



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, February 14, 2023

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

Councilmember Fortune attended the meeting virtually.

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Pastor Jeff Anderson, Senior Faith Based Outreach Advisor to Congressman Doug Lamborn.

President Strand led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

President Strand stated items 4B.A., 4B.B., 4B.C., 4B.J., 4B.L. and 4B.M., 4B.N., 4B.O., and 4B.P. have been requested to be removed from the

Consent Calendar.

Consensus of Council agreed to these changes on 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:**

#### **4B. First Presentation:**

- 4B.D.** [PUDZ-22-0009](#) Ordinance No. 23-05 amending the zoning map of the City of Colorado Springs relating to 2.33 acres located at the southeast corner of East Cheyenne Mountain Boulevard and Quail Lake Loop from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development; Multi-family Residential with condominium garages, maximum of 11.6 dwelling units per acre, maximum building height of 45 feet)

(Quasi-Judicial)

Related Files: PUDD-22-0037

Presenter:

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

**Attachments:** [ORD\\_ZC\\_QuailLakeCondos](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - Zone Change](#)

[CPC Staff Report\\_Quail Lake Loop Condos\\_PUD ZC\\_PUD DP](#)

[Project Statement](#)

[PUD Development Plan](#)

[Floor Plans](#)

[Public Comment\\_Karen Lawson\\_Support](#)

[Quail Lake responses](#)

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

[7.5.603.B Findings - ZC](#)

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

- 4B.E.** [PUDD-22-0037](#) A PUD Development Plan for a 27-unit condominium with the option for either a residential dwelling with an attached garage or a garage with an indoor mezzanine.

(Quasi-Judicial)

Related Files: PUDZ-22-0009

Presenter:

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

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

**This Item was approved on the Consent Calendar.**

- 4B.F.** [PUDZ-22-0006](#) Ordinance No. 23-06 amending the zoning map of the City of Colorado Springs relating to 5.5 acres located northeast of Federal Drive and Old Ranch Road from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development: Multi-family residential, 46.5 dwelling units per acres, and a maximum building height of 50 feet).

(Quasi-Judicial)

Related Files: PUDC-22-0007

Presenter:

Peter Lange, Planner II, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:** [ORD\\_ZC\\_SaxonMultifamily](#)  
[Exhibit A - Legal](#)  
[Exhibit B - Zone Change](#)  
[CPC Report\\_Federal Drive Zone Change and Concept Plan](#)  
[Project Statement](#)  
[PUD Concept Plan](#)  
[Context Map](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[7.5.603 Findings - ZC](#)

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

- 4B.G.** [PUDC-22-0007](#) A planned unit development concept plan for a multi-family residential development with a maximum density of 46.5 units per acre and associated site improvements located at the northeast of Federal Drive and Old Ranch Road.

(Quasi-Judicial)

Related Files: PUDZ-22-0006

Presenter:

Peter Lange, Planner II, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:** [PUD Concept Plan](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

**This Item was approved on the Consent Calendar.**

- 4B.H.** [23-018](#) A resolution of the City of Colorado Springs approving a change to the legislative status of Flying Horse Ranch Master Plan from operative to implemented.  
(Legislative)

Presenter:

Daniel Besinaiz, Senior Comprehensive Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Flying Horse Resolution](#)

[FHR MP CPC Staff Report](#)

[Flying Horse Master Plan](#)

[7.5.402 Types of Master Plans](#)

[Signed Resolution No. 10-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.I.** [22-742](#) A resolution of the City Council of Colorado Springs, Colorado approving the 2023 Action Plan for the use of Federal Block Grant Funds (CDBG, HOME, ESG) provided through the U.S. Department of Housing and Urban Development

Presenter:

Catherine Duarte, HUD Programs Manager, Community Development Division

**Attachments:** [2023 Action Plan\\_Council Resolution](#)  
[2023 AAP Infographic web opt](#)  
[2023 AAP Draft for Public Comment](#)  
[Community Development\\_Jan23 work session slides\\_2023 Annual Action Plan](#)  
[Signed Resolution No. 11-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.K. [23-088](#)** A resolution rescinding Resolution 142-22 finding a petition for annexation of the area known as Amara Addition Nos. 1 - 11 consisting of 3225.486 acres to be in substantial compliance with Section 31-12-107(1), C.R.S., and setting a hearing date for annexation of the area

(Legislative)

Presenter:

Peter Wysocki, Planning Director, Planning & Community Development

**Attachments:** [RES-AmaraRescinding](#)  
[Signed Resolution No. 13-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.Q. [22-778](#)** Ordinance No. 23-07 Repealing Section 105 (Customer Advisory Committee) Of Article 6 (Development Review Enterprise) Of Chapter 14 (Municipal Enterprises) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To The Development Review Enterprise Customer Advisory Committee

Presenter:

Tom Strand, Council President and Councilmember At Large

**Attachments:** [DRE Transition Ordinance - Final](#)

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

- 4B.R. [23-026](#)** Resolution Approving the Intergovernmental Agreement between the City of Colorado Springs and El Paso County Regarding Improvements to and Future Annexation of the Park Vista South Area

Presenter:

Gayle Sturdivant, P.E., City Engineer/Deputy Public Works Director  
Rich Mulledy, P.E., Stormwater Enterprise Manager  
Travis Easton, P.E., Director of Public Works

**Attachments:** [1 Exhibit A - Park Vista South Annexation](#)  
[2 City-County IGA RES-2022-11-07](#)  
[3 Park Vista IGA with City](#)  
[4 Park Vista - DRAFT QUITCLAIM DEED 8-29-22](#)  
[6 Park Vista IGA Presentation](#)  
[Signed Resolution No. 18-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.S. [23-004](#)** A Resolution Authorizing The Acquisition Of Real Property Owned By 2918 Austin Bluffs Parkway LLC And Real Property Owned By Troy Miller To Be Used For The Central Substation Project

**Attachments:** [CC Resolution Property Acquisition Central Sub 4002 Goldenrod and 2918 Austin Bluffs Pkwy](#)  
[CC Presentation Property Acquisition Central Sub 4002 Goldenrod and 2918 Austin Bluffs Pkwy](#)  
[Signed Resolution No. 19-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.T. [23-005](#)** A Resolution Approving the Sewage Treatment and Disposal Agreement, as Amended, By and Between the Lower Fountain Metropolitan Sewage Disposal District and, In Addition to Others, the City of Colorado Springs, Colorado, on Behalf of its Enterprise Colorado Springs Utilities.

Presenter:

Tara Kelley, Manager of Wastewater Treatment Plants, Colorado Springs Utilities

Bethany Burgess, Utilities Division Chief, Office of the City Attorney  
Travas Deal, Acting Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [LFMSDD Service Agreement Amendment RES-2023-02-14](#)  
[LFMSDD Service Agmt Update 2022 FINAL](#)  
[Signed Resolution No. 20-23.pdf](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.U. [23-087](#)** Setting of a public hearing date of March 14, 2023, for consideration of adoption of the Pikes Peak Regional Building Code, 2023 Edition  
  
(Legislative)

Presenter:

Roger N. Lovell, Building Official, Pikes Peak Regional Development Department

Allan Jay Eenhuis, Deputy Building Official - Plans, Pikes Peak Regional

Building Department  
John Welton, Deputy Building Official - Inspections, Pikes Peak Regional  
Building Department  
Virginia V. Koulchitzka, Regional Building Attorney, Pikes Peak Regional  
Building Department

**Attachments:** [Notice of RBC Hearing](#)  
[RBD-2023CodeAdoptedByReferenceORD-2023-02-06 FINAL](#)  
[2023 PPRBC V2.1 Appendix D draft3](#)  
[2023 PPRBC FINAL-protected](#)

This Item was approved on the Consent Calendar.

### **Approval of the Consent Agenda**

**Motion by Councilmember Williams, seconded by Councilmember Murray, 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**

There were no Recognitions.

### **6. Mayor's Business**

There was no Mayor's Business.

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

Citizen Charles Barber spoke about the barometric pressure in Colorado Springs.

Citizens Francelle Moore, Arthur Martinez who ceded his time to John Lieberman, and Susan Murray (who wrote a letter which Councilmember Murray read) spoke in opposition of the retail sale of puppies and the necessity for reputable puppy breeders.

Citizen Preston Parker spoke in opposition to red light cameras due to the lack of privacy from the photos taken.

Citizen Dallas Garner discussed the issues of homelessness and recommended a solution of providing a community parcel of land for the people experience homelessness to reside on.

Citizen Allie Upton spoke about the accessibility of the City Council meetings for the marginalized communities.

## **8. Items Called Off Consent Calendar**

**4B.A.** [23-086](#) City Council Regular Meeting Minutes January 24, 2023

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [1-24-2023 City Council Meeting Minutes Final](#)

Councilmember Henjum requested the January 24, 2023 City Council meeting minutes be amended to include her comments regarding the profound amount of public engagement and input which occurred during the ReToolCOS process. Sarah B. Johnson, City Clerk, stated she will make that amendment.

**Motion by Councilmember Williams, seconded by Councilmember Murray, that the City Council Regular Meeting Minutes January 24, 2023 be approved as amended. The motion passed by a vote of 9-0-0**

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

**4B.B.** [ZONE-22-00](#) Ordinance No. 23-04 amending the zoning map of the City of Colorado Springs relating to 1.273 acres located at the northeast corner of North El Paso Street and East Fillmore Street from C-5/M1 (Intermediate Business and Light Industrial) to C-5 (Intermediate Business).  
[07](#)

Related Files: DEPN-22-0074

Presenter:

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



**Attachments:** [ORD\\_ZC\\_Burgerworks](#)  
[Exhibit A Legal Description](#)  
[Exhibit B - Zone Change](#)  
[Staff\\_CC\\_BurgerworksPresentation](#)  
[Applicant\\_Burgerworks\\_Presentation](#)  
[CPC Staff Report\\_Burgerworks E Fillmore TPB](#)  
[Project Statement](#)  
[Zone Change Exhibit](#)  
[Development Plan-updated](#)  
[CONTEXT MAP](#)  
[Public Comment](#)  
[Public Comment Response](#)  
[7.5.603.B Findings - ZC](#)

Citizen John Hawk requested this item be removed from the Consent Calendar because he stated he has concerns regarding the location of the proposed BurgerWorks location due to the potential changes to Fillmore Avenue may cause that business to relocate if the City decides to add a lane to Fillmore Avenue. He stated at a minimum a setback should be required in case this change occurs. Councilmember Williams stated the City cannot require this without owning that property and the changes to Fillmore Avenue may not happen for another decade.

**Motion by Councilmember Murray, seconded by Councilmember Williams, that this Ordinance amending the zoning map of the City of Colorado Springs relating to 1.273-acres from C-5/M-1 (Intermediate Business and Light Industrial) to C-5 (Intermediate Business), based upon the findings that the change of zone request complies with the three criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) 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

- 4B.C.** [DEPN-22-0074](#) A development plan for the Burgerworks East Fillmore Street project located at the northeast corner of North El Paso Street and East Fillmore Street.

Related Files: ZONE-22-0007 and DEPN-22-0074

Presenter:

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

**Attachments:** [Development Plan-updated](#)  
[Development Plan](#)  
[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 4B.B.

**Motion by President Pro Tem Helms, seconded by Councilmember Murray, that the development plan for Burgerworks East Fillmore Street project, based upon the findings that the request meets the review criteria for granting a development plan, as set forth in City Code Section 7.5.502(E) 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.J. [22-789](#)**

A Resolution of the City of Colorado Springs approving an Amended and Restated Service Plan for the Vistas at West Mesa Metropolitan District serving an area northeast of the intersection of Fillmore Road and Centennial Boulevard.

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Peter Wysocki, Planning and Community Development Director

**Attachments:** [Resolution](#)

[Exhibit 1- Vistas at West Mesa Metropolitan District Service Plan - Final Draft](#)

[Vistas at West Mesa Metropolitan District Service Plan - Redline- 11-30-22](#)

[VWMMMD City Service Plan Notable Changes](#)

[VWMMMD City Service Plan Amendment Cover Letter 11-30-22](#)

[Staff PowerPoint VistasAtWestMesa](#)

[Applicant Budget Committee Presentation- 12.13.22](#)

[Signed Resolution No. 12-23.pdf](#)

Carl Schueler stated this item was postponed by the applicant so the applicant could do some additional work on the purchase contracts and Citizen Tim Hoiles has requested to remove this item from the Consent Calendar in order to comment on it.

Kevin Walker, representing the applicant, stated they have received five of the six new disclosures for the contracts they were waiting for and the sixth one has dropped out of contract.

Citizen Tim Hoiles stated it is a matter of principle concerning existing districts submitting an amended Service Plan for an increased mill levy which will increase taxes and the debt will not be paid off until 2023. Mr. Walker stated the district followed the rules and believe this is an appropriate ask due to new residents.

Councilmember Murray stated City Council has opened the door for developers to ask for this type of economic incentive, but this may not be the day and time to address it.

**Motion by Councilmember Murray, seconded by President Pro Tem Helms, that the Resolution of the City of Colorado Springs approving an Amended and Restated Service Plan for the Vistas at West Mesa Metropolitan District serving an area northeast of the intersection of Fillmore Road and Centennial Boulevard 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

- 4B.L. [URA 23-008](#)** A resolution making certain legislative findings and approving the Project Garnet Urban Renewal Plan.

Related Files: URA 23-031

Presenter:

Jariah Walker, CSURA Executive Director

Bob Cope, City of Colorado Springs Economic Development Officer

**Attachments:** [Resolution ProjectGarnetURAPlan](#)  
[URA Plan Draft-Project Garnet\\_1-05-23](#)  
[Garnet URA Conditions Survey-Draft\\_12-23-22](#)  
[El Paso County Impact Draft Report\\_1-06-2023](#)  
[Project Garnet CC URA Work Session](#)  
[CPC Staff Report Garnet URA\\_DJS](#)  
[PlanCOS Vision Map](#)  
[Unique Places Framework](#)  
[Thriving Economy](#)  
[Signed Resolution No. 14-23.pdf](#)

Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority (CSURA), stated due to statutory requirements, they needed to provide public notice that the URA was on the agenda to be approved.

**Motion by Councilmember Murray, seconded by President Pro Tem Helms, that the Resolution making certain legislative findings and approving the Hancock Urban Renewal Plan 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

- 4B.M. [URA 23-031](#)** A resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the Project Garnet project pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II)

Related File: URA 23-008

Presenter:

Jariah Walker, CSURA Executive Director

Bob Cope, City of Colorado Springs Economic Development Officer

**Attachments:** [RES ProjectGarnet URACooperationAgreement](#)  
[Project Garnet Cooperation Agreement CSURA City](#)  
[Signed Resolution No. 15-23 \(needs signed coop agreement\).pdf](#)

Please see comments in Agenda item 4B.L.

**Motion by Councilmember Murray, seconded by Councilmember Williams, that the Resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the Project Garnet Urban Renewal project pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II) 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

**4B.N.** [URA 22-728](#) A resolution making certain legislative findings and approving the Hancock Commons Urban Renewal Plan.

Related Files: 22-767

Presenter:

Jariah Walker, CSURA Executive Director

**Attachments:** [Resolution HancockCommonsURAPlan](#)  
[Exhibit A - Hancock Commons Plan Final w/Legal](#)  
[Hancock Commons Urban Renewal Area](#)  
[TIF Draft Financial Model](#)  
[Conditions Survey](#)  
[Hancock Commons Impact Report Final](#)  
[CPC Staff Report Hancock Commons URA RGS](#)  
[HancockCommons\\_Concept Plan\\_Approved](#)  
[Vision Map](#)  
[Hancock Commons Presentation](#)  
[Signed Resolution No. 16-23.pdf](#)

Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority (CSURA), stated due to statutory requirements, they needed to provide public notice that the URA was on the agenda to be approved.

**Motion by Councilmember Murray, seconded by President Pro Tem Helms, that the Resolution making certain legislative findings and approving the Hancock Urban Renewal Plan 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

- 4B.O.** [URA 22-767](#) A resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the Hancock Commons Urban Renewal project and to approve the amount of annual sales tax increment revenue allocated pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II)

Related File: URA 22-728

Presenter:

Jariah Walker, CSURA Executive Director

**Attachments:** [Resolution\\_HancockCommonsCooperationAgreement](#)  
[Hancock Commons Cooperation Agreement](#)  
[Signed Resolution No. 17-23 \(needs signed coop agreement\).pdf](#)

Please see comments in Agenda item 4B.N.

**Motion by Councilmember Murray, seconded by Councilmember Henjum, that the Resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the Hancock Commons Urban Renewal project and to approve the amount of annual sales tax increment revenue allocated pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II) 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

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

Presenter:

Wynetta Massey, City Attorney/Chief Legal Officer

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

Councilmember Donelson requested additional information regarding the outcome of the proposed Ordinance. Wynetta Massey, City Attorney, stated it is designed to reflect an administrative change in reporting responsibilities as well as clarifying the role of the Airport Advisory Commission (AAC) regarding economic development matters within the Airport industrial park. She stated when AAC was initially created, there was no economic development activity on Airport property, so review of

those matters was not included within their duties and responsibilities. Authority regarding economic development matters will remain with City Council as it always has.

Councilmember Donelson stated this is a City Council Commission, the Ordinance which guides it is being changed with no City Council input until now as they are being asked to vote on it and it removes economic development review authority from the AAC. He stated they may not have planned for the Airport industrial park in 1965 but when the Ordinance was updated in 2019, they were aware of it and the function of the AAC was expanded to advise other City departments, enterprises and quasi-governmental entities with an interest in Airport property. Councilmember Donelson stated Council Legislative staff is currently evaluating and rewriting the scope of boards and commissions and it would be better to delay this item and address it as part of that review process.

Councilmember Murray stated he does not believe the AAC should be restricted from this function. Ms. Massey stated the authority already in the City Code for the AAC was to advise on matters of aviation operations and the amended Ordinance affirms that the AAC shall advise as to activities in the industrial business park to the extent those activities affect the construction, planning, and operation of the municipal airport which is wholly consistent with the authority that was initially granted to AAC.

Councilmember Williams and President Pro Tem Helms, City Council AAC liaisons, stated they have been very involved in this process and when they choose people to serve on the AAC, they focus on who can advise on Airport operations, not economic development.

Jeff Greene, Chief of Staff, stated the evolution of the strong mayor form of government created a process in which the City has needed to clarify the roles and responsibilities of the City Council and Executive Branch to ensure fulfilling its obligations to the City Charter and to the City Code. He explained that fifty-eight years ago the Airport went through this process to establish the AAC and their input relates directly to the operations of the Airport and the terminal the operations related to the management of commercial airspace and that responsibility has not changed, but what has changed in the last fifty-eight years is we have an Airport business park. He stated the Airport business park are economic development initiatives that

have been undertaken by the City that helps support the enterprise to ensure efficiencies and greater levels of coordination.

Greg Phillips, Director of Aviation, Colorado Springs Airport, stated the Airport has undergone a tremendous period of growth in the last several years and as a result of that growth, they needed to look at the operations, the oversight the management of the Airport, and that they are doing it in a manner that is in the best interests of the City and the community. He stated he supports the proposed Ordinance to ensure clarity, the proper oversight, and management of the Airport business park.

Councilmember Donelson asked what the impact would be if this item was delayed. Mr. Phillips stated they would continue to move forward with the work they are currently doing both operationally and for economic development.

Councilmember Murray stated the individuals who moved over to the Administrative side are still being paid by the enterprise. Ms. Massey stated the work they do still supports the enterprise. As there are no gifts, loans, or subsidies between the City and the enterprise, there is no violation of Issue 300.

Councilmember Murray stated he will not support this because he believes there is no reason for it and that it is a political maneuver.

Councilmember Avila requested additional clarification of the role of Troy Stover. Mr. Phillips stated he is the Assistant Director for Business Administration and Economic Development under the purview of the Chief of Staff and his salary is largely paid from a fund set up for the business park itself. Councilmember Avila asked how many employee salaries are being paid out of that fund. Mr. Phillips stated there are five.

Councilmember O'Malley stated there is only one entity that manages and controls airspace and that is the Federal Aviation Administration (FAA).

President Strand asked if the prior delays of this matter has had an impact on operations or economic development. Mr. Phillips stated it has not.

**Motion by Councilmember Williams, seconded by President Pro Tem Helms, that Ordinance amending City Code 14.1.102 as presented be approved on first reading. The motion failed by a vote of 4-5-0-0**

**Aye:** 4 - Fortune, Helms, O'Malley, and Williams

**No:** 5 - Avila, Donelson, Henjum, Murray, and Strand

## **9. Utilities Business**

- 9.A.** [23-006](#) A Resolution Approving a Trackage and Development Agreement for a Rail Served Industrial Park Project.

Presenter:

Bethany Burgess, Utilities Division Chief, Office of the City Attorney  
Travas Deal, Acting Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [Rail Served Industrial Park Resolution](#)  
[Trackage Agreement with Colorado Springs\\_Final](#)  
[Rail Park Trackage Agreement Presentation Combined for CC](#)  
[Signed Resolution No. 21-23.pdf](#)

Bethany Burgess, Utilities Division Chief, Office of the City Attorney, introduced the Resolution approving a trackage and development agreement for a rail served industrial park project. She provided an overview of the site location, background, trackage and development agreement terms,

Steve Mulliken, Edward C. Levy Co./Schmidt Construction Company, representing the applicant, went over the Front Range dual-service rail park of Southern Colorado feasibility study, rail park footprint/connection to Colorado Springs Utilities (CSU) Nixon, creation of jobs, fiscal impact analysis, support for Fort Carson, and Fort Carson current rail service. He identified the addition of a mega-site for manufacturing, loss of manufacturing jobs from 2002 to 2013, manufacturing employees in Colorado Springs, conceptual Land Use Plan, and benefits of Colorado's 5th Congressional District Rail Project.

Councilmember Murray asked if hazardous materials are being stored or are anticipated to be stored at this location. Mr. Mulliken stated it is not the plan to have any storage sites for hazardous materials but some may be used in the manufacturing which they have planned and they will make sure there is adequate security on the site.

Councilmember Donelson and Councilmember Williams expressed appreciation for the manufacturing jobs which will be created.



Councilmember Williams stated this project plays a critical part of the community's future.

Councilmember Donelson asked if CSU endorses this plan. Travas Deal, Acting Chief Executive Officer, CSU, stated it is great for the community and the trackage and development agreement will not add any additional cost to CSU.

President Strand asked where the \$12 million in funding will come from. Steve Weiner, Vice President, Real Estate, Edward C. Levy Co./Schmidt Construction Company, representing the applicant, stated they have a variety of grants they are pursuing and there will also be matching dollars.

**Motion by Councilmember Murray, seconded by Councilmember O'Malley, that the Resolution approving a Trackage and Development Agreement for a Rail Served Industrial Park Project. 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**

- 10.A.** [22-688](#) Ordinance No. 23-02 Creating Section 305 (Service; Extension Limitation) of 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 the Extension of Water Service.

Presenter:

Abigail Ortega, General Manager of Infrastructure and Resource Planning, Colorado Springs Utilities

Travas Deal, Acting Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [ORD. 23 - 02 clean .docx](#)

[WaterSystem RMD ModelingSensitivity FactSheet 2022](#)

[Signed Ordinance No. 23-02.pdf](#)

Bethany Burgess, Utilities Division Chief, Office of the City Attorney, presented the Ordinance creating Section 305 (Service; Extension Limitation) of Part 3 (Water Service) of Article 4 (Water Code) of Chapter 12 (Utilities) of City Code pertaining to the extension of water service, stated there will be a discussion at the next Utilities Board meeting regarding the formation of the proposed task force, and identified the requested changes from City Council.

Councilmember Murray requested this item be postponed until this item can be reviewed more thoroughly.

Councilmember Williams stated this proposed Ordinance more clearly defines, measures, and secures water supply as it relates to annexation.

Councilmember Donelson stated he is concerned that this will drive up the cost of housing, create a monopoly of developable lots, they have not done their due diligence in studying the effect it will have on housing and transportation, and he supports the creating a task force.

Councilmember Henjum stated an El Paso County Commissioner reached out to her regarding delaying this item and creating a joint task force and she supports that idea as well as what has been recommended by Colorado Springs Utilities (CSU).

**Motion by Councilmember Henjum, seconded by Councilmember O'Malley, that the Ordinance No. 23-02 Creating Section 305 (Service; Extension Limitation) of 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 the Extension of Water Service finally passed. The motion passed by a vote of 5-4-0-0**

**Aye:** 5 - Fortune, Helms, Henjum, O'Malley, and Williams

**No:** 4 - Avila, Donelson, Murray, and Strand

- 10.B.** [CODE-22-00](#) Ordinance No. 23-03 repealing Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, and adopting the Unified Development Code of the City of Colorado Springs, incorporating various building codes, other primary and secondary codes, as included, and providing for the penalties and remedies for violation thereof

Presenter:

Morgan Hester, Planning Supervisor

Mike Tassi, Assistant Director of Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

Don Elliott, Clarion Associates

**Attachments:** [RetoolCOS - 2-14-23](#)

[COS\\_UDC Final Draft CLEAN](#)

[ATTACHMENT 1 CC Recommendations](#)

[ATTACHMENT 2 - Neighborhoods](#)

[ATTACHMENT 3 - Appeals](#)

[ATTACHMENT 4 - TODs](#)

[ReToolCOS-AdoptingORD-2023-2-6](#)

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

[Signed Ordinance No. 23-03.pdf](#)

Morgan Hester, Planning Supervisor, Planning and Community Development, presented an overview of the Ordinance repealing City Code Chapter 7 (Planning, Development and Building) and adopting the Unified Development Code (UDC) also known as RetoolCOS, incorporating various building codes, other primary and secondary codes, as included, and providing for the penalties and remedies for violation thereof. She provided a recap of the January 24, 2023 City Council meeting and next steps.

Councilmember Murray asked if the Ordinance contains the City's greenhouse gas mitigation measures. Ms. Hester stated there are measures which address the mitigation of greenhouse gas, but it does not explicitly state that purpose. Ben Bolinger, Assistant City Attorney, stated greenhouse gas mitigation measures related to item 11.A. are defined by a Colorado Department of Transportation document.

Councilmember Donelson requested an amendment to the appeal process to not require the maintenance of standing in order to appeal a development or project. Peter Wysocki, Director of Planning and Community Development, explained that a person is eligible to appeal if they reside within 1,000 feet of the proposed project or if they are outside that boundary they are eligible to appeal if they reside within three miles and have preserved standing by participating in the process.

**Motion by Councilmember Donelson, seconded by Councilmember Murray, that the Ordinance be amended to not require the maintenance of standing in order to appeal a development or project as long as the person lives within three miles of the project be approved. The motion failed by a vote of 2-7-0-0**

**Aye:** 2 - Donelson, and Murray

**No:** 7 - Avila, Fortune, Helms, Henjum, O'Malley, Strand, and Williams

Councilmember Henjum stated the City's Planning Department has done an exceptional job in engaging citizens and notifying citizens in the process.

**Motion by Councilmember Murray, seconded by President Pro Tem Helms, that the Ordinance repealing and replacing Chapter 7 (Planning, Development and Building) of City Code in its entirety with the Unified Development Code (UDC) which will serve as the zoning code and Chapter 7 of the City Code of the City of Colorado Springs 2001, as amended be finally passed. The motion passed by a vote of 8-1-0-0**

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

**No:** 1 - Donelson

## **11. New Business**

- 11.A. [23-096](#) A resolution finding that the unified development code contains greenhouse gas mitigation measures

Presenter:

Benjamin Bolinger, Assistant City Attorney  
Wayne Williams, Councilmember

**Attachments:** [RES-GHGmitigation-2023-2-3](#)  
[1610-ghg-mitigation-measures](#)  
[Signed Resolution No. 22-23.pdf](#)

Councilmember Williams presented the Resolution finding that the Unified Development Code (UDC) contains greenhouse gas mitigation measures. He stated there are a number of efforts in the proposed UDC that the Pikes Peak Area Council of Governments (PPACG) recommended the City seek greenhouse gas credit for, but was previously overlooked.

Councilmember Donelson and Councilmember Henjum stated they serve on the PPACG Board and they have not previously heard of this recommendation. Councilmember Williams stated it was recommended to him from John Liosatos, Transportation Director, PPACG, and Andrew Gunning, PPACG Executive Director, reached out to him regarding this proposal.

Ben Bolinger, Assistant City Attorney, explained that rather than modifying the Ordinance adopting the UDC, this Resolution is a finding that the UDC was made in response to, and in consideration of, the State of Colorado's Transportation Commission Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (2 CCR 601-22) and the Transportation Commission's Policy Directive 1610 on Greenhouse Gas Mitigation Measures.

Mr. Liosatos stated they are still trying to figure out the nuances and impacts of SB260 but there are mitigation measures which are allowable for a region to take to lessen the impact of the requirements of SB260 and they wanted to utilize the UDC Ordinance as an instance of where they are in compliance if they would like to receive greenhouse gas credit for it.

Councilmember Donelson asked why a Resolution would be required for

this. Mr. Liosatos stated there are two ways to address this, one is the modeling approach and the second one is this approach which preserves the necessary avenues of recourse should they need them and lets the stated know that the mitigation measures and strategies in the UDC Ordinance were not already being done.

Councilmember Donelson asked when SB260 was passed. Mr. Liosatos stated 2021.

Councilmember Donelson asked when the drafting of the UDC began. Ms. Hester stated 2019. Councilmember Williams stated some of the greenhouse gas mitigation measures for the UDC were made as late as two weeks ago for which the region would be able to claim credit.

Councilmember Avila stated this Resolution shows the City is being proactive in making efforts to reduce greenhouse gases.

**Motion by Councilmember Murray, seconded by Councilmember Henjum, that the Resolution finding that the Unified Development Code contains greenhouse gas mitigation measures be adopted. The motion passed by a vote of 8-1-0-0**

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

**No:** 1 - Donelson

## **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