORD](#)
[LocalGov_2](#)
[FAMLI April Webinar - Local Governments](#)
[FAMLI Decline Participation Council Presentation_Final2](#)
[knowledgenow-famli-online](#)
[Signed Ordinance No. 22-59](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C. [CPC PUZ](#)
[22-00036](#)** Ordinance No. 22-60 amending the zoning map of the City of Colorado Springs relating to 20.26 acres located west of South Chelton Road

along the north and south side of Hancock Expressway from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development: Townhomes, 30-foot maximum building height with 15 dwelling units per acre; Planned Unit Development: Townhomes, 35-foot maximum building height, 11.668 dwelling units per acre with Navigation Preservation Overlay; Office Complex with Airport Overlay; and Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Community Commercial, 20,000 square foot maximum, and 45-foot maximum building height; Residential Very High, 25 dwelling units per acre maximum, and 45-foot maximum building height; Residential Medium, 8 dwelling units per acre maximum, and 35-foot maximum building height; with Airport Overlay)

(Quasi-judicial)

Related File: CPC PUP 22-00037

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_HancockCommons](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Change](#)

[Signed Ordinance No. 22-60](#)

This Ordinance was finally passed on the Consent Calendar.

4A.D. [CPC PUZ 22-00034](#)

Ordinance No. 22-61 amending the zoning map of the City of Colorado Springs for the Enclaves at Mountain Vista Ranch East project changing 184.29 acres from R-1 6000/PBC/AO/R-5/PUD/PK/SS/AO (Single-Family Residential, Planned Business Center, Multi-Family Residential, Planned Unit Development, and Public Parks with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 3.5 dwelling units per acre to 24.99 dwelling units per acre, and 35 feet maximum building height; and Commercial, 138,500 square feet maximum, and 45 feet maximum building height, with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A31MJ22 and CPC PUP 16-00013-A4MJ22

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_EnclavesAtMountainVistaEast](#)

[Exhibit A - Legal](#)

[Exhibit B - Zone Change](#)

[Signed Ordinance No. 22-61](#)

This Ordinance was finally passed on the Consent Calendar.

4A.E. [22-512](#)

Ordinance No. 22-62 repealing Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) and creating a new Part 5 (Acquisition of Real Property Interests) of article 2 (City Properties) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to acquisition and disposition of real property.

Presenter:

Ben Bolinger, Legislative Counsel, Office of the City Attorney
Darlene Kennedy, Real Estate Services Manager

Attachments: [Staff Memo for Real Estate Code Amendment](#)

[ORD_Real Estate A&D](#)

[Signed Ordinance No. 22-62](#)

This Ordinance was finally passed on the Consent Calendar.

**4A.F. [CPC A
21-00137](#)**

Ordinance No. 22-63 annexing to the City of Colorado Springs that area known as Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive And Tutt Boulevard intersection

(Legislative)

Related Files: CPC A 21-00137R, CPC PUZ 21-00171, CPC PUD 21-00172

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_DublinNorthAdditionNo5Annex](#)

[Exhibit A - Annex Legal Dublin North](#)

[Annex Plat_DublinNorthAddNo.5](#)

[Signed Ordinance No. 22-63](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.G.** [CPC PUZ 21-00171](#) Ordinance No. 22-64 amending the zoning map of the City of Colorado Springs pertaining to 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection establishing the PUD/AO (Planned Unit Development: attached and detached single-family residential, 7.7 dwelling units per acre, 40-foot maximum building height, with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00137R, CPC A 21-00137, CPC PUD 21-00172

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

Attachments: [ORD_ZC_DublinNorthAddNo5](#)
[Exhibit A - ZC Legal](#)
[Exhibit B - ZoneChange](#)
[Signed Ordinance No. 22-64](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.B.** [CPC ZC 22-00097](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 7.98 acres located at the intersection of Hidden Pool Heights and Democracy Point from PUD (Planned Unit Development) to PK (Public Park)

(Quasi-Judicial)

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

Attachments: [ORD_ZC_VictoryPark](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Depict](#)
[CPC Report_Victory Ridge Park](#)
[Project Statment](#)
[Victory Ridge Zone Change](#)
[Vision Map](#)
[CPC Minutes ConsentCalendar](#)
[7.5.603.B Findings - ZC](#)

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

- 4B.C. [22-569](#)** An Ordinance Creating Section 451 (Retail Delivery Fees) of Part 4 (Exempt Transactions, Commodities and Persons; Deductions) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Retail Delivery Fees

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [SalesTax-ExemptDeliveryFeeORD-2022-08-24](#)

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

- 4B.D. [22-630](#)** Quarterly Recognition of City Employee Retirees.

Presenter:
Mike Sullivan, Director of Human Resources

Attachments: [Q3 Retiree Resolution \(Employee\(s\) Will Not Attend\)](#)
[Signed Resolution No. 132-22](#)

This Item was approved on the Consent Calendar.

- 4B.F. [22-633](#)** The City Clerk reports that on September 9, 2022 there was filed with her a petition for the annexation of Norris Ranch Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Memo to Clerk Annexation](#)
[Petition NorrisRanch1-7_982022_executed](#)
[04-220058 Annex 1 - Exhibit A_Legal Norris Ranch](#)
[05 Norris Annexation Site Map](#)
[02 Norris Annexation Petition Parcel 1](#)
[03-220058 Annex-Add-Norris-1 2022-07-06 8.5x11](#)

This Item was approved on the Consent Calendar.

- 4B.G. [22-634](#)** The City Clerk reports that on September 9, 2022 there was filed with her a petition for the annexation of Norris Ranch Addition No. 2 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Memo to Clerk Annexation](#)
[Petition NorrisRanch1-7_982022_executed](#)
[04-220058 Annex 2 - Exhibit A_Legal Norris Ranch](#)
[05 Norris Annexation Site Map](#)
[02 Norris Annexation Petition Parcel 2](#)
[03-220058 Annex-Add-Norris-2 2022-07-06 8.5x11](#)

This Item was approved on the Consent Calendar.

- 4B.H. [22-635](#)** The City Clerk reports that on September 9, 2022 there was filed with her a petition for the annexation of Norris Ranch Addition No. 3 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Memo to Clerk Annexation](#)
[Petition NorrisRanch1-7_982022_executed](#)
[04-220058 Annex 3 - Exhibit A_Legal Norris Ranch](#)
[05 Norris Annexation Site Map](#)
[02 Norris Annexation Petition Parcel 3](#)
[03-220058 Annex-Add-Norris-3 2022-07-06 8.5x11](#)

This Item was approved on the Consent Calendar.

- 4B.I. [22-636](#)** The City Clerk reports that on September 9, 2022 there was filed with

her a petition for the annexation of Norris Ranch Addition No. 4 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Memo to Clerk Annexation](#)
[Petition NorrisRanch1-7 982022 executed](#)
[04-220058 Annex 4 - Exhibit A Legal Norris Ranch](#)
[05 Norris Annexation Site Map](#)
[02 Norris Annexation Petition Parcel 4](#)
[03-220058 Annex-Add-Norris-4 2022-07-06 8.5x11](#)

This Item was approved on the Consent Calendar.

4B.J. [22-637](#)

The City Clerk reports that on September 9, 2022 there was filed with her a petition for the annexation of Norris Ranch Addition No. 5 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Memo to Clerk Annexation](#)
[Petition NorrisRanch1-7 982022 executed](#)
[04-220058 Annex 5 - Exhibit A Legal Norris Ranch](#)
[05 Norris Annexation Site Map](#)
[02 Norris Annexation Petition Parcel 5](#)
[03-220058 Annex-Add-Norris-5 2022-07-06 8.5x11](#)

This Item was approved on the Consent Calendar.

4B.K. [22-638](#)

The City Clerk reports that on September 9, 2022 there was filed with her a petition for the annexation of Norris Ranch Addition No. 6 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

- Attachments:** [Memo to Clerk Annexation](#)
[Petition_NorrisRanch1-7_982022_executed](#)
[04-220058 Annex 6 - Exhibit A Legal Norris Ranch](#)
[05_Norris_Annexation_Site_Map](#)
[02_Norris_Annexation_Petition_Parcel_6_Norris_Ranch](#)
[03-220058_Annex-Add-Norris-6_2022-07-06_8.5x11](#)

This Item was approved on the Consent Calendar.

- 4B.L. [22-639](#)** The City Clerk reports that on September 9, 2022 there was filed with her a petition for the annexation of Norris Ranch Addition No. 7 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:
Sarah B. Johnson, City Clerk

- Attachments:** [Memo to Clerk Annexation](#)
[Petition_NorrisRanch1-7_982022_executed](#)
[04-220058 Annex 7 - Exhibit A Legal Norris Ranch](#)
[05_Norris_Annexation_Site_Map](#)
[02_Norris_Annexation_Petition_Parcel_7](#)
[03-220058_Annex-Add-Norris-7_2022-07-06_8.5x11](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Murray, 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. Recognitions

- 5.A. [22-610](#)** A Resolution recognizing September 2022 as National Service Dog Month

Presenter:
Yolanda Avila, Councilmember District 4
Puma, Service Dog, District 4

Laurel Prud'homme, Puppy Raiser, Canine Companions

Attachments: [National Service Dog Month](#)
[Signed Resolution No. 134-22](#)

Councilmember Avila read the Resolution recognizing September 2022 as National Service Dog Month and spoke about the importance of the extraordinary work service dogs do every day for the people they serve.

Holly Niewinski, Erica Fraser, Katie Zarky, Volunteer Puppy Trainers, Guide Dogs for the Blind, introduced several of their guide dogs in training.

Mary Keenan and Laurel Prud'homme, Volunteer Puppy Trainers, Canine Companions, provided an overview of the service dogs they have trained to serve those who need them.

Citizen Michelle Kephart introduced her service dog who was raised and trained by Canine Companions and spoke about how her guide dog assists her.

Motion by Councilmember Henjum, seconded by Councilmember Murray, that the Resolution recognizing September 2022 as National Service Dog Month 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

5.B. [22-583](#) A Resolution recognizing October 2022 as Arts Month in the Pikes Peak Region

Presenter:

Nancy Henjum, Councilmember District 5

Andy Vick, Executive Director, Cultural Office of the Pikes Peak Region

Attachments: [Arts Month in the Pikes Peak Region](#)
[2022 Arts Month Proclamation PowerPoint](#)
[Signed Resolution No. 135-22](#)

Councilmember Henjum read the Resolution recognizing October 2022 as Arts Month and spoke about the

Jim Ciletti, member, and Richard Sebastian-Coleman, Secretary, Public Arts Commission (PAC) spoke about the importance of art as infrastructure and expressed appreciation for the Resolution.

Andy Vick, Executive Director, Cultural Office of the Pikes Peak Region (COPPeR), gave a brief history identifying the objective and call to action

for everyone to try a new cultural experience during the month. Mr. Vick identified their website at peakradar.com, Arts and Economic Prosperity 6, several of the programs scheduled for the month through ArtsOctober.com, their partners, and giveaways.

2021-2023 Pikes Peak Poet Laureate Ashley Cornelius read an original piece regarding Arts Month.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, that the Resolution recognizing October 2022 as Arts Month in the Pikes Peak Region 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

5.C. [22-584](#) A Resolution celebrating October 3, 2022 as World Habitat Day

Presenter:

Stephannie Fortune, Councilmember District 3

Laura Williams-Parrish, Assistant Director of Strategic Partnerships,
Pikes Peak Habitat for Humanity

Attachments: [World Habitat Day](#)

[Signed Resolution No. 136-22](#)

Councilmember Fortune spoke about how Habitat for Humanity homes serve and contribute greatly to neighborhoods and read the Resolution celebrating October 3, 2022 as World Habitat Day.

Laura Williams-Parrish, Assistant Director of Strategic Partnerships, Pikes Peak Habitat for Humanity, expressed appreciation for the support of City Council and gave an update of the efforts of the Pikes Peak Habitat for Humanity. She stated Habitat for Humanity has served over 200 families and expressed appreciation for City Council's and the community's support of the program.

Motion by Councilmember Fortune, seconded by Councilmember Donelson, that the Resolution celebrating October 3, 2022 as World Habitat Day 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. Mayor's Business

There was no Mayor's Business.

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

Citizen Tim Haley spoke about the need for noise enforcement due to excessively loud vehicular noise.

Citizen Stephanie Vigil spoke in favor of legalizing recreational marijuana in the City and against the Resolution proposed by a City Councilmember who is opposing it.

Citizen Jaymen Johnson expressed appreciation for the recognitions given by City Council at today's meeting.

8. Items Called Off Consent Calendar

4B.A. [22-643](#) City Council Regular Meeting Minutes September 13, 2022

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [9-13-2022 City Council Meeting Minutes Final](#)

Sarah B. Johnson, City Clerk, stated Councilmember Avila was present and voted "Yes" for item 12.F. at the September 13, 2022 City Council meeting for which she was marked absent.

Councilmember Williams stated he will be voting to approve the minutes because the reiteration of the claim of the citizen who spoke about him during public comment was accurately recorded but what was stated was not accurate.

Motion by Councilmember Fortune, seconded by Councilmember Murray, that the City Council Regular Meeting Minutes September 13, 2022 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

4B.E. [22-621](#) Request for approval of settlement amount for litigation arising from an arrest on June 2, 2020.

Presenter:

Wynetta Massey, City Attorney

Councilmember Murray stated he pulled the request for approval of settlement amount for litigation arising from an arrest on June 2, 2020 from the Consent Calendar because it is important that settlement issues have consequences and resolutions, this settlement is a clear question of training and discipline, people need to be held accountable, citizens need to have trust in public safety, and he will not be supporting it.

Councilmember Avila stated she will not be supporting this settlement in

order to honor and protect the good officers they have within the City.

Councilmember Williams stated he does believe it is appropriate to settle this matter.

Councilmember Fortune stated she supports the police officers, and it is a very difficult time in society.

Citizens Rhonda Langfort, Jaymen Johnson, and Lawrence Martinez spoke in support of the settlement.

Motion by Councilmember Williams, seconded by Councilmember Donelson, that the \$140,000.00 settlement amount in Hadam v. City of Colorado Springs, et al., Case No. 22-cv-01349-WJM-MDB be approved. The motion passed by a vote of 8-2-0-0

Aye: 7 - Donelson, Fortune, Helms, Henjum, O'Malley, Strand, and Williams

No: 2 - Avila, and Murray

4B.M. [22-623](#) A Resolution authorizing the disposal of surplus City property to Project Edge ("Purchaser")

Presenter:

Greg Phillips, Director of Aviation, Colorado Springs Airport

Troy Stover, Assistant Director of Aviation, Colorado Springs Airport

Attachments: [Resolution Project Edge Surplus Property Disposition 2022 09 13](#)
[Exhibit A Project Edge Surplus Property Disposition 2022 09 13](#)
[Exhibit B Project Edge Surplus Property Disposition 2022 09 13](#)
[Exhibit B1 Project Edge Surplus Property Disposition 2022 09 13](#)
[Resolution Project Edge Surplus Property Disposition PowerPoint 2022 09 13](#)
[Signed Resolution No. 133-22](#)

Councilmember Williams requested a short summary regarding the Resolution authorizing the disposal of surplus City property to Project Edge. Troy Stover, Assistant Director of Aviation, Colorado Springs Airport, provided an overview of the disposal of approximately one hundred-acres of property for the development of Project Edge and stated the land will be sold at or above market value.

Councilmember Williams asked why this property will be sold as opposed to leasing it. Mr. Stover stated a lease was explored regarding this site, but due to the order of the billion-dollar investment and accomplish the deal, a sale had to be made.

Councilmember Williams asked if the proceeds are under a pre-existing contract. Mr. Stover confirmed they are, and all the contract requirements are being followed.

Councilmember Williams requested going forward, as additional land is added to the Airport development, that the City review different provisions for future contracts.

Motion by President Pro Tem Helms, seconded by Councilmember Murray, that the Resolution authorizing the City Real Estate Services Manager and Mayor to execute all documents necessary to dispose of 100 acres, more or less, of surplus City property, situated in Peak Innovation Park, in Colorado Springs, El Paso County, Colorado, and to obtain the Mayor's signature on the Quitclaim Deed to convey the property to the Purchaser 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

9. Utilities Business

9.A. [22-576](#) A Resolution Setting the Gas Cost Adjustment Effective October 1, 2022

Presenter:

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

Scott Shirola, Pricing and Rates Manager, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [09-27-2022 CC Mtg-GCA Resolution](#)

[G Sheet 2.4 Rate Tbl - 19th Revised - Redline](#)

[G Sheet 2.4 Rate Tbl - 19th Revised - Final](#)

[GCA Schedule 1](#)

[09-27-2022 CC ECA-GCA](#)

[Signed Resolution No. 137-22](#)

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU) presented the Resolutions setting the Gas Cost Adjustment (GCA) and the Electric Cost Adjustment (ECA) effective October 1, 2022 and provided an overview of the increases, a sample bill impact of the proposed October 2022 rate, and how customers can request assistance.

Councilmember Murray stated that the City needs to be aware of global happenings which could affect the supply of natural gas. Councilmember O'Malley stated the region contains a large resource of natural gas.

Councilmember Donelson asked if the gas cost, even with the proposed increase, will be lower than it was last winter. Mr. Gearhart confirmed that it would be.

Citizen Jaymen Johnson expressed appreciation for the fantastic work performed by CSU.

Citizen Lawrence Rodriguez spoke about the struggle some apartment residents will have with the increase and requested apartment owners provide a breakdown of utility costs. Mr. Johnson also requested that information be provided. President Strand stated he will follow up on that request.

Motion by Councilmember Henjum, seconded by Councilmember Williams, that the Resolution setting the Gas Cost Adjustment effective October 1, 2022 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

9.B. [22-577](#) A Resolution Setting the Electric Cost Adjustment Effective October 1, 2022

Presenter:

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

Scott Shirola, Pricing and Rates Manager, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [09-27-2022 CC Mtg-ECA Resolution](#)

[Sheet 2.9 E Rate Tbl - 18th Revised - Redline](#)

[Sheet 2.9 E Rate Tbl - 18th Revised - Final](#)

[ECA Schedule 1](#)

[Signed Resolution No. 138-22](#)

Please see comments in Agenda item 9.A.

Motion by Councilmember Williams, seconded by Councilmember Murray, that the Resolution setting the Electric Cost Adjustment effective October 1, 2022 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

9.C. [22-613](#) A Resolution Authorizing the Use Of Eminent Domain To Acquire Two Permanent Easements On Properties Owned By Yount GST Irrevocable Trust F/B/O Lisa Gail Yount U/A/D July 1, 2007, A North Carolina Trust Needed For The Homestake Water Project

Presenter:

Jessica K. Davis, Land Resource Manager, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [YountEminentDomainRES-2022-09-06](#)

[R13125-PARCEL 300909300826 YOUNT GST IRREVOCABLE TRUST ESMT](#)

[R13125-PARCEL 300909300828 YOUNT GST IRREVOCABLE TRUST ESMT](#)

[CC Presentation Yount Condemnation 09-27-2022](#)

[Signed Resolution No. 139-22](#)

Jessica K. Davis, Land Resource Manager, Colorado Springs Utilities, presented the Resolution authorizing the use of eminent domain to acquire two permanent easements on properties owned by Yount GST Irrevocable Trust F/B/O Lisa Gail Yount U/A/D July 1, 2007, A North Carolina Trust needed for the Homestake Water Project. She provided an overview of the Homestake Water Project, background of the two easements, acquisitions, and action requested.

Councilmember Williams asked if there is technology available to where pipelines are now built within the easements so that this situation does not occur again. Ms. Davis confirmed there is and if the topography does not allow it, they acquire a new easement.

Motion by Councilmember Williams, seconded by Councilmember Murray, that the Resolution authorizing the use of eminent domain to acquire two permanent easements on the properties owned by Yount GST Irrevocable Trust F/B/O Lisa Gail Yount u/a/d July 1, 2007, a North Carolina Trust for the Homestake Water Project 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

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [22-654](#) An Ordinance amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a supplemental appropriation to the Lodgers and Automobile Rental Tax (LART) Fund in the amount of \$300,000 for the United States Olympic and Paralympic Museum (USOPM) 2022 Hall of Fame Festival event as recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

PK McPherson, Chair, LART Citizen Advisory Committee

Attachments: [LART-USOPM-HOF-ORD-2022-09-07](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a

supplemental appropriation of \$300,000 to the Lodgers and Automobile Rental Tax (LART) fund for the United States Olympic and Paralympic Museum (USOPM) 2022 Hall of Fame Festival event as recommended by the LART Citizen Advisory Committee.

Councilmember Henjum asked when the USOPM submitted their application to the LART Citizen Advisory Committee. Ms. McDaniel stated April or May of 2022 and the expenses grew due to the added Hall of Fame Induction Festival.

Councilmember Murray asked how much money was awarded to the International Association of Fallen Firefighters (IAFF) event. Councilmember Henjum stated \$59,500. Councilmember Donelson stated he supports the IAFF receive their full request for 2023.

Councilmember Avila stated paying this retroactively is setting a precedent and circumvents the process. Ms. McDaniel stated there were a number of events who requested additional funding during the mid-year cycle of 2022 due to unforeseen costs.

Councilmember Avila and President Pro Tem Helms stated they want to ensure a level playing field for all citizens.

Citizen Alicia Stanton stated she agrees with Councilmember Avila's comments.

Motion by Councilmember Fortune, seconded by Councilmember Murray, that the Resolution amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$300,000 for the United States Olympic and Paralympic Museum (USOPM) 2022 Hall of Fame Festival event as recommended by the LART Citizen Advisory Committee 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

- 11.B.** [22-655](#) A Resolution Designating the United States Olympic and Paralympic Museum (USOPM) Biennial Hall of Fame Festival Event as a City-Sponsored Event

Presenter:

Charae McDaniel, Chief Financial Officer

PK McPherson, Chair, LART Citizen Advisory Committee

Attachments: [LART-HOF_RES-2022-09-13](#)
[Signed Resolution No. 140-22](#)

There were no comments on this item.

Motion by Councilmember Murray, seconded by President Pro Tem Helms, that the Resolution designating the United States Olympic and Paralympic Museum (USOPM) Biennial Hall of Fame Festival Event as a City-sponsored event 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

12. Public Hearing

- 12.A. [CPC PUZ 22-00057](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, 29 dwelling units per acre, and 38 feet to 43 feet maximum building height)

(Quasi-Judicial)

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [Exhibit A - Legal](#)
[Exhibit B - Zone Change_09.13.22](#)
[Spectrum Loop - WEG Presentation](#)
[AppealStatment](#)
[Concept Plan Revised_9.13.22](#)
[NewPerspective_9.13.22](#)
[Traffic Impact Study_09.12.22](#)
[CPC Staff Report_Spectrum Loop Multi-Family](#)
[Project Statement](#)
[Public Comment](#)
[Public Comment Response](#)
[Context Map](#)
[Vicinity Map](#)
[CPC_Minutes_SpectrumLoop](#)
[Exhibit B - Zone Change_CPC](#)
[Concept Plan_CPC](#)
[PlanCOS Vision Map](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.603.B Findings - ZC](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)

William Gray, Senior Planner, Planning and Community Development,

presented the appeals of the Planning Commission's denial of the Spectrum Loop Multi-Family project to change 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, thirty-five dwelling units per acre, and forty feet to sixty feet maximum building height) and Planning Commission's denial of the Spectrum Loop multi-family project for a PUD Concept Plan graphically representing a future multi-family development. He provided an overview of the applications, proposed project, surrounding zoning/land use, context map, zone change, concept plan, public notice, impact, compatibility with PlanCOS, and Planning Commission's decision. He identified the appeals, plan changes, revised concept plan, and staff recommendation.

Councilmember Williams asked the general purpose of the agricultural zone. Mr. Gray stated it is a holding zone until the developer determines what they want to do with the land.

President Pro Tem Helms requested additional information regarding the forty to sixty building height limits. Mr. Gray identified the revised concept plan which illustrated the proposed building heights.

President Pro Tem Helms disclosed that he lives within a quarter mile of this project but does not have a conflict of interest regarding this project.

President Pro Tem Helms asked if fees in lieu of park land dedication was agreed upon. Mr. Gray confirmed it had. President Pro Tem Helms stated the money should go towards completing Grey Hawk Park which is located very close to the proposed development.

Lauren Brockman, Convergence Rental Housing Real Estate Group, representing the applicant, provided an overview of the types of residents who would be renting the apartment units.

Andrea Barlow, NES, LLC, representing the applicant, went over the site location, neighborhood concerns, Planning Commission's concerns, revised submittal, summary of changes to date, current zone change, current concept plan, representative community, representative amenities, and representative interiors.

Jeff Planck, Kimley Horn, representing the applicant, went over the expanded traffic study, twelve-hour trip generation comparison, conceptual

improvements options, trip generation comparison, twenty-four-hour trip generation comparison,

Ms. Barlow identified the consideration of key concerns including compliance with the Northgate Master Plan and PlanCOS, compatibility with adjacent single-family neighborhood, and inadequate parks.

President Strand asked when the neighborhood meeting was held. Ms. Barlow stated March 2022.

Councilmember Murray asked how much in Public and Safety Impact Development Fees will be paid by this development. Ms. Barlow stated it would be approximately \$350 per unit times 344 units. Councilmember Donelson stated that total would be approximately \$120,400. Peter Wysocki, Director, Planning and Community Development, stated that fee goes into effect January 2023 with the submittal of a Development Plan.

Citizens Jed Fuqua, Jayson Campbell, Tarren Griggs, Rhonda Langfort, Sonny Miller, Dawn Jensen, Angela Gilpin, Laura Cronn, and Amanda Jones spoke in opposition of the project.

Councilmember Williams asked if the traffic congestion is due to The Classical Academy (TCA) School since the left lane is clear. Mr. Fuqua stated it illustrates the traffic back up on Voyager Parkway at Spectrum Loop.

Laura Nelson, Executive Director, Apartment Association of Colorado Springs, and Marla Novak, Community Housing Affordability Taskforce, spoke in favor of the project

Ms. Barlow spoke about the area context, rental rate of the apartment units, adding attainable housing to area, the access point, additional traffic on Spectrum Loop regardless of how this property is developed, they will be improving the sidewalk connectivity, and there is not an issue with school capacity.

Mr. Planck addressed the traffic concerns and stated congestion issue on Voyager Parkway is a lane designation issue, acceleration lanes will be added which will improve traffic flow, the roundabout will provide capacity for U-turns, identified the number of vehicles during peak hours calculated

at 350 units even though only 344 units will be developed, and a multi-family development is on the lower end of a trip generator.

President Pro Tem Helms asked if a traffic study was done for a commercial use. Mr. Planck stated they did not, but residential use is four to five times lower than retail use.

Councilmember Williams requested additional information regarding agricultural zoning. Mr. Gray stated it is intended for large lot residential or agricultural use and which can be urbanized in future development.

Councilmember Williams asked about the traffic impact study. Todd Frisbie, Traffic Engineer, explained how they review and analyze traffic studies and stated that this one did meet the requirements of City Code, but the nearby school does cause fifteen to twenty minute traffic delays during peak hours.

Councilmember Williams asked if schools are required to meet the criteria of the City's traffic requirements. Mr. Frisbie stated they do provide recommendations regarding queue analysis but ultimately the school does get to decide how it is developed.

Councilmember Murray stated the Planning Commission determined that the application did not meet the review criteria needed for a zone change.

Councilmember Henjum asked how pedestrians would be able to get around the area. Mr. Frisbie stated they assess non-motorized pedestrian connectivity and developments are required to provide some infrastructure related to it.

Mr. Wysocki stated the fees in lieu of park land dedication will be approximately \$350,000.

President Pro Tem Helms stated many of the initial concerns have been remedied and he supports this project.

Councilmember Williams stated he believes this project meets the review criteria requirements, is an appropriate use of this land, will impact traffic less than a commercial development, and will be supporting it.

Councilmember Fortune stated they must look at the greater whole by providing more affordable housing to the City.

Councilmember Murray asked if the development was modified after the Planning Commission's decision. The applicant confirmed it was. Ben Bolinger, Assistant City Attorney, stated City Council has the option to approve, deny, or refer it back to the Planning Commission.

Motion by Councilmember Murray to uphold the action of the City Planning Commission and deny the Spectrum Loop Multi-Family project changing 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, 29 dwelling units per acre, and 38 feet to 43 feet maximum building height) based upon the findings that the request meets the review criteria for establishing a PUD zone, 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). The motion failed for lack of a second.

Motion by Councilmember Henjum, seconded by Councilmember Donelson, to reverse the action of the City Planning Commission and approve the Spectrum Loop Multi-Family project changing 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, 29 dwelling units per acre, and 38 feet to 43 feet maximum building height) based upon the findings that the request meets the review criteria for establishing a PUD zone, 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). The motion passed by a vote of 8-1-0-0

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

No: 1 - Murray

- 12.B.** [CPC PUP 22-00058](#) An appeal of the Planning Commission's denial of the Spectrum Loop Multi-Family project for a PUD Concept Plan graphically representing a future multi-family development.

(Quasi-Judicial)

Related Files: CPC PUZ 20-00057 and CPC PUP 20-00058

Presenter:

William Gray, Senior Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [Concept Plan Revised 9.13.22](#)
[Perspective 9.13.22](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Fortune, seconded by President Pro Tem Helms, to

reverse the action of the City Planning Commission and approve the Spectrum Loop Multi-Family project, based upon the findings that the request 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). The motion passed by a vote of 8-1-0-0

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

No: 1 - Murray

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