



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, October 11, 2022

10:00 AM

Council Chambers

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

1. Call to Order and Roll Call

Present: 9 - Councilmember Yolanda Avila, Councilmember Dave Donelson, Councilmember Stephannie Fortune, President Pro Tem Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Tom Strand, and Councilmember Wayne Williams

Councilmember Fortune 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

President Strand stated the Closed Executive Session will be held after item 5. and item 11.A. will be held at 1:00 PM.

Councilmember O'Malley requested items 4B.N. 4B.O. and 4B.P. be removed from the October 11, 2022 City Council meeting Consent Calendar.

Consensus of City Council agreed to these changes.

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. [CPC ZC 22-00097](#) Ordinance No. 22-65 amending the zoning map of the City of Colorado Springs relating to 7.98 acres located at the intersection of Hidden Pool Heights and Democracy Point from PUD (Planned Unit Development) to PK (Public Park)

(Quasi-Judicial)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_VictoryPark](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Depict](#)
[CPC Report_Victory Ridge Park](#)
[Project Statment](#)
[Victory Ridge Zone Change](#)
[Vision Map](#)
[CPC_Minutes_ConsentCalendar](#)
[7.5.603.B Findings - ZC](#)
[Signed Ordinance No. 22-65](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [22-569](#) Ordinance No. 22-66 Creating Section 451 (Retail Delivery Fees) of Part 4 (Exempt Transactions, Commodities and Persons; Deductions) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs

2001, as amended, pertaining to Retail Delivery Fees

Presenter:

Charae McDaniel, Chief Financial Officer

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

This Ordinance was finally passed on the Consent Calendar.

4A.C. [22-654](#)

Ordinance No. 22-67 amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a supplemental appropriation to the Lodgers and Automobile Rental Tax (LART) Fund in the amount of \$300,000 for the United States Olympic and Paralympic Museum (USOPM) 2022 Hall of Fame Festival event as recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

PK McPherson, Chair, LART Citizen Advisory Committee

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

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [22-653](#)

City Council Regular Meeting Minutes September 27, 2022

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [9-27-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [22-570](#)

Ordinance No. 22-69 amending Ordinance No. 21-112 (2022 Appropriation Ordinance) for a Supplemental Appropriation to the Cemetery Enterprise Fund in the Amount of \$1,026,546 to Fund Additional 2022 Operating Expenditures, and to the Cemetery Endowment Fund in the Amount of \$368,968 for a Transfer to the Cemetery Enterprise Fund to Fund a Portion of Additional 2022 Operating Expenditures

Presenter:

Britt Haley, Acting Parks, Recreation and Cultural Services Director

Kim King, Recreation and Administration Manager

Chris Fiandaca, City Budget Manager

Attachments: [9-26-22 - Cemetery Supplemental Appropriation PowerPoint](#)
[ORD-Cemetery Supplemental Appropriation-2022-09-14](#)

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

- 4B.C. [22-578](#)** Ordinance No. 22-70 Certifying Delinquent Stormwater Fees and Charges to the El Paso County Treasurer for Collection

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

Attachments: [Ordinance StormwaterFees-Certification](#)
[Exhibit A.pdf](#)

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

- 4B.D. [22-589](#)** Ordinance No. 22-71 amending Ordinance No. 79-241 (Ordinance creating Old Colorado City Security and Maintenance District) to delete the requirement to secure and maintain parking lots

Presenter:
Scott Lee, Parking Director, Parking Enterprise

Attachments: [OCC_SecurityMaintDistrictAmendORD-2022-07-26](#)
[Exhibit A - OCC Parking Lot List](#)
[Exhibit B - OCC Parking Lots - Map Updated 7-19-22](#)
[Exhibit C - Storage container parking locations](#)
[TPS Report_DRAFT 07-06-2022_FINAL \(003\).EB 8.9_KB 8.17](#)

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

- 4B.E. [22-564](#)** Ordinance No. 22-72 repealing Section 1006 (Board Created; Appointments) And Section 1007 (Power and Duties) Of Part 10 (Public Safety Sales And Use Tax Fund) Of Article 6 (City Funds) Of Chapter 1 (Administration, Personnel, And Finance) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To The Public Safety Sales Tax Oversight Committee

Presenter:
Bill Murray, Councilmember At Large
Wayne Williams, Councilmember At Large
Charae McDaniel, Chief Financial Officer

Attachments: [PSST-ORD-2022-08-10](#)

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

- 4B.F. [22-646](#)** Ordinance No. 22-73 amending Section 106 (Sale of Unclaimed

Vehicles) of Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs, as Amended, Pertaining to Sale of Unclaimed Vehicles.

Presenter:

Commander John Koch, Colorado Springs Police Department
Jennifer Underwood, CSPD Evidence/Impound Manager
Frederick Stein, Public Safety City Attorney

Attachments: [CSPD-VehicleEvidenceCh10-2022-09-14](#)
[2022 Impound Ordinance City Council Powerpoint](#)

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

- 4B.G.** [CPC ZC 22-00087](#) Ordinance No. 22-74 amending the zoning map of the City of Colorado Springs relating to 0.734 acres located on the southeast corner of North Parkside Drive and East Bijou Street from OC/R-1 6000 (Office Complex/Single-Family Residential) to OC (Office Complex)

(Quasi-Judicial)

Related File: CPC DP 22-00088

Presenter:

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

Attachments: [ORD_ZC_Parkside32](#)
[Exhibit A - Legal](#)
[Exhibit B - Zone Depiction](#)
[Consent Item City Council STAFF Presentation Parkside 32 Multi-Family MDA](#)
[CPC Staff Report Parkside 32 Multi-Family](#)
[Parkside 32 Project Statement](#)
[Zone Change](#)
[Development Plan](#)
[Floor Plans](#)
[PlanCOS Vision Map Parkside 32 Multi-Family Project](#)
[Surrounding Uses](#)
[Public Comment](#)
[Public Response](#)
[CPC Minutes Consent 09.14.22](#)
[7.5.603.B Findings - ZC](#)

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

- 4B.H.** [CPC DP 22-00088](#) A development plan for Parkside 32 converting the existing commercial building into a multi-family residential development consisting of 32 apartments on 0.734 acres located at 125 North Parkside Drive.

(Quasi-Judicial)

Related Files: CPC ZC 22-00087 & CPC DP 22-00088

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

Attachments: [Development Plan](#)
[Floor Plans](#)
[7.5.502.E Development Plan Review](#)

This item was approved on the Consent Calendar.

- 4B.I.** [CPC MPA 00-00103-A4 MN22](#) A minor amendment to the Mesa Springs Community Plan for a reduction in density from Medium-High Density Residential (12-16 dwelling units per acre) to Medium Density Residential (6-12 dwelling units per acre).

(Quasi-Judicial)

Related Files: CPC PUZ 21-00143, CPC PUD 21-00144

Presenter:
Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Planning Director, Planning and Community Development

- Attachments:** [CPC Staff Report_Centennial North_RGS](#)
[Centennial North Staff Presentation_RGS](#)
[Mesa Springs Community Plan Minor Amendment](#)
[Project Statement](#)
[Centennial North Zone Change Exhibit](#)
[Centennial North PUD Development Plan](#)
[Surrounding Uses](#)
[Neighbor Comments](#)
[Aerial](#)
[CPC Minutes Consent 09.14.22 DRAFT](#)
[7.5.408 Master Plan](#)

This item was approved on the Consent Calendar.

- 4B.J.** [CPC PUZ 21-00143](#) Ordinance No. 22-75 amending the zoning map of the City of Colorado Springs relating to 5.814 acres located approximately 420 feet northeast of the Centennial Boulevard and Mesa Valley Road intersection from PUD/HS (Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Multi-Family Residential, 9 maximum dwelling units per acre, and 50-foot maximum building height with Hillside Overlay) zone

(Quasi-Judicial)

Related Files: CPC MPA 00-00103-A4MN22, CPC PUD 21-00144

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

- Attachments:** [ORD_ZC_CentennialNorth](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Depict](#)
[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.K.** [CPC PUD 21-00144](#) A Planned Unit Development for Centennial North allowing 47-townhome units on a 5.8-acre site, located approximately 420 feet north of the Centennial Blvd and Mesa Valley Road intersection

(Quasi-Judicial)

Related Files: CPC MPA 00-00103-A4MN22, CPC PUZ 21-00143

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

Attachments: [Centennial North 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.L. [CPC ZC 22-00126](#)

Ordinance No. 22-76 amending Ordinance 10-1 (An ordinance amending the zoning map of the City of Colorado Springs relating to 50.2 acres located southwest of North Powers Boulevard and East Woodmen Road) to delete condition of record No. 6 related to specific sign regulations on parcels 6312115009, 6312100021, 6312100023, 6312115001, 6312115007, 6312115008, and 6312116004 consisting of 21.38 acres

Related File: CP 05-00100-6MN22

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD ZC Woodmen&Powers](#)

[Exhibit A - Legal Desc](#)

[Woodmen and Powers Crossing TPB](#)

[Ordinance 10-1](#)

[CPC Staff Report Woodmen and Powers](#)

[Zone Change Exhibit](#)

[Concept Plan Amendment](#)

[Project Statement](#)

[Context Map](#)

[PlanCOS Vision Map](#)

[CPC Minutes Consent 09.14.22](#)

[7.5.603.B Findings - ZC](#)

[7.3.507. PlannedProvisionalOverlayCR](#)

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

- 4B.M.** [CPC CP 05-00100-A6 MN22](#) A minor amendment to the Woodmen and Powers Crossing concept plan located at the southwest corner of East Woodmen Road and North Powers Boulevard to amend site-specific signage restrictions

Related File: CPC ZC 22-00126

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

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

This item was approved on the Consent Calendar.

- 4B.Q.** [22-456](#) A resolution finding a petition for annexation of the area known as Amara Addition Nos. 1 - 11 Annexation consisting of 3,225.486 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of November 22, 2022, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution Setting Hearing Amara Annexation EXHIBIT A Amara Annexation Petition Add. Nos. 1-11 Amara Annexation Legal Descriptions \(all\) Attachment Amara Annexation Add. No. 1-11 Clerk Memo to Advertise Amara Annexation 9.28.22 PUBLIC NOTICE Amara Annexation Attachment Amara Annexation Vicinity Vicinity Amara Annexation 02R-AMARA ADDITION NO 11 LA PLATA CRUZ HOLDINGS 10-06-22 13R2-AMARA ADDITION NO. 11 TEE CROSS RANCHES 10-06-22 Signed Resolution No. 142-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.R.** [22-645](#) A resolution finding a petition for annexation of the area known as Extol Park Vista Addition No. 1 consisting of 0.942 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of November 22, 2022, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [RES SettingHearingDate ExtolParkVista](#)

[Exhibit A - Petition for Annexation](#)

[Annexation Plat](#)

[Extol Addition No. 1 - Vicinity Map](#)

[Signed Resolution No. 143-22](#)

This Resolution was adopted on the Consent Calendar.

- 4B.S.** [22-644](#) A resolution finding a petition for annexation of the area known as Park Vista Addition No. 5B consisting of 0.579 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of November 22, 2022, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [RES SettingHearingDate ParkVistaAdd5B](#)

[Exhibit A - Petition for Annex](#)

[Annexation Plat](#)

[Vicinity Map](#)

[21047 5B Stmnt of Authority MPB Inc](#)

[Signed Resolution No. 144-22](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

**Motion by Councilmember Williams, seconded by Councilmember Fortune,
that all matters on the Consent Calendar be passed, adopted, and approved**

by unanimous consent of the members present. The motion passed by a vote of 9-0-0-0

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

5. Recognitions

5.A. [22-648](#) A Resolution to support October 2022 as Fire Prevention Month in the City of Colorado Springs.

Presenter:

Nancy Henjum, Councilmember District 5
Brett Lacey, Fire Marshal, Colorado Springs Fire Department
Sunny Smaldino, Community Education & Outreach Supervisor,
Colorado Springs Fire Department

Attachments: [2022 CSFD Fire Prevention Month Resolution- cm](#)
[Signed Resolution No. 145-22](#)

Councilmember Henjum gave a brief overview of the Fire Ops 101 training she attended and read the Resolution to support October 2022 as Fire Prevention Month.

Brett Lacey, Fire Marshal, Colorado Springs Fire Department (CSFD), presented a brief background on the origin of Fire Prevention Month and stated the theme of this year's Fire Prevention Month is "Fire won't wait. Plan your escape." to encourage everyone to remind residents that it is vital to have a home fire escape plan.

Sunny Smaldino, Community Education and Outreach Supervisor, CSFD, identified the activities planned for the community for the month.

Councilmember O'Malley reminded everyone to change the batteries in their smoke and carbon monoxide detectors.

Several Councilmembers expressed appreciation for the CSFD and all their hard work.

Motion by President Pro Tem Helms, seconded by Councilmember Fortune, that the Resolution in support October 2022 as Fire Prevention Month 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

5.B. [22-662](#) A Resolution In recognition of National Disability Employment Awareness Month, October 2022.

Presenter:
Tom Strand, Council President.

Attachments: [Disability Employment Awareness Month 2022 Resolution](#)
[Signed Resolution No. 146-22](#)

President Strand read a Resolution recognizing October 2022 as National Disability Employment Awareness Month.

Indy Frazee, Chief Executive Officer, The Independent Center, identified the employment statistics and spoke about the benefits related to the employment of individuals with disabilities.

Councilmember Avila spoke about her personal experience working with The Independent Center.

Kyle Johnson, Human Resources Generalist, expressed appreciation for the Resolution recognizing October 2022 as National Disability Employment Awareness Month and identified the Americans with Disabilities (ADA) benefits for City employees.

Citizen Jaymen Johnson stated this month is a time to observe the contributions of Americans with disabilities to the workforce.

Motion by Councilmember Murray, seconded by Councilmember Donelson, that the Resolution In recognition of National Disability Employment Awareness Month, October 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

5.C. [22-657](#) A Resolution recognizing October 2022 as National Cybersecurity Awareness Month

Presenter:
Wayne Williams, Councilmember At Large
Dusty Dezell, IT Cybersecurity Manager, City of Colorado Springs
Frank Swanson, Senior Cybersecurity Analyst, City of Colorado Springs

Attachments: [Cybersecurity Awareness Month](#)
[Signed Resolution No. 147-22](#)

Councilmember Williams explained how important cyber security is, read a Resolution recognizing October 2022 as Cyber Security Awareness Month, and explained that the City's ballot tabulation equipment is never connected to the internet.

Motion by Councilmember Murray, seconded by President Pro Tem Helms, that the Resolution recognizing October 2022 as National Cybersecurity Awareness Month be adopted. The motion passed by a vote of 9-0-0

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

5.D. [22-632](#) Appointments to City Council Boards, Commissions, and Committees

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [101122 Boards Commissions and Committee Appointments R](#)

President Strand presented the City Council Appointments to Boards, Commissions, and Committees to appoint Tim McConnell to the Norwood Special Improvement Maintenance District.

Motion by Councilmember Murray, seconded by Councilmember Williams, that the City Council 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. Mayor's Business

There was no Mayor's Business.

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

Citizens Monika May and Jacques Sears spoke about the issues surrounding Babilonia Bar and Grill.

Citizen Rob Bushwa spoke about the deteriorating infrastructure for bicyclists and pedestrians

Stephanie Vigil Spoke and Jaymen Johnson spoke against City Council taking agenda items out of order on the City Council agenda.

Citizen Ursula Brown spoke against the closing of the RJ Montgomery Building for single women.

Citizen Janice Moglen spoke about the life of Buddhist Monk Thich Nhat Hanh.

Citizen Lawrence Martinez spoke about the crime occurring in the area of Airport Boulevard and Circle Drive.

8. Items Called Off Consent Calendar

- 4B.N.** [CPC MP 01-00147-A7 MJ22](#) A Resolution approving a major master plan amendment to the Greenbriar/Powerwood Master Plan changing land use designations from Industrial to Multifamily Residential (25+ dwelling units per acre) use consisting of 5.6 acres located at 7044 Tutt Boulevard.

(Legislative)

Related files: CPC CU 22-00113 and CPC R 22-00138

Presenter:

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

Attachments: [RES Greenbriar-PowerwoodMPA StoneMesaFlats](#)

[Exhibit A - Greenbriar-PowerwoodMPA](#)

[City Council Powerpoint Stone Mesa Flats DCB](#)

[Stone Mesa CPC Staff Report](#)

[Stone Mesa Flats Development Plan](#)

[Stone Mesa Flats Project Statement](#)

[PlanCOS Vision Map](#)

[Master Plan Amendment](#)

[7.5.408 Master Plan](#)

[Signed Resolution No. 141-22](#)

Councilmember O'Malley asked how much nurses, firefighters and police officers would have to earn in order to live in the proposed Stone Mesa Flats apartments.

Heath Kennedy, Garrett Companies, stated they are rented at market rate at \$2.00 per square foot which would be \$2000 per month for a 1,000 square foot unit.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Resolution amending the Greenbriar/Powerwood Master Plan, based upon the findings that the request meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408 be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Donelson

- 4B.O.** [CPC CU 22-00113](#) A conditional use development plan for Stone Mesa Flats allowing a 158-unit multi-family development with ancillary site improvements in the M-1/AO (Light Industrial with Airport Overlay) zone district located at

7044 Tutt Boulevard.

Related Files: CPC MP 01-00147-A7MJ22, CPC R 22-00138

Presenter:

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

Attachments: [Stone Mesa Flats Development Plan](#)

[7.5.704 Conditional Use Review](#)

[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 4B.N.

Motion by Councilmember Murray, seconded by Councilmember Henjum, that the the Conditional Use Development Plan based upon the findings that the request meets the review criteria for granting a Conditional Use as set forth in the City Code Section 7.5.704 and 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 8-0-1-0

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

Absent: 1 - Donelson

4B.P. [CPC R 22-00138](#)

An administrative relief to increase the maximum building height allowed for multi-family residential developments in the M-1 zoning district from 45 feet to 51 feet, 9 inches for a proposed 158-unit multi-family residential development located at 7044 Tutt Boulevard.

(Quasi-judicial)

Related files: CPC MP 01-00147-A7MJ22 and CPC CU 22-00113

Presenter:

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

Attachments: [7.3.204 OC-Industrial-SpecPurpose Development Standards](#)

[7.5.1102 FindingsNecessaryToGrantAdminRelief](#)

Please see comments in Agenda item 4B.N.

Motion by Councilmember Henjum, seconded by Councilmember Murray, that the the administrative relief from City Code Section 7.3.204 to increase the maximum building height from 45 feet to 51 feet, 9 inches for a proposed 158-unit multi-family residential development, based upon the findings that the request complies with the administrative relief review criteria in City Code Section 7.5.1102 be approved. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Donelson

9. Utilities Business

- 9.A.** [22-486](#) A Resolution Approving an Intergovernmental Agreement by and between the City of Colorado Springs, Colorado, acting by and through its enterprise Colorado Springs Utilities, and Bent County, Colorado

Presenter:

Abigail Ortega, General Manager of Planning, Colorado Springs Utilities
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [Bent County IGA Resolution](#)
[Bent County IGA - Combined 9-20-22](#)
[Bent County IGA CC Presentation 10-11-22](#)
[Signed Resolution No. 148-22](#)

Abigail Ortega, General Manager of Planning, Colorado Springs Utilities (CSU), presented the Resolution approving an Intergovernmental Agreement (IGA) between CSU and Bent County, Colorado and provided an overview of the goals of the agreement.

Councilmember Henjum and Councilmember Williams stated they are in support of these items.

Bent County Commissioner Kim MacDonnell expressed appreciation for the way the entire process was handled.

Motion by Councilmember Henjum, seconded by Councilmember Williams, that the Resolution authorizing the Chief Executive Officer of Colorado Springs Utilities to execute the Intergovernmental Agreement (IGA) with Bent County, Colorado on behalf of Utilities be adopted. The motion passed by a vote of 9-0-0

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

- 9.B.** [22-535](#) A Resolution Authorizing the Purchase of Fort Lyon Canal Company Stock Owned by Arkansas River Farms for Colorado Springs Utilities and Authorizing the Filing of Water Court Applications for Changes of Water Rights and Appropriative Rights of Exchange

Presenter:

Abigail Ortega, General Manager of Planning, Colorado Springs Utilities
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [City Council Resolution ARF 10-11-22](#)
[Water Acquisition CC Presentation 10-11-22](#)
[Signed Resolution No. 149-22](#)

Please see comments in Agenda item 9.A.

Motion by Councilmember Williams, seconded by Councilmember Henjum, that the Resolution authorizing the purchase of Fort Lyon Canal Company stock owned by Arkansas River Farms, Thaddeus Wertz, and Sierra Wertz for Colorado Springs Utilities and authorizing the filing of water court applications for changes of water rights and appropriative rights of exchange be adopted. The motion passed by a vote of 9-0-0

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

9.C. [22-544](#)

A Resolution Authorizing the Purchase of Fort Lyon Canal Company Stock Owned by Thaddeus Wertz and Sierra Wertz for Colorado Springs Utilities and Authorizing the Filing of Water Court Applications for Changes of Water Rights and Appropriative Rights of Exchange

Presenter:

Abigail Ortega, General Manager of Planning, Colorado Springs Utilities
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [City Council Resolution Wertz 10-11-22](#)

[Signed Resolution No. 150-22](#)

Please see comments in Agenda item 9.A.

Motion by Councilmember Henjum, seconded by Councilmember Donelson, that the Resolution authorizing the purchase of Fort Lyon Canal Company stock owned by Thaddeus Wertz and Sierra Wertz for Colorado Springs Utilities and authorizing the filing of water court applications for changes of water rights and appropriative rights of exchange 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

10.A. [CPC PUZ
22-00057](#)

Ordinance No. 22-68 amending the zoning map of the City of Colorado Springs relating to 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, 29 dwelling units per acre, and 38 feet to 43 feet maximum building height)

(Quasi-Judicial)

Presenter:

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

Attachments: [Exhibit A - Legal](#)
[Exhibit B - Zone Change 09.13.22](#)
[Spectrum Loop - WEG Presentation](#)
[Appeal Statment](#)
[Concept Plan Revised 9.13.22](#)
[New Perspective 9.13.22](#)
[Traffic Impact Study 09.12.22](#)
[CPC Staff Report Spectrum Loop Multi-Family](#)
[Project Statement](#)
[Public Comment](#)
[Public Comment Response](#)
[Context Map](#)
[Vicinity Map](#)
[CPC Minutes Spectrum Loop](#)
[Exhibit B - Zone Change CPC](#)
[Concept Plan CPC](#)
[PlanCOS Vision Map](#)
[7.3.603 Establishment & Development of a PUD Zone](#)
[7.5.603.B Findings - ZC](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)
[Signed Ordinance No. 22-68](#)

William Gray, Senior Planner, Planning and Community Development, presented the second reading of Ordinance No. 22-68 amending the zoning map of the City relating to 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, twenty-nine dwelling units per acre, and thirty-eight feet to forty-three feet maximum building height).

Councilmember Murray stated he is standing with the Planning Commission's decision and the community's interest and will be voting against this item.

President Pro Tem Helms spoke about the need for all types of housing within the community.

Motion by President Pro Tem Helms, seconded by Councilmember Fortune, that the Ordinance amending the zoning map of the City relating to 11.925 acres from A (Agricultural) to PUD (Planned Unit Development: Residential, twenty-nine dwelling units per acre, and thirty-eight feet to forty-three feet maximum building height) be finally passed. 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. New Business

- 11.A. [22-649](#) A Resolution by City Council opposing the November 8, 2022, Coordinated Election ballot question regarding the legalization of retail/recreational marijuana establishments within the City of Colorado Springs

Presenter:

Tom Strand, Council President and Councilmember At Large
Dave Donelson, Councilmember District 3

Attachments: [Opposition of Retail MJ-10-5-22 FINAL](#)
[Signed Resolution No. 151-22](#)

Councilmember Donelson stated several members of City Council have concerns regarding the effects on the legalization of marijuana which include crime, increasing the homeless population, hurting defense sector jobs and straining emergency rooms, but if the ballot measure is passed, City Council will support the vote of the people, and read the Resolution by City Council opposing the November 8, 2022, Coordinated Election ballot question 300 and issue 301 regarding the legalization of retail/recreational marijuana establishments within the City of Colorado Springs.

Retired Air Force Commander Jack Briggs, President and CEO, Springs Rescue Mission, spoke in support of the proposed Resolution and identified that many Cities who have legalized recreational marijuana has seen an increase in opioid abuse.

Dr. Ken Finn provided an overview of his background, marijuana related emergency visits, pediatric exposure/poisonings, suicide among teens, crime, and the lack of regulation.

Councilmember Murray asked if Dr. Finn is referencing just recreational marijuana or medical marijuana . Dr. Finn stated he is referencing all cannabis.

Councilmember Murray asked what data was used regarding the cost of marijuana related emergency room visits. Dr. Finn stated it was his own research which was attested by the hospital.

President Strand asked if legalizing it would assist in the regulation of the sale. Dr. Finn stated it would not because data shows regulated markets are not being tested accurately.

Councilmember O'Malley stated this Resolution is vital to the City's support of the local military, contractors, sustainment, and national defense and he is in full support of it.

David Dazlich, Vice President Of Government Affairs at Colorado Springs Chamber and EDC, stated it was suggested by the Government Affairs Council to their board to oppose the ballot measure and that action was ratified by the board, this substance is still federally prohibited, they had to look at the will of the voters of El Paso County region/City, and how permitting recreational marijuana would exacerbate workforce issues.

Councilmember Donelson read a statement from District Attorney Michael Allen which stated he opposes recreational marijuana in Colorado Springs due to the impact it will have on crime.

Citizens Sasha Kalchef-Corn, Stephanie Vigil, John Jarrell, Christopher Bonham, Charles Allen, Jaymen Johnson, spoke in support of the legalization of recreational marijuana within the City.

Citizen Chris Burns spoke in opposition of the legalization of recreational marijuana within the City.

President Pro Tem Helms stated he opposes the legalization of recreational marijuana within the City because it is still a federal offense and until that changes, he will not be supporting it.

Councilmember Henjum stated she is content to let the voters decide on this issue and will be voting against this Resolution.

Councilmember Williams stated the City is one of the best cities in the region and he would like it to continue to be, it is not against the law for City Council to take a position on an issue, and voters need to have the available information.

Councilmember Murray stated the data points included in the Resolution itself is either distorted or not correct, recreational marijuana is permitted

per state law, the number of signatures on the petition indicate what the voters want, and he will be voting against this Resolution.

Councilmember Avila stated residents have been requesting this issue go to the ballot for many years so it can be regulated and zoned, and she will be voting against this Resolution.

Councilmember Williams stated the federal government can regulate products and this Resolution does not have any Fentanyl or TCH percentage regulations.

Motion by President Pro Tem Helms, seconded by Councilmember O'Malley, that the Resolution by City Council opposing the November 8, 2022, Coordinated Election ballot question regarding the legalization of retail/recreational marijuana establishments within the City of Colorado Springs be adopted. The motion passed by a vote of 6-3-0-0

Aye: 6 - Donelson, Fortune, Helms, O'Malley, Strand, and Williams

No: 3 - Avila, Henjum, and Murray

12. Public Hearing

There was no Public Hearing.

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

[22-674](#)

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a), (b) and (e), 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, discussing strategy for negotiations and instructing negotiators regarding a sale of land from Peak Innovation Park by the airport.

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: [101022-Closed Session](#)

Ben Bolinger, Assistant City Attorney, stated that 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) and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed involves consultation with the City Attorney, discussing strategy for negotiations and instructing negotiators regarding a sale of land from Peak Innovation Park by the airport.

President Strand polled City Council regarding the desire to proceed with an electronic Closed Executive Session. At least two-thirds of City Council agreed to proceed in an electronic Closed Executive Session.

15. Adjourn

There being no further business to come before City Council, Council adjourned.

16. General Improvement Districts:

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

- A. [22-376](#) Request to set November 8, 2022 as the Public Hearing date for consideration of adopting the proposed 2023 Colorado Springs Briargate General Improvement District Budget and to advertise as required by law

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [2023 Briargate GID Budget](#)

Charae McDaniel, Chief Financial Officer, presented the request to set November 8, 2022 as the Public Hearing date for consideration of adopting the proposed 2023 Colorado Springs Briargate General Improvement District Budget and to advertise as required by law.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Henjum, that the request to establish November 8, 2022 as the date of the Public Hearing to consider the 2023 Colorado Springs Briargate General Improvement District budget 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

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

- A.** [22-377](#) Request to set November 8, 2022 as the Public Hearing date for consideration of adopting the proposed 2023 Colorado Springs Briargate General Improvement District 2021 Budget and to advertise as required by law

Presenter:

Charae McDaniel, Chief Financial Officer

Eric Becker, Acting Park Maintenance and Operations Manager

Attachments: [2023 Briargate GID 2021 Budget](#)

Charae McDaniel, Chief Financial Officer, presented the request to set November 8, 2022 as the Public Hearing date for consideration of adopting the proposed 2023 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 Murray, seconded by President Pro Tem Helms, that the request to establish November 8, 2022 as the date of the Public Hearing to consider the 2023 Colorado Springs Briargate General Improvement District 2021 budget 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

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

- A. [22-378](#) Request to set November 8, 2022 as the Public Hearing date for consideration of adopting the proposed 2023 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 2023](#)

Charae McDaniel, Chief Financial Officer, presented the request to set November 8, 2022 as the Public Hearing date for consideration of adopting the proposed 2023 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Avila, that the request to establish November 8, 2022 as the date of the Public Hearing to consider the 2023 Colorado Springs Marketplace at Austin Bluffs General Improvement District 2021 budget 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

17. Adjourn

There being no further business to come before Colorado Springs Board of Directors of the Marketplace at Austin Bluffs General Improvement District, Colorado Springs Board of Directors of the Marketplace at Austin Bluffs General Improvement District adjourned.

Sarah B. Johnson, City Clerk