



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, April 26, 2022

10:00 AM

Council Chambers

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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 Murray left the meeting at approximately 3:15 PM.
Councilmember Williams attended the meeting in-person until 3:15 PM and then attended the meeting virtually.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Carl Nelson from the Colorado Springs Police Department.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated Councilmember Henjum requested item 4B.P. be removed from the Consent Calendar.

Consensus of Council agreed to this change 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:

- 4A.A. [22-131](#) Ordinance No. 22-19 excluding property from the boundaries of the MW Retail Business Improvement District located near the intersection of Woodmen and Marksheffel Roads.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [Ordinance MW Retail Exclusion](#)

[Exhibit A- MW Colorado Springs - executed Petition for Exclusion of Property Site Plan](#)

[Transmittal Letter for Exclusion](#)

[Exhibit B- Notice of Exclusion](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.B. [22-157](#) Ordinance No. 22-20 including property into the boundaries of the MW Retail Business Improvement District located near the intersection of Woodmen and Marksheffel Roads.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [Ordinance MW Retail BID Inclusion](#)

[Exhibit A- Executed Petition for Inclusion](#)

[PowerPoint- MW Retail BID Inclusion, Exclusion and Debt Issuance](#)

[Exhibit B- Notice of Inclusion](#)

This Ordinance was finally passed on the Consent Calendar

- 4A.C.** [22-187](#) Ordinance No. 22-21 amending Ordinance No. 18-77 to change the name of the United States Air Force Academy Visitor's Center Business Improvement District to TrueNorth Commons Business Improvement District
(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Attachments: [ORD TrueNorthBID-2022-04-05](#)

This Ordinance was finally passed on the Consent Calendar

4B. First Presentation:

- 4B.A.** [22-251](#) City Council Regular Meeting Minutes April 12, 2022

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [4-12-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 4B.B.** [CPC PUZ 21-00175](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 38.5 acres generally located south of Woodmen Road and east of the Adventure Way and Nevada Lane intersection from PUD/SS/AO (Planned Unit Development: 45-foot maximum height; PBC land uses and residential; 9.14 dwelling units per acre with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: 38-foot maximum height; PBC land uses and residential; 8.8 dwelling units per acre with Streamside and Airport Overlays).

(Quasi-Judicial)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

- Attachments:** [ORD_ZC_CottagesAtWoodmenHeights](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - PUD Zone Change](#)
[Cover MemoCottages_KAW](#)
[Project Statement](#)
[PlanCOS vision Map](#)
[Development Plan](#)
[Context Map](#)
[CPC_Minutes_ConsentCalendar](#)
[7.5.603.B Findings - ZC](#)
[7.3.603 Establishment & Development of a PUD Zone](#)

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

- 4B.C.** [CPC PUD 20-00054-A1 MN21](#) The Cottages at Woodmen Heights Development Plan for 38.5 acres containing a mix of commercial and multi-family land uses generally located south of Woodmen Road and east of the Adventure Way and Nevada Lane intersection.

(Quasi-Judicial)

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

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

This Item was approved on the Consent Calendar.

- 4B.D.** [CPC PUZ 20-00084](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 29.375 acres located at 777 Vondelpark Drive from C6 (General Business) to PUD (Planned Unit Development: Single-Family Attached and Detached, 3.0-6.0 dwelling units per acre, and maximum building height of 35 feet).

(Quasi-Judicial)

Related File: CPC PUP 21-00186

Presenter:
 Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_EllstonPark](#)
[EllstonPark_DJS_CC](#)
[Ellston Park Applicant CC](#)
[CPC Report_Ellston Park](#)
[PUD Zone Change](#)
[PUD Concept Plan](#)
[Project Statement](#)
[Vision Map](#)
[Public Comments](#)
[CGS Letter](#)
[Context Map](#)
[CPC Minutes ConsentCalendar](#)
[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.E.** [CPC PUP
21-00186](#) A Planned Unit Development Concept Plan for the Ellston Park project illustrating a single-family residential development on 29.375 acres, located at 777 Vondelpark Drive.

(Quasi-Judicial)

Related File: CPC PUZ 20-00084

Presenter:
 Daniel Sexton, Planning Supervisor, Planning & Community Development
 Peter Wysocki, Director, Planning & 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.F.** [CPC ZC
21-00177](#) An ordinance amending the zoning map of the City of Colorado Springs from OC/cr/AO (Office Complex with conditions of record and Airport Overlay) and R5/cr/AO (Multi-family Residential with conditions of record and Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) on 1.279 acres located at 3611 Rio Vista Drive.

Related File: AR CP 11-00482-A3MN21

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_ZC_3611RioVistaDr](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Change](#)
[CC_3611_Rio_Vista_TPB](#)
[3611_Rio_Vista_Staff_Report_TPB](#)
[Concept_Plan_Minor_Amendment](#)
[Zone_Change_Exhibit](#)
[Project_Statement](#)
[PlanCOS_Vision_Map](#)
[Public_Comments](#)
[Public_Comment_Response](#)
[O'Sullivan_comments](#)
[Cain_comments](#)
[Ordinance_16-91](#)
[CPC_Minutes_ConsentCalendar](#)
[7.5.603.B_Findings_-_ZC](#)

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

- 4B.G.** [AR_CP_11-00482-A3_MN21](#) A minor amendment to the Southwest Powers Boulevard and North Carefree concept plan allowing a car wash located at 3611 Rio Vista Drive.

Related File: CPC ZC 21-00177

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

Attachments: [Concept_Plan_Minor_Amendment](#)
[7.5.501.E_Concept_Plans](#)

This Item was approved on the Consent Calendar.

- 4B.H.** [CPC_PUZ_21-00081](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 2.97 acres located at the northwest corner of South Union Boulevard and Hancock Expressway from PUD (Planned Unit Development: Commercial) to PUD (Planned Unit Development:

Residential, 11.79 dwelling units per acre with a maximum building height of 36 feet).

(QUASI-JUDICIAL)

Related Files: CPC PUP 05-00176-A1MJ21, CPC PUD 21-00080, CPC V 21-00213

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_ZC_OverlookAtSpringCreek](#)

[Exhibit A - Legal Rezone](#)

[Exhibit B Rezone](#)

[Overlook at spring creek- staff presentation](#)

[APPLICANT PRESENTATION Overlook at SC - PC meeting 3-17-22](#)

[HR Green](#)

[CPC Staff Report_Overlook](#)

[Development Plan](#)

[Project Statement](#)

[Public Comments](#)

[Zone Change Exhibit](#)

[Concept Plan Amendment](#)

[Parking-Exhibit](#)

[Vacation Plat](#)

[CPC_Minutes_OverlookAtSpringCreekI_draft](#)

[7.5.603.B Findings - ZC](#)

[7.5.603 Findings - ZC](#)

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

4B.I. [CPC V
21-00213](#)

An ordinance vacating portions of a public right-of-way along Springs Vista Street consisting of 0.131 acres.

(LEGISLATIVE)

Related Files: CPC PUZ 21-00081, CPC PUP 05-00176-A1MJ21, CPC PUD 21-00080

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_VROW_SpringsVistaStreet](#)
[Exhibit A - Legal Description Vacation](#)
[Exhibit B - Vacation Plat](#)
[7.7.402.C Vacation Procedures](#)

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

- 4B.J.** [CPC PUP](#) A Major Amendment to the Overlook at Spring Creek Planned Unit
[05-00176-A1](#) Development Concept Plan to allow a 35-unit single-family residential
[MJ21](#) development, located at the northwest corner of South Union Boulevard
and Hancock Expressway.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 21-00081, CPC PUD 21-00080, CPC V
21-00213

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development
Peter Wysocki, Director of Planning and Community Development

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

This Item was approved on the Consent Calendar.

- 4B.K.** [CPC PUD](#) A Planned Unit Development Plan for the Overlook at Spring Creek
[21-00080](#) project to allow a 35-unit single-family detached small-lot residential
development, located at the northwest corner of South Union Boulevard
and Hancock Expressway.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 21-00081, CPC PUP 05-00176-A1MJ21,
CPC V 21-00213

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development
Peter Wysocki, Director of Planning and Community Development

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

This Item was approved on the Consent Calendar.

- 4B.L.** [22-158](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of Dublin North Metropolitan District No. 2 Limited Tax General Obligation Loans Series 2022(A-1) and Series 2022 (A-2) in an aggregate amount not to exceed \$5,500,000 for properties located north of Dublin Boulevard and east of Templeton Gap Road

Presenter:

Carl Schueler, Comprehensive Planning Manager

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)

[Staff PowerPoint- Dublin North Debt Issuance](#)

[Dublin North MD2 - Budget Committee Presentation 3.22.2022](#)

[Applicant Cover Letter to City](#)

[Term Sheet - Dublin North MD No. 2 \(as of 3.17.22\)](#)

[Dublin North MD#2 Financial Plan, TXL Refg+TFL New, IF, Mar4](#)

[Dublin North MD 2022 - Draft Loan Agreement](#)

[General Counsel Opinion Form](#)

This Resolution was adopted on the Consent Calendar.

- 4B.M.** [22-076](#) A resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of the Old Ranch Metropolitan District Limited Tax Special Obligation Refunding Bonds, Series 2022 in the amount not to exceed \$7,680,000 and related bond documents for districts located in the Wolf Ranch development in northern Colorado Springs.

Presenter

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)
[Staff PowerPoint](#)
[Applicant PowerPoint 2022-03-14](#)
[2022 Cover Letter to Colorado Springs re Bond Submittal - Old Ranch MD](#)
[2022-03-10 Old Ranch MD 2022 - Bond Cash Flows - Preliminary Numbers](#)
[2022-03-10 Old Ranch MD 2022 LT GO - Fairness Letter by RBC](#)
[2022-03-10 Old Ranch MD 2022 LT GO - Refinancing Summary](#)
[Draft 2022 UCCMD BOND RESOLUTION](#)
[Draft 3-14-22 2022 UCCMD Bond Counsel Opinion](#)
[Draft GC Bond Opinion - Old Ranch Metropolitan District](#)

This Resolution was adopted on the Consent Calendar.

- 4B.N. [22-077](#)** A resolution approving the inclusion of property into the Tuscan Foothills Village Metropolitan District that is outside the established boundaries for the district located west of Centennial Boulevard and south of Chuckwagon Road

(Legislative)

Presenter:
Hannah Van Nimwegen, Senior Planner, Planning and Community Development
Peter Wysocki, Director of the Planning and Community Development Department

Attachments: [Resolution](#)
[Exhibit 1- Letter Requesting Inclusion](#)
[Staff Presentation](#)
[2016 Service Plan](#)

This Resolution was adopted on the Consent Calendar.

- 4B.O. [22-190](#)** Resolution to approve the HOME-ARP Allocation Plan draft for submittal to the U.S. Department of Housing and Urban Development

Presenter:
Catherine Duarte, AICP, Senior Analyst, Community Development Division
Peter Wysocki, AICP, Director of Planning and Community Development

Attachments: [Apr11 CC resolution for HOME-ARP Allocation Plan approval](#)
[2022 HOME-ARP Allocation Plan Apr 11 Council presentation](#)
[Colorado Springs HOME-ARP allocation plan draft for public review](#)

This Resolution was adopted on the Consent Calendar.

- 4B.Q.** [22-199](#) A Resolution Authorizing a Land Exchange Between the City of Colorado Springs and Charles H. Ames and Connie G. Ames

Presenter:

Gayle Sturdivant, City Engineer/Deputy Public Works Director
Aaron Egbert, Senior Engineer

Attachments: [Ames Land Exchange Exhibit A](#)
[Ames Land Exchange Presentation_FINAL](#)
[Ames Land Exchange Draft Resolution CLEAN 3.11.22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.R.** [22-193](#) An Ordinance amending Ordinance No. 21-116 and Prescribing the Salary of the City Council Administrator

Presenter:

Tom Strand, City Council President and At-Large City Councilmember

Attachments: [2022 Council Admin Salary Ord Final](#)

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

Approval of the Consent Agenda

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

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

5. Mayor's Business

- 5.A.** [22-257](#) A Resolution Confirming the Mayor's Appointment of Adrian Vasquez as Police Chief

Presenter:

John Suthers, Mayor

Attachments: [Vasquez Resolution](#)

Mayor Suthers gave an overview of the interview process for the position of Police Chief, identified the qualifications of Adrian Vasquez, and recommended the appointment of Mr. Vasquez as Police Chief.

Councilmember Murray stated the Colorado Springs Police Department needs to see a real change and will be voting against the appointment.

Councilmember William, President Pro Tem Helms, and Councilmember Fortune expressed support of the appointment.

Chief Vasquez expressed appreciation to the Colorado Springs Police Department, the Mayor, and City Council.

Judge HayDen Kane performed the swearing in ceremony.

Motion by Councilmember Donelson, seconded by Councilmember Henjum, that the Resolution confirming the Mayor's Appointment of Adrian Vasquez as Police Chief be adopted. 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

- 5.B.** [22-229](#) Reappointment of Maureen Juran to a five-year term on the Colorado Springs Urban Renewal Authority Board. The term would be set to expire on April 25, 2027.

Presenter:
Mayor John Suthers

Mayor John Suthers presented the nomination to reappoint Maureen Juran for a five-year term on the Colorado Springs Urban Renewal Authority Board.

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Fortune, that the Reappointment of Maureen Juran to a five-year term on the Colorado Springs Urban Renewal Authority Board, expiring 4/25/2027 be approved. 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.C.** [22-230](#) Reappointment of Wynne Palermo to a five-year term on the Colorado Springs Urban Renewal Authority Board. The term would be set to expire on April 25, 2027.

Presenter:
Mayor John Suthers

Mayor John Suthers presented the nomination to reappoint Wynne Palermo for a five-year term on the Colorado Springs Urban Renewal

Authority Board.

There were no comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Fortune, that the Reappointment of Wynne Palermo to a five-year term on the Colorado Springs Urban Renewal Authority Board, expiring 4/25/2027 be approved. 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.D.** [22-233](#) Reappointment of Randy Case to a five-year term on the Colorado Springs Urban Renewal Authority Board. The term would be set to expire on April 25, 2027.

Presenter:
Mayor John Suthers

Mayor John Suthers presented the nomination to reappoint Randy Case for a five-year term on the Colorado Springs Urban Renewal Authority Board.

There were no comments on this item.

Motion by Councilmember Donelson, seconded by Councilmember Henjum, that the Reappointment of Randy Case to a five-year term on the Colorado Springs Urban Renewal Authority Board, expiring 4/25/2027 be approved. 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.E.** [22-234](#) Reappointment of Anthony Perez to a five-year term on the Colorado Springs Urban Renewal Authority Board. The term would be set to expire on April 25, 2027.

Presenter:
Mayor John Suthers

Mayor John Suthers presented the nomination to reappoint Anthony Perez for a five-year term on the Colorado Springs Urban Renewal Authority Board.

Mr. Perez expressed appreciation for the reappointment.

Motion by Councilmember Fortune, seconded by President Pro Tem Helms, that the Reappointment of Anthony Perez to a five-year term on the Colorado Springs Urban Renewal Authority Board, expiring 4/25/2027 be approved. The motion passed by a vote of 9-0-0-0

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

6. Recognitions

6.A. [22-255](#) Appointments to Boards, Commissions, and Committees

Presenter:

Tom Strand, Council President and Councilmember At Large
Michael Montgomery, Deputy City Council Administrator

Attachments: [042622 Boards Commissions and Committee Appointments](#)

Michael Montgomery, Deputy City Council Administrator, presented the appointments to Boards, Commissions, and Committees which included the reappointment of Ronald Honn and David Hewitt to serve three-year terms on the Fire Board of Appeals.

Mr. Hewitt expressed appreciation for the reappointment.

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

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

6.B. [22-227](#) A Resolution of Appreciation of Robert Hodges, Administrative Assistant II, Support Services, for his 29 years of service to the City of Colorado Springs.

Presenter:

Wade Gann, Office Services Coordinator
Ryan Trujillo, Deputy Chief of Staff

Attachments: [Retiree Resolution \(Employee Will Attend\) - Robert Hodges](#)

Wade Gann, Office Services Coordinator, introduced the Resolution of appreciation for Robert Hodges, Administrative Assistant II, Support Services, for his twenty-nine years of service with the City of Colorado Springs.

Ryan Trujillo, Deputy Chief of Staff, acknowledged Mr. Hodges achievements, service, and accomplishments during his career with the City.

Mr. Hodges expressed appreciation for the opportunities he had been given with the City, for the recognition, and for the Office Services Team.

Motion by Councilmember Henjum, seconded by President Pro Tem Helms, that the Resolution of appreciation of Robert Hodges, Administrative Assistant II, Support Services, for his 29 years of service to the City of Colorado Springs 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.C. [22-198](#) Resolution To Recognize Affordable Housing Developers & Service Providers In Colorado Springs

Presenter:
Wayne Williams, Councilmember At Large

Steve Posey, Community Development Manager
City of Colorado Springs

Attachments: [Affordable Housing](#)

Councilmember Williams read the Resolution to recognize affordable housing developers and service providers In Colorado Springs.

Sarah Lipka, Managing Attorney for the Colorado Springs Office of Colorado Legal Services, introduced several members of their team, gave a brief overview of their accomplishments, and expressed appreciation for the recognition.

Steve Posey, Community Development Manager, recognized Colorado Legal Services for the incredible work they have done in the community especially during the pandemic.

Councilmember Henjum requested a presentation from Colorado Legal Services regarding the services they provide at a future Work Session.

Motion by President Pro Tem Helms, seconded by Councilmember Henjum, that the Resolution to recognize affordable housing developers and service providers In Colorado Springs 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.D. [22-254](#) A Resolution honoring May 8, 1945 as Victory in Europe Day

Presenter:
Dave Donelson, Councilmember District 1

Attachments: [Victory In Europe Day](#)

Councilmember Donelson introduced World War II veterans, Ed Beck and Bill Roach, spoke about his father-in-law's military service during the Battle of the Bulge, and read the Resolution honoring May 8, 1945 as Victory in Europe Day.

Mr. Beck and Mr. Roach gave a brief overview of their experiences during World War II and expressed appreciation for the recognition.

Veteran Roger Fortin invited veterans and others to join other fellow veterans to share comradeship at the North Academy Boulevard Black-eyed Pea every Wednesday morning.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Resolution honoring May 8, 1945 as Victory in Europe 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.E. [22-253](#) A Resolution in remembrance of the End of the Vietnam War

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [End of the Vietnam War](#)

President Strand read the Resolution in remembrance of the end of the Vietnam War, gave a brief history of the Vietnam War, and the accomplishments of Colonel Paul Kurtz "PK" Robinson retired Vietnam veteran

Colonel Robinson Retired and veteran Roger Fortin Retired provided an overview of their service during the Vietnam War and expressed gratitude for the recognition.

Several Councilmembers honored the Vietnam veterans in their lives and expressed appreciation for their sacrifices.

Motion by President Pro Tem Helms, seconded by Councilmember Fortune, that the Resolution in remembrance of the end of the Vietnam War be adopted. The motion passed by a vote of 9-0-0

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

Absent: 1 - Avila

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

Citizens Larry Lamz, Marsha Utterbach, Dana Utterbach, Marilyn Palmer, Caroline Lamz, and Chris Hall spoke against the prohibition of motorized boating and the aeration plan for the prevention of blue/green algae at Prospect Lake.

Citizen Charles Barber spoke about the need for water conservation.

Citizens Theresa Gazzara, Chuck Lucas, and Kathy Perry, spoke about the survey and recommendations for the Westside Community Center.

Citizen Janice Moglen gave recognition to single parents and Child Abuse Prevention Month.

Citizen Conrad Czajkowski spoke about his experience at the April 12, City Council meeting.

Citizen Jaymen Johnson expressed gratitude for veterans and for Councilmember Avila's statements regarding veterans.

8. Items Called Off Consent Calendar

4B.P. [22-201](#) An Ordinance Repealing Ordinance Nos. 10-48 and 12-20, Dissolving the Colorado Springs Human Relations Commission

Presenter:

Tom Strand, Council President and Councilmember At Large
Dave Donelson, Councilmember District 1

Attachments: [Establishing Legislation for Human Relations Commission](#)
[ORD-DissolvingHRC-2022-04-06.docx](#)

Delia Armstrong-Busby, Greg Walter, Rachel Stovall, Reverend Ellen Johnson-Fay, members of the Colorado Springs Human Relations Commission (HRC) spoke in opposition of the Ordinance dissolving the HRC.

Councilmember Donelson stated the City is in a very different situation from when the HRC was established, and the City now has the Law Enforcement Transparency and Accountability Commission (LETAC), and the Mayor's Office has a Diversity, Equity, and Inclusion program.

Councilmember Avila, City Council liaison to the HRC, spoke in opposition of dissolving the HRC.

Councilmember Williams requested the Ordinance to be amended to include a third Whereas, which states "City Council, in conjunction with the City Administration, intends to study and reevaluate the need for a board or commission to advise on issues related to community development and human relations over the next six (6) months." Jeff Greene, Chief of Staff,

agreed to Councilmember Williams request to study and reevaluate the need.

Councilmember Fortune, Councilmember Henjum, and Councilmember Avila stated they support Councilmember Williams' amendment to the proposed Ordinance.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Ordinance repealing Ordinance Nos. 10-48 and 12-20, dissolving the Colorado Springs Human Relations Commission as amended to include a third "Whereas" which states "City Council, in conjunction with the City Administration, intends to study and reevaluate the need for a board or commission to advise on issues related to community development and human relations over the next six (6) months." was approved on first reading. The motion passed by a vote of 9-0-0

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

9. Utilities Business

9.A. [22-113](#) A Resolution Setting the Gas Cost Adjustment Effective May 1, 2022

Presenter:

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities
Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Attachments: [04-26-2022 CC Mtg-GCA Resolution](#)
[G Sheet 2.4 Rate Tbl - 17th Revised Redline](#)
[G Sheet 2.4 Rate Tbl - 17th Revised Final](#)
[Schedule 1 - GCA](#)

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU) presented the Resolution setting the Gas Cost Adjustment (GCA) effective May 1, 2022 and provided an overview of the sample bill impact of the proposed May 2022 rate.

Councilmember Williams and Councilmember Donelson spoke in support of the proposed Resolution.

Aram Benyamin, Chief Executive Officer, CSU, expressed appreciation for the decisive action of City Council.

Councilmember Henjum reminded everyone that the City is currently in a highly volatile market.

Motion by Councilmember Williams, seconded by Councilmember O'Malley, that the Resolution setting the Gas Cost adjustment effective May 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

10. Unfinished Business

There was no Unfinished Business.

11. New Business

11.A. [22-108](#)

A resolution of the City Council of the City of Colorado Springs, Colorado approving a Fourth Service Plan Amendment for the Colorado Crossing Metropolitan Districts No. 1 through 3 to authorize an increase in the combined maximum authorized debt of the Districts from \$50,000,000 to \$72,000,000 and to authorize the creation of Special Improvement Districts for a property located south of Interquest Parkway and east of I-25

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Resolution](#)

[Exhibit 1- Fourth Amendment to the Service Plan](#)

[Staff Presentation- Colorado Crossing Service Plan Amendment and Debt Issuance](#)

[Applicant Presentation- Budget Committee](#)

[Transmittal Letter](#)

[Petition for Fourth Amendment](#)

[CO Crossing SID One Sheet 03.30.22](#)

[Infrastructure Cost Map](#)

Carl Schueler, Planning Manager, Comprehensive Planning Manager, Planning and Development Department, presented the Resolutions approving a fourth service plan amendment for the Colorado Crossing Metropolitan Districts (CCMD) No. 1 through 3 to authorize an increase in the combined maximum authorized debt of the Districts from \$50,000,000 to \$72,000,000, authorize the creation of Special Improvement Districts (SID) and authorize CCMD No. 2 to issue debt in the form of SID No. 1 and No. 2 Special Assessment Revenue Bonds in an aggregate principal amount not to exceed \$12,000,000 for a property located south of Interquest Parkway and east of I-25.

Councilmember Murray stated he is concerned with creating Special

Improvement Districts on top of Metropolitan Districts and the special tax assessments they would receive from the City.

President Strand asked if this would affect the debt of the City. Mr. Schueler stated it would not because it is specific to residents within that district.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Resolution of the City Council of the City of Colorado Springs, Colorado approving a Fourth Service Plan Amendment for the Colorado Crossing Metropolitan Districts No. 1 through 3 to authorize an increase in the combined maximum authorized debt of the Districts from \$50,000,000 to \$72,000,000 and to authorize the creation of Special Improvement Districts for a property located south of Interquest Parkway and East of I-25 be adopted. 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

11.B. [22-191](#)

A resolution of the City Council of the City of Colorado Springs, Colorado authorizing Colorado Crossing Metropolitan District No. 2 to issue debt in the form of Special Improvement District No. 1 and No. 2 Special Assessment Revenue Bonds in an aggregate principal amount not to exceed \$12,000,0000 for a project located in the vicinity of Interquest Parkway and Interstate 25

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Resolution](#)

[Transmittal Letter](#)

[Term Sheet - Colorado Crossing SID \(as of 03.11\)](#)

[Colorado Crossing SID Financial Plan 03.10.22](#)

[Service Plan Compliance Letter \(2022 bonds\)](#)

[Indenture - Colorado Crossing MD No. 2 - SIDs](#)

Please see comments in Agenda item 11.A.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Resolution of the City Council of the City of Colorado Springs, Colorado authorizing Colorado Crossing Metropolitan District No. 2 to issue debt in the form of Special Improvement District No. 1 and No. 2 Special Assessment Revenue Bonds in an aggregate principal amount not to exceed \$12,000,0000 for a project located in the vicinity of Interquest Parkway and Interstate 25 be adopted. 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

- 11.C. [22-200](#) An Ordinance amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$3,485,333 for additional projects and events recommended by the LART Citizen Advisory Committee; and to the Capital Improvements Program (CIP) Fund in the amount of \$900,000 for LART-funded capital projects that will be administered by the City of Colorado Springs Parks, Recreation and Cultural Services Department

Presenter:

Chris Wheeler, City Budget Manager

PK McPherson, Chair, LART Citizen Advisory Committee

Attachments: [Ordinance for LART 2022 Additional Events-Apr 2022 with Ex A. landscape](#)

Chris Wheeler, City Budget Manager, presented the Ordinance for a supplemental appropriation of \$3,485,333 to the Lodgers and Automobile Rental Tax (LART) fund for additional projects and events as recommended by the LART Citizen Advisory Committee and to the Capital Improvements Program (CIP) Fund in the amount of \$900,000 for LART-funded capital projects that will be administered by the City of Colorado Springs Parks, Recreation and Cultural Services Department.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Henjum, that the Ordinance approving a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund and the Capital Improvements Program (CIP) Fund be approved on first reading. The motion passed by a vote of 7-2-0-0

Aye: 7 - Avila, Fortune, Helms, Henjum, Murray, Strand, and Williams

No: 2 - Donelson, and O'Malley

- 11.D. [22-177](#) An Ordinance Adopting A New Part 1 (Massage Businesses) Of Article 3 (Sales Of Goods And Services) Of Chapter 2 (Business Licensing, Liquor Regulations And Taxation) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Massage Business Licenses, And Providing Penalties For The Violation Thereof

Presenter:

Dave Donelson, Councilmember

District 1

Scott Whittington, Commander

Colorado Springs Police Department

Lee McRae, License Enforcement Officer

City Clerk's Office

Attachments: [MassageBusinessLicense-2022-4-19](#)
[IMP City NEW Presentation](#)

Councilmember Donelson introduced the Ordinance adopting a new Part 1 (Massage Businesses) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the City Code pertaining to massage business. He stated this proposed Ordinance has two goals: 1. to cause as little burden and inconvenience as possible to legitimate massage therapy businesses and 2. give the Colorado Springs Police Department (CSPD) a legal and effective tool to inspect and shut down those who are using massage therapy businesses as a front to profit from human trafficking and prostitution.

Ben Bolinger, Assistant City Attorney, City Attorney's Office, identified the proposed changes to the massage business license Ordinance as suggested by City Council at the April 11, 2022 Work Session.

Sarah B. Johnson, City Clerk, clarified that the amended proposed Ordinance was included in the Agenda packet and available to the public on the City website.

Lee McRae, License Enforcement Officer, stated this proposed business license fits into a location-based license and House Bill 22-1300. He highlighted the removal of equity holders on 2.3.103(a)(3), the addition of "client" in unlawful acts for Section 2.3.107, and went over the requirements regarding exemptions and the license fees.

Citizens Kathy Cook and Jo-Ann O'Neil, Board Members of Human Trafficking Taskforce of Colorado spoke in support of the proposed Ordinance.

Citizens Rebecca Lambert and Shelly Cox, Glenn Carlson, Licensed Self-Employed Massage Therapists, spoke in opposition of the proposed Ordinance as it pertains to the sole-proprietor section.

President Strand asked when this Ordinance would go into effect. Ms. Johnson stated July 1, 2022, and massage businesses will have to obtain a license by September 2022.

Councilmember Donelson asked if CSPD needs this Ordinance passed in order to effectively investigate and shut down illicit massage parlors. Scott Whittington, Commander, CSPD, confirmed they do.

Motion by Councilmember Murray, seconded by Councilmember O'Malley, that the Ordinance adopting a new part 1 (Massage Businesses) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Massage Business Licenses, and providing penalties for the violation thereof be approved on first reading. The motion passed by a vote of 9-0-0-0

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

- 11.E. [22-180](#) A Resolution setting the fees for massage business licenses issued by the City Clerk's Office

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Clerk-BusinessLicenseFees-MassageRES-2022-04-19](#)

Please see comments in Agenda item 11.D.

Motion by Councilmember Murray, seconded by Councilmember O'Malley, that the Resolution setting the fees for massage business licenses issued by the City Clerk's Office 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

12. Public Hearing

- 12.A. [AR DP 21-00551](#) An appeal of the Planning Commission's action to deny an appeal regarding the Creekwalk Filing 1 Development Plan which illustrates the construction of a new 23,175 square foot grocery store on a 2.7-acre site located on the southwestern corner of S. Nevada Ave. and E. Ramona Ave.

(Quasi-Judicial)

Related File: AR FP 21-00552

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning and Community Development Director, Planning and Community Development Department

Attachments: [Appeal Statement to City Council](#)
[Creekwalk Appeal Council Presentation RBT 042622](#)
[City Council Hearing - Creekwalk North Powerpoint for 4.26.2022](#)
[KH Creekwalk North City Council Apr 26 2022](#)
[stakeholder email](#)
[CPC Minutes CreewalkNorthAppeal draft](#)
[Creekwalk North Appeal CPC Staff Report 031722](#)
[Creekwalk North Appeal to Planning Commission Application](#)
[FIGURE 1 - Creekwalk North Appeal Statement](#)
[FIGURE 2 - Creekwalk North Response letter](#)
[FIGURE 3 - Creekwalk Filing 1 DP APPROVED 012022](#)
[FIGURE 4 - Creekwalk Filing 1 plat APPROVED 012022](#)
[FIGURE 5 - Creekwalk North Zoning Exhibit](#)
[FIGURE 6 - Appellants Request for Postponement](#)
[FIGURE 7 - Creekwalk Response to Postponement](#)
[FIGURE 8 - Creekwalk BID Response to Postponement](#)
[FIGURE 9 -](#)
[Creekwalk North Filing No 1 2021.12.16 ApprovedDrainageRpt](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)
[7.5.502.E Development Plan Review](#)

Ryan Tefertiller, Planning Manager, Planning and Community Development, presented the appeal of the Planning Commission's action to deny an appeal regarding the Creekwalk Filing 1 Development Plan which illustrates the construction of a new 23,175 square foot grocery store and the Creekwalk Filing 1 subdivision plat which created one lot and one tract on a 2.7-acre site located on the southwestern corner of S. Nevada Ave. and E. Ramona Avenue. He provided an overview of the site background, applications, appeal of Administrative approval, Planning Commission action, appeal of Planning Commission's approval, stakeholder notice, analysis, and staff recommendation.

Erin Powers, Compliance Program Manager, Stormwater Enterprise, went over the details of the project's drainage report.

President Strand asked if the Planning Commission was unanimous in the denial of the appeal. Mr. Tefertiller confirmed they were.

Councilmember Henjum requested the reason behind the excess size of the parking lot. Mr. Tefertiller stated this corridor is very auto centric and

there needs to be adequate parking supply for this proposed grocery store.

Annmarie Cording, Esq., Weiner and Cording, representing the appellant, identified the details of the project, subsurface StormTech stormwater chambers, no improvements planned for Cheyenne Creek in Phase 1, impervious areas, impacts to Cheyenne Creek with no consequences, and public funding of a private stormwater facility is unlawful.

Jim Houk, Kimley-Horn, representing the applicant, went over the Creekwalk North Development Plan and Final Plat proposed zone change, project context, existing conditions, phased system improvements, development plan, and improved pedestrian facilities on South Nevada Avenue and Cheyenne Road.

Eric Gunderson, Kimley-Horn, representing the applicant, identified the stormwater system and stormwater criteria.

Councilmember Henjum asked if the improvements to the creek could be made prior to Phase II. Mr. Houk stated they do not have access, liability, or control to two-thirds of the creek and the Master Plan has improvements to the creek being done block-by-block as the parcels are completed.

Councilmember Henjum asked how the Fountain Creek watershed will be impacted. Mr. Houk explained that the steps taken have gone through a review of the Army Corps of Engineers and the projects will start improving conditions all the way down to Fountain Creek.

President Strand requested additional clarification regarding the four steps of the project. Danny Mientka, The Equity Group/owner, representing the applicant, stated the first step is a 404 permit which is issued by the Army Corps of Engineers after the design is submitted, they will be able to start that process very quickly once they close on the balance of the creek, their intention is to make further improvements to Cheyenne Creek, and introduce stormwater detention and water quality treatment along South Nevada.

President Strand asked what the impact of this project to Cheyenne Creek will be. Mr. Mientka stated there is currently no stormwater detention so everything sheet flows and is impervious surface, so the underground detention with this project will treat the water before it goes into Cheyenne

Creek.

President Strand asked if the business improvement district (BID) will maintain the storm flow issues into the future. Mr. Mientka stated the BID will maintain the detention facility and the BID is growing yearly as they add more properties.

President Strand asked if Phase II will be problematic. Mr. Mientka stated they have aggregated all but one property for Phase II and then they will proceed with development.

Russ Dykstra, Spencer Fane, LLC, representing the applicant, stated the BID statute does not prohibit the district from maintaining the stormwater system and cited 31.25.12.12(1)(i). He also stated the City Code defines any public improvements not owned and operated by the City as private, but does not make it private for the purposes of the BID statute.

Ms. Cording stated Protect Colorado Springs is just an association of individuals who are aggrieved by the decision and are concerned with the health of the creek, the outflow of stormwater into the creek, and do not wish to disclose their names at this time.

Councilmember Williams stated he supports the project.

Motion by President Pro Tem Helms, seconded by Councilmember O'Malley, to deny the appeal and uphold the City Planning Commission's action and Staff's administrative approval of the Creekwalk Filing 1 Subdivision Plat, based upon the finding that the application complies with all standards and procedures within Article 7 (Subdivision Regulations), of Chapter 7 of City Code, and that the appeal criteria found in City Code Section 7.5.906.B are not met. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Murray

12.B. [AR FP
21-00552](#)

An appeal of the Planning Commission's action to deny an appeal regarding the Creekwalk Filing 1 subdivision plat which created one lot and one tract on a 2.7-acre site located on the southwestern corner of S. Nevada Ave. and E. Ramona Ave.

(Quasi-Judicial)

Related File: AR DP 21-00551

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning and Community Development Director, Planning and Community Development Department

Attachments: [7.5.906 \(A\)\(4\) Administrative Appeal](#)

[7.5.906 \(B\) Appeal of Commission-Board](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Henjum, seconded by Councilmember Fortune, to deny the appeal and uphold the City Planning Commission's action and Staff's administrative approval of the Creekwalk Filing 1 Subdivision Plat, based upon the finding that the application complies with all standards and procedures within Article 7 (Subdivision Regulations), of Chapter 7 of City Code, and that the appeal criteria found in City Code Section 7.5.906.B are not met. The motion passed by a vote of 8-0-1-0

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

Absent: 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