



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, October 10, 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

President Helms called the meeting to order at 10:04 AM.

Present: 8 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico

Excused: 1 - Councilmember David Leinweber

Councilmember Henjum attended the meeting virtually.

2. Invocation and Pledge of Allegiance

The Invocation was made by a citizen who had previously been a Chaplain of the Colorado Springs Police Department (no name provided).

President Helms led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Helms stated item 15.A. has been withdrawn from the agenda.

Consensus of Council agreed to this change on the agenda.

4. General Improvement Districts

Following a recess of the Regular City Council meeting, City Council shall reconvene as the Colorado Springs Board of Directors of the Briargate General Improvement District 2021 for action on the following item:

- 4.A. [23-508](#) Request to set November 14, 2023 as the Public Hearing date for consideration of adopting the proposed 2024 Colorado Springs Briargate General Improvement District 2021 Budget and to advertise as required by law

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [2024 Briargate GID 2021 Budget](#)

Charae McDaniel, Chief Financial Officer, presented the request to set November 14, 2023 as the Public Hearing date for consideration of adopting the proposed 2024 Colorado Springs Briargate General Improvement District 2021 Budget and to advertise as required by law.

There were no comments on this item.

Motion by Councilmember Avila, seconded by Councilmember O'Malley, o establish November 14, 2023 as the date of the Public Hearing to consider the 2024 Colorado Springs Briargate General Improvement District 2021 budget be approved. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Leinweber

Following adjournment of the Briargate General Improvement District 2021, City Council shall reconvene as the Colorado Springs Board of Directors of the Market place at Austin Bluffs General Improvement District for action on the following item:

- 4.B. [23-394](#) Request to set November 14, 2023 as the Public Hearing date for consideration of adopting the proposed 2024 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [MAB GID Budget 2024](#)

Charae McDaniel, Chief Financial Officer, presented the request to set November 14, 2023 as the Public Hearing date for consideration of adopting the proposed 2024 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law.

There were no comments on this item.

to establish November 14, 2023 as the date of the Public Hearing to consider the 2024 Colorado Springs Marketplace at Austin Bluffs General Improvement District budget be approved. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Leinweber

Following adjournment of the Colorado Springs Board of Directors of the Market place at Austin Bluffs General Improvement Distinct, City Council shall reconvene the City Council meeting.

5. 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.)

5A. Second Presentation:

- 5A.A.** [23-361](#) Ordinance 23-56 repealing Ordinance No. 23-46 and Approving a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the amount of \$1,465,848 for monies due to UCH-MHS for the periodic reconciliation with UC Health

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [ORD Repeal and Approve new Supplemental Approp Ord for MHS to UCH recon payment Signed Ordinance No. 23-56.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

5B. First Presentation:

- 5B.A.** [23-523](#) City Council Regular Meeting Minutes September 26, 2023

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [9-26-2023 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 5B.B.** [23-420](#) Ordinance No 23-57 Certifying Delinquent Stormwater Fees and Charges to the El Paso County Treasurer for Collection

Presenter:
Richard Mulledy, P.E., Stormwater Enterprise Manager

Attachments: [Exhibit A](#)
[Ordinance StormwaterFees-Certification](#)
[Signed Ordinance No. 23-57.pdf](#)

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

- 5B.C.** [23-450](#) A Resolution authorizing the acquisition of Real Property owned by the Colorado Department of Transportation

Presenter:
Troy Stover, Business Park Development Director, Colorado Springs Airport

Attachments: [RES CDOT LandAcquisition - Airport](#)
[Exhibit A-1 to Resolution](#)
[Exhibit A-2 to Resolution](#)
[Signed Resolution No. 136-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 5B.D.** [23-504](#) The City Clerk reports that on September 21, 2023 there was filed with her a petition for the annexation of Authentix Wolf 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: [Petition for Annexation.pdf](#)
[Authentix Filing No 1 Annexation Plat 4th Submittal.pdf](#)
[Memo to Clerk Annexation Petition.pdf](#)
[Updated Petition Hooks 4th Submittal.pdf](#)
[Updated Petition Tri-Lakes 4th Submittal.pdf](#)

Motion by Councilmember Avila, seconded by Councilmember Talarico, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

5B.E. [23-524](#)

The City Clerk reports that on September 21, 2023 there was filed with her a petition for the annexation of Authentix Wolf 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: [Petition for Annexation - City Signature.pdf](#)
[Memo to Clerk Annexation Petition.pdf](#)
[Authentix Wolf Ranch Fil 2 Vicinity Map 1st Submittal.pdf](#)
[EXHIBIT A Authentix Filing No. 2.pdf](#)
[Filing 2 Annexation Plat 4th Submittal \(2023-0918\).pdf](#)

Motion by Councilmember Avila, seconded by Councilmember Talarico, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

5B.F. [23-029](#)

Martin Drake Power Plant Decommissioning Regulatory Asset Creation Resolution

Attachments: [CSU-DrakeRegAssetRES-2023-08-01](#)
[Drake Decommissioning Reg Asset Presentation](#)
[Signed Resolution No. 137-23.pdf](#)

Motion by Councilmember Avila, seconded by Councilmember Talarico, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

5B.G. [23-515](#)

A Resolution of the City Council of the City of Colorado Springs, amending the previously approved Issuance of Debt by the Copper Ridge Metropolitan District in the form of a Tax-Exempt Bank Loan in a principal amount of up to \$24,530,000. (Legislative Item)

Presenter:

Mike Tassi, Assistant Director, Planning and Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [Resolution - Amended debt issuance](#)
[Amended City Council Letter 09-23](#)
[Copper Ridge MD Amended Financial Plan 09-23](#)
[Copper Ridge MD Amended Loan Agreement 09-23](#)
[Copper Ridge MD Amended Term Sheet 09-23](#)
[General Counsel Opinion Letter - 2023 Loan \(01108179\)](#)
[Copper Ridge Amended debt issuance presentation](#)
[Signed Resolution No. 138-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 5B.H.** [ZONE](#)
[23-0018](#) Ordinance No. 23-58 amending the zoning map of the City of Colorado Springs pertaining to 8.197 acres located at 4415 Grinnell Blvd from APD APZ-2 AP-O (Airport Planned Development Accident Potential Subzone 2 with Airport Overlay) to MX-M APZ-2 AP-O (Mixed-Use Medium Accident Potential Subzone 2 with Airport Overlay).
(Quasi-Judicial)

Presenter:

Drew Foxx, Planner II, Planning and Community Development
Peter Wysocki, Planning Director, Planning and Community Development

Attachments: [Staff Report](#)
[Peak Zone Change Ordinance](#)
[Figure 1 Project Statement](#)
[Figure 2 Exhibits A & B](#)
[Figure 3 Land Use Statement](#)
[Figure 4 COPN-22-0003](#)
[Figure 5 Peak Innovation Project Statement](#)
[Vicinity Map](#)
[Peak Zone Change - staff presentation](#)
[Signed Ordinance No. 23-58.pdf](#)

This Ordinance was approved on first reading on the Consent Calendar

- 5B.I.** [UVAR-23-00](#)
[04](#) Use Variance to allow an animal care facility use within an MX-M (Mixed-Use Medium) zone district consisting of 25,903 square feet located at 5929 Delmonico Drive.

Presenter:

Kerri Schott, Planner II, Development Review Enterprise.
Peter Wysocki, Planning Director, Planning & Development Department

Attachments: [Staff Report KLS Catology](#)
[Land Use Statement KLS Catology](#)
[PlanCOS Vision Map](#)
[7.5.527 USE VARIANCE](#)
[UV Catology CC Presentation staff](#)
[UV Catology Presentation Applicant](#)

Motion by Councilmember Avila, seconded by Councilmember Talarico, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

- 5B.J.** [ANEX-23-00](#)
[05](#) A resolution finding a petition for annexation of the area known as North Gate Boulevard Addition No. 8 Annexation consisting of 1.37 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of November 14, 2023, for the Colorado Springs City Council to consider the annexation of the area. (Legislative)

Presenter:

Katelynn Wintz, Planning Supervisor Planning & Neighborhood Services
Peter Wysocki, Planning & Neighborhood Services

Attachments: [Resolution](#)
[Exhibit A](#)
[Annex Plat North Gate Blvd Add No 8](#)
[Northgate8 Vicinity](#)
[Signed Resolution No. 139-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 5B.K.** [ANEX-23-00](#)
[06](#) A resolution finding a petition for annexation of the area known as North Gate Boulevard Addition No. 9 Annexation consisting of 0.55 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of November 14, 2023, for the Colorado Springs City Council to consider the annexation of the area. (Legislative)

Presenter:

Katelynn Wintz, Planning Supervisor Planning & Neighborhood Services
Peter Wysocki, Planning & Neighborhood Services

Attachments: [Resolution](#)
[Exhibit A](#)
[Annex Plat North Gate Blvd Add No 9](#)
[Northgate9 Vicinity](#)
[Signed Resolution No. 140-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 5B.L.** [ANEX-23-0007](#) A resolution finding a petition for annexation of the area known as Woodmen Road Addition No. 2 Annexation consisting of 1.6 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of November 14, 2023, for the Colorado Springs City Council to consider the annexation of the area. (Legislative)

Presenter:

Katelynn Wintz, Planning Supervisor Planning & Neighborhood Services
Peter Wysocki, Planning & Neighborhood Services

Attachments: [Resolution](#)
[ExhibitA](#)
[Annex Plat Woodmen Road Add 2](#)
[VicinityMap](#)
[Signed Resolution No. 141-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Avila, seconded by Councilmember Talarico, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Leinweber

6. Recognitions

- 6.A.** [23-540](#) A Resolution in Support of Israel

Presenter:

Lynette Crow-Iverson, President Pro Tem and Councilmember At Large

Attachments: [Resolution in Support of Israel](#)
[Signed Resolution No. 142-23.pdf](#)

President Helms read A Resolution in support of Israel.

Councilmember Avila stated it is important to recognize this was an act of terrorists and not Palestinians as a whole.

Councilmember Donelson stated City Council should be focused on local issues, not wars in the Middle East.

Citizen Haim Goldman expressed gratitude for the Resolution

Councilmember O'Malley stated he fully supports this Resolution and this act of terrorism affects the City especially with NORAD being located here.

Motion by Councilmember O'Malley, seconded by President Pro Tem Crow-Iverson, that the Resolution in Support of Israel be adopted. The motion passed by a vote of 7-1-1-0

Aye: 7 - Avila, Crow-Iverson, Helms, Henjum, O'Malley, Risley, and Talarico

No: 1 - Donelson

Excused: 1 - Leinweber

6.B. [23-474](#) A Resolution recognizing October 2023 as Arts Month in the Pikes Peak Region

Presenter:

Michelle Talarico, Councilmember District 3

Angela Seals, Executive Director, Cultural Office of the Pikes Peak Region

Attachments: [Arts Month in the Pikes Peak Region](#)

[Signed Resolution No. 143-23.pdf](#)

Councilmember Talarico read the Resolution recognizing October 2023 as Arts Month.

Angela Seals, 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, and several of the programs scheduled for the month through ArtsOctober.com.

Motion by Councilmember O'Malley, seconded by President Pro Tem Crow-Iverson, that the Resolution recognizing October 2023 as Arts Month in the Pikes Peak Region be adopted. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Leinweber

6.C. [23-526](#) A Resolution recognizing October 2023 as National Domestic Violence Awareness Month

Presenter:

Lynette Crow-Iverson, President Pro Tem & Councilmember At Large
Anne Markley, CEO, TESSA of Colorado Springs

Attachments: [National Domestic Violence Awareness Month Signed Resolution No. 144-23.pdf](#)

President Pro Tem Crow-Iverson read a Resolution recognizing October 2023 as National Domestic Violence Awareness Month.

Ann Markley, CEO, TESSA of Colorado Springs, gave an overview of TESSA's domestic violence awareness campaign. She stated this month is an effort to bring awareness to the community and to acknowledge domestic violence survivors.

Councilmember Avila commented that Centro de la Familia is another organization which assists domestic violence victims.

Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Talarico, that the Resolution recognizing October 2023 as National Domestic Violence Awareness Month be adopted. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Leinweber

6.D. [23-525](#) Appointments to City Council Boards, Commissions, and Committees

Presenter:

Randy Helms, Council President and Councilmember District 2

Attachments: [101023 Boards Commissions and Committee Appointments](#)

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

Dan Roehrs, nominee appointee to the Airport Advisory Commission (AAC), expressed gratitude for the opportunity to serve.

Motion by Councilmember O'Malley, seconded by Councilmember Risley, that the Appointments to City Council Boards, Commissions, and Committees (Airport Advisory Commission) be approved. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Leinweber

President Helms presented the City Council Appointments to Boards, Commissions, and Committees (Old Colorado City Security and Maintenance District Advisory Committee).

Motion by Councilmember Talarico, seconded by Councilmember O'Malley, that the Appointments to City Council Boards, Commissions, and Committees (Old Colorado City Security and Maintenance District Advisory Committee) be approved. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Leinweber

7. Mayor's Business

There was no Mayor's Business.

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

Citizen William Nixon spoke regarding the heavy metals located in the Gold Hill Mesa area and the mineral which may be able to deplete uranium.

Citizen Janice Moglin requested the tablet which memorializes the massacre which took place on the west bank of Shooks Run be removed.

9. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

10. Utilities Business

There was no Utilities Business.

11 Unfinished Business

There was no Unfinished Business.

12. New Business

There was no New Business.

13. Public Hearing

There was no Public Hearing.

14. Added Item Agenda

There were no items added to the Agenda.

15. Executive Session

15.A. [23-535](#)

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney for the purposes of receiving legal advice on specific legal questions regarding regulation of short term rentals.

The President of Council shall poll the City Councilmembers, and, upon

consent of two-thirds of the members present, may conduct a Closed Executive Session. In the event any City Councilmember is participating electronically or telephonically in the Closed Executive Session, each City Councilmember participating in the Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the Closed Executive Session is present or able to hear the matters discussed as part of the Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:
Wynetta Massey, City Attorney

Attachments: [23-535 Closed Session memo - 10-2-23](#)

This item was withdrawn by the City Attorney from the October 10, 2023 City Council meeting Agenda.

16. Adjourn

Upon completion of the Closed Executive Session, there being no further business to come before City Council, President Helms adjourned the meeting at 10:52 AM.

Sarah B. Johnson, City Clerk