



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, August 27, 2024

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 10:00 AM.

**Present:** 9 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico

### 2. Invocation and Pledge of Allegiance

The Invocation was made by William Norris from the Bible Mission Church.

President Helms led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

There were no changes to the Agenda.

### 4. Consent Calendar

**These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)**

**4A. Second Presentation:**

**4B. First Presentation:**

**4B.A.** [24-465](#) City Council Regular Meeting Minutes August 13, 2024

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [8-13-2024 City Council Meeting Minutes Final](#)

**The Minutes were approved on the Consent Calendar.**

**4B.B.** [24-393](#) A Resolution of the City of Colorado Springs approving a Service Plan for the Ovation Metropolitan District serving an area consisting of 60.28 acres generally located south of the intersection of Powers and Interquest Boulevard, east of Kettle Creek, and north of Old Ranch Road.

Presenter:

Allison Stocker AICP, Planner II, Planning and Community Development Department

Kevin Walker, Interim Planning and Community Development Director

**Attachments:** [Ovation District - Resolution - 9.11.2024](#)

[Cover Letter - Ovation MD 7-9-2024](#)

[Ovation full submittal - Final 7-16-2024](#)

[Ovation Service Plan - Final 7-16-2024](#)

[Ovation MD Director Parcel and FIA\(9062126.1\)](#)

[Ovation MD District Disclosure](#)

[Ovation\\_Budget\\_Committee\\_PPT\\_WorkSession](#)

[Ovation Resolution Hearing PPT 20240924](#)

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

**4B.C.** [UVAR-24-00](#)  
[01](#) A Use Variance request to allow a light industrial land use within the MX-L UV (Mixed-Use Large Scale - with a Use Variance on file) zone district consisting of 10,916 square feet located at 2732 W. Colorado Ave.

Presenter:

Johnny Malpica, Planner II, Planning + Neighborhood Services

Kevin Walker, Director, Planning + Neighborhood Services

**Attachments:** [Optical Engines Use Variance - Staff Report - JPM](#)  
[Attachment 1 - Use Variance Development Plan](#)  
[Attachment 2 - Project Statement](#)  
[Optical Engines - Council Staff Presentation - JPM](#)  
[Optical Engines - CPC Staff Presentation - JPM](#)  
[7.5.527 USE VARIANCE](#)

This Item was approved on the Consent Calendar.

## Approval of the Consent Agenda

**Motion by Councilmember Talarico, seconded by President Pro Tem Crow-Iverson, 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, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

## 5. Recognitions

**5.A.** [24-459](#) A Resolution recognizing September 2024 as National Service Dog Month

Presenter:  
Yolanda Avila, Councilmember District 4

**Attachments:** [National Service Dog Month](#)

Councilmember Avila read the Resolution recognizing September 2024 as National Service Dog Month.

Councilmember Avila introduced her service dog, Puma, and spoke about how he assists her.

Laurel Prud'homme, Volunteer Puppy Trainer, Canine Companions, and Holly Niewinski, Leader, Local Guide Dogs for the Blind, provided an overview of the service dogs they have trained to serve those who need them.

**Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Resolution recognizing September 2024 as National Service Dog Month be adopted. The motion passed by a vote of 9-0-0-0**

**Aye:** 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

**5.B.** [24-460](#) A Joint Proclamation recognizing September 2024 as Suicide

## Prevention Month

Presenter:

David Leinweber, Councilmember At Large  
Mayor Yemi Mobolade

**Attachments:** [Suicide Prevention Month](#)

Councilmember Leinweber recognized Abbie Mobolade and Thomas Thompson for the efforts toward suicide prevention and provided statistics of the number of suicides and mental health issues in the community. He provided an overview of the 1,000 Neighborhoods Gatherings initiatives, the 988 Suicide and Crisis Lifeline, spoke about the importance of making suicide prevention a priority in the community, and read the Joint Proclamation recognizing September 2024 as Suicide Prevention Month.

Cass Walton, Co-Chair, Suicide Prevention Collaborative, requested City Council host a QPR suicide prevention training course, spoke about making self-care a priority, and expressed appreciation for the Proclamation.

Joanne Dreher, Silver Key Silver Services, spoke about her personal experience with a family member's struggle with mental health and alcoholism.

**5.C.** [24-469](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:

Randy Helms, Council President and Councilmember District 2

**Attachments:** [08272024 Boards Commissions and Committee Appointments](#)

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

Presidents Helms requested additional information regarding the Initiative Review Committee. Sarah B. Johnson, City Clerk, explained the functions of the IRC as it relates to a citizen-initiated petition to put a question on the ballot.

**Motion by Councilmember Henjum, seconded by Councilmember Talarico, 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, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

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

There was no Mayor's Business.

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

Former Council President Don Knight and Former Council President Tom Strand recognized Sarah B. Johnson, City Clerk, for her outstanding achievements, expressed appreciation for her and her service to the community, and presented her with the Commonwealth of Kentucky Governor Andy Beshear Kentucky Colonel recognition.

Citizen Tymm Hoffman spoke about the defamation of his character and threats to his family he received due to his nomination to the Law Enforcement Transparency Committee (LETAC).

Citizen Tim Hoiles, and Lisa Bigelow spoke about the need for a ballot question regarding building height limits.

Citizen Dallas White Wolf spoke about the Warriors of Light 719 and God.

Citizen Andrew Dalby spoke against the alleged corruption of the United States Olympic Committee.

Citizens Karen Myers, Janine Sledz, Chris Mendrop, Cheree Hutchison, Mary Bruning, Jerry McLaughlin, Jackie Beard, Cheryl Boys, Jeffrey Cramer, Sheryl Hobbs, Kathy Greenberg, Murray Relf, Craig Steiner, Aaron Moore, Chip Green, Bob Alexander, Catherine Bullock, Barry Weinert, Danielle Frye, Sarah Falis, Chris Cane, Steve Waskow, Kat Gayle, Sherry Hochseter, Sarah Markham, Kent Jensen, Bruce Beauvais, Shannon Moore, Karol Gates, Dana Duggan, and Millie Jenkins spoke in opposition of the noise of the Ford Amphitheater.

Councilmember Donelson requested additional information regarding the Noise Hardship Permit. Jamie Fabos, Chief of Staff, provided a brief overview of the permit and stated City staff will be meeting with the owners of the amphitheater tomorrow morning, August 28, 2024, to discuss the citizen's concerns.

Bob Mudd, President and Chief Operating Officer, VENU, Notes Live, representing the Ford Amphitheater provided an overview of the feedback

they have received and how they are addressing concerns regarding the noise levels so they can be a good neighbor to the community.

President Helms stated he has experienced the sound levels which the citizens have concerns with and there needs to be additional sound mitigation

Councilmember Donelson asked if any concerts have gone on past midnight, Mr. Mudd stated they have not. President Helms stated the latest he observed was 11:07 PM.

Councilmember Henjum spoke about the emails she received regarding the noise levels of the amphitheater and asked how they will reduce the sound levels. Mr. Mudd stated he and JW Roth are committed to being a good neighbor. Councilmember Henjum requested acknowledgement from the venue that this has harmed people, the noise decibel levels be reduced, additional sound monitors be added, and there be someone available at Notes Live to take the calls of the citizens being affected.

Councilmember Leinweber asked why the Hardship Permit is needed now when it was not addressed when the amphitheater was originally presented to City Council. Mr. Mudd stated there was an accurate sound study conducted which is consistent with the actual Decibels A (dBA) produced.

Councilmember Donelson asked Mr. Mudd if he would commit to not having fireworks at the amphitheater going forward. Mr. Mudd stated that is currently be considered to not be a regular occurrence.

Councilmember Donelson asked if the wall will be wrapped completely around the venue. Mr. Mudd stated they have assessed the measurements and neighborhood feedback, and they will continue to look at possibilities, but they cannot make any commitments of such nature.

Councilmember Donelson stated he believes the City should add the additional sound monitors.

Councilmember Donelson asked what changes the citizens can expect going forward. Mr. Mudd stated they are committed to being good neighbors.

Ms. Fabos stated what they are discussing today is neighborhood experiences versus data-based experience and the impacts are changed by weather, wind, bass, and tenor of the concerts, they will be meeting with Notes Live, and identified the requirements of the Noise Hardship Permit.

Councilmember Donelson asked if the City would consider installing their own sound monitoring devices. Ms. Fabos stated they will consider that, and Code Enforcement Officers currently carry portable sound monitoring devices. Councilmember Donelson stated there needs to be permanently installed monitors.

Councilmember Henjum stated taxpayers should not be responsible for paying for these sound monitors, it should be the responsibility of Notes Live.

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

There were no items called off the Consent Calendar.

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

- 10.A. [24-396](#) Ordinance No. 24-86 Submitting A Charter Amendment To The Registered Electors Of The City Of Colorado Springs, Colorado, At The Coordinated Election Conducted By Mail Ballot To Be Held On November 5, 2024, Adding A New Section 15-130 Of The City Charter Prohibiting Retail Marijuana Establishments

Presenter:

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

**Attachments:** [CO Springs rec mj charter ordinance\\_07.17.2024.docx](#)

Tanya Garduno, Southern Colorado Cannabis Council, spoke in opposition of the proposed Ordinance.

Councilmember Henjum read a letter submitted by the Colorado Springs Cannabis Association.

Councilmember Henjum stated she feels the voters should decide and will be voting no on this Charter amendment.

Councilmember Donelson asked if the City will be spending one million dollars on this ballot initiative. Ben Bolinger, Corporate Division Chief,

Office of the City Attorney, stated there are a few de minimis things the City can do, but certainly not a million dollars' worth of City resources would be used and read City Code Section 5.2.304 Permitted Uses of City Resources.

**Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Leinweber, that the Ordinance Submitting a Charter Amendment to the Registered Electors of the City of Colorado Springs, Colorado, at the Coordinated Election conducted by mail ballot to be held on November 5, 2024, adding a new Section 15-130 of the City Charter prohibiting retail marijuana establishments be finally passed. The motion passed by a vote of 7-2-0-0**

**Aye:** 7 - Crow-Iverson, Donelson, Helms, Leinweber, O'Malley, Risley, and Talarico

**No:** 2 - Avila, and Henjum

**10.B.** [24-277](#)

Ordinance No. 24-87 of the City of Colorado Springs determining it is necessary to establish the Old Colorado City Downtown Development Authority and submitting a question of creating the Old Colorado City Downtown Development Authority, a question of establishing an ad valorem tax mill levy at a rate not to exceed five mills within the boundaries of said district, a question of exempting revenues collected for the Old Colorado City Downtown Development Authority from Article X, Section 20 of the Colorado Constitution, Section 7-90 of the Charter of the City of Colorado Springs, and statutory revenue limitations, and a question of authorizing the issuance of debt for the Old Colorado City Downtown Development Authority by the City of Colorado Springs at the election on November 5, 2024, and authorizing certain other actions concerning the election, determining organizational aspects of the Old Colorado City Downtown Development Authority Board, and providing other details related thereto.

Presenter:

Jamie Giellis, President, Centro Inc.

**Attachments:** [ORD\\_Old Colorado City DDA-Creation](#)  
[OCC DDA Presentation for City Council - FINAL June13-24](#)  
[Signed Ordinance No. 24-87.pdf](#)

Citizen Christine Vanwert spoke in opposition to the proposed Ordinance.

Citizens Rebecca Powell and Justin Trudeau spoke in support of the proposed Ordinance.

Councilmember O'Malley asked if impacted citizens received notice of this proposed Old Colorado City (OCC) Downtown Development Authority (DDA). Jamie Giellis, President, Centro Inc., OCC Partnership, stated they did two rounds of postcard mailings to registered property owners and

registered voters for an area much larger than the currently proposed OCC DDA boundary and there was also a notification for the public hearing.

Councilmember O'Malley asked who sent out the notifications. Ms. Giellis stated the City noticed the public hearing and Centro, Inc. sent out the postcards. Nicole Peykov, Spencer Fane, LLP, representing the OCC Partnership, stated the public hearing notices for the first and second readings of the Ordinance was published on behalf of the City Clerk's Office by Centro, Inc.

Councilmember O'Malley asked why the City does not utilize the DDA it already has. Ms. Giellis stated state statute dictates that they cannot expand an existing district unless they do it one parcel at a time.

President Helms asked if this is another level of paid government in which nothing will be done with the revenue. Ms. Giellis stated this is considered a quasi-governmental local management structures which allows local revenues to be generated and reinvested at the direction of the stakeholders in that area as well as an accountability with the City.

President Helms asked if the City's Economic Development Department can help Ms. Vanwert. Ms. Giellis stated they have discussed targeted programs to address issues of that area.

President Helms asked if Ms. Geillis would speak with Ms. Vanwert to help her understand the proposed DDA. Ms. Giellis confirmed she would.

Councilmember Donelson asked if the majority of voters are business owners or residential. Ms. Giellis stated the residential voters are the majority, there are 250 residential properties which represent approximately 700 registered voters, 350 commercial properties, and 425 businesses eligible to vote. She stated businesses will need to complete a designation of elector form.

Councilmember Donelson asked if a majority of residential properties are rental units or Airbnb properties. Ms. Giellis confirmed they believe they are along Colorado Avenue.

Councilmember Donelson asked if citizens will be confused by receiving two ballots with one being for the presidential election. Ms. Giellis stated they are geared up to start voter education and outreach.

Councilmember Donelson asked why this cannot be done voluntarily. Ms. Giellis stated they have been working as a volunteer organization for a long time, they are tired of trying to generate funding and volunteers to do the

work, and they are seeking a more sustainable structure.

Councilmember Leinweber asked if all the parcels impacted have a Colorado Avenue address. Ms. Giellis confirmed they do with two exceptions of the OCC court area and the gateway area.

Councilmember Leinweber stated that this area is very mixed-use with both residential and commercial. Ms. Giellis confirmed that it is a very complicated piece of road.

Councilmember O'Malley asked if Ms. Giellis is paid from the five mills. Ms. Giellis stated she is not paid by the five mills; she is paid by the OCC Partnership through a fundraising campaign, and she does not expect any compensation after the election except to provide guidance for the few first days after the election.

**Motion by Councilmember Talarico, seconded by Councilmember Avila, that the Ordinance No. 24-87 allowing the questions to be put before the electorate within the district be finally passed. The motion passed by a vote of 7-2-0-0**

**Aye:** 7 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

**No:** 2 - Donelson, and O'Malley

## **11. New Business**

### **11.A. [24-477](#)**

A Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the special municipal election to be held as part of the general election on Tuesday, November 5, 2024, a ballot question on an initiated ordinance authorizing the regulation of and repealing the prohibition against retail/recreational marijuana establishments

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [MJBallotReferralRES-2024-08-26.pdf](#)

[Statement of Sufficiency IO 2024-001 \(2024-08-22\).pdf](#)

Sarah B. Johnson, City Clerk, presented the Resolution submitting to the registered qualified electors of the City at the special municipal election to be held as part of the general election on Tuesday, November 5, 2024, a ballot question on an initiated ordinance authorizing the regulation of and repealing the prohibition against retail/recreational marijuana establishments. She stated per City Charter, the City Clerk's Office reviewed the citizen-initiated petition signatures, which is now deemed sufficient, and the City Council shall either refer to the ballot or adopt the

initiated Ordinance as submitted.

President Pro Tem Crow-Iverson and President Helms stated they will be voting to refer it to the ballot but will not be voting in favor of the ballot question.

Councilmember Donelson asked if City Council is required by law to either pass the Ordinance or refer it to the ballot. Ben Bolinger, Corporate Division Chief, Office of the City Attorney, confirmed it is.

**Motion by Councilmember Henjum, seconded by Councilmember Avila, that the Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the special municipal election to be held as part of the general election on Tuesday, November 5, 2024, a ballot question on an initiated ordinance authorizing the regulation of and repealing the prohibition against retail/recreational marijuana establishments be adopted. The motion passed by a vote of 7-2-0-0**

**Aye:** 7 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, and Talarico

**No:** 2 - O'Malley, and Risley

## **12. Public Hearing**

- 12.A.** [ANEX-22-00](#) A Resolution finding a petition for annexation of the area known as Park Vista Addition No. 10 Annexation consisting of 2.18 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of October 8, 2024 for the Colorado Springs City Council to consider the annexation of the area.  
[02R](#)  
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Kevin Walker, Interim Planning and Neighborhood Services Director

**Attachments:** [Resolution Setting Hearing Date - Park Vista Addition No 10](#)

[Exhibit A - Petition](#)

[Memo to Clerk to Advertise - Park Vista Addition No 10](#)

[PUBLIC NOTICE Park Vista Addition No 10](#)

[EXHIBIT 12B - City Clerk Affidavit - Park Vista Addition No 10](#)

[Vicinity Map](#)

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services, presented the Resolution finding a petition for annexation of the area known as Park Vista Addition No. 10 Annexation consisting of 2.18 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and

setting a hearing date of October 8, 2024 for the City Council to consider the annexation of the area.

There were no comments on this item.

**Motion by Councilmember O'Malley, seconded by Councilmember Risley, that this Resolution be adopted Move to approve the resolution finding the petition for annexation to be in substantial compliance with C.R.S. Section 31-12-107(1), setting the hearing date of October 8, 2024 for consideration of the Park Vista Addition No. 10 Annexation, and directing the Clerk to provide notice in accord with C.R.S. section 31-12-108.<br /><br /> The motion passed by a vote of**

**Aye:** 9 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, O'Malley, Risley, and Talarico

**12.B. [24-395](#)**

A Resolution of the City of Colorado Springs approving a Service Plan for the Percheron Park and Recreation District located in the north portion of Banning Lewis Ranch on the north and south sides of Woodmen Road.

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services  
Kevin Walker, Interim Planning and Neighborhood Services Director

**Attachments:** [Resolution Percheron Parks and Recreation District](#)  
[Cover Letter - Percheron Regional Park and Recreation District](#)  
[Percheron Park Rec District Draft Service Plan REDLINE](#)  
[Percheron Park Rec District Draft Service Plan CLEAN](#)  
[Example Builder Disclosure](#)  
[Exhibit A Percheron Initial Boundaries](#)  
[Exhibit B Percheron Vicinity Map](#)  
[Exhibit C \(1-2\) Initial & Future Inclusion Map](#)  
[Exhibit D \(1-3\) Summary of Public Improvements Financed](#)  
[Exhibit E Description of Permitted Services](#)  
[Applicant Presentation Percheron Park and Recreation District](#)  
[Staff PowerPoint Percheron Park and Recreation District CITY COUNCIL](#)  
[Staff PowerPoint Percheron Park and Recreation District](#)

Kyle Fenner, Senior Planner, Planning and Neighborhood Services, presented the Resolution of the City of Colorado Springs approving a Service Plan for the Percheron Park and Recreation District located in the north portion of Banning Lewis Ranch on the north and south sides of Woodmen Road. She provided an overview of the Service Plan, District Policy/Service Plan status, proposed exceptions, vicinity map, and next steps.

Nicole Peykov, Spencer Fane, LLP, representing the applicant, identified the district location, district boundaries, park and recreation district information, model Service Plan, deviations, proposed park and recreation improvements, public improvement cost estimates, financial plan, development summary projection for residential/commercial, bond structure/parameters, and conditions for approval.

Councilmember Henjum asked if the mills would change if the valuation of the homes increase from the estimated \$600,000 to \$850,000 in three years. Ms. Peykov stated the mills will not change unless the district decides to do so, but the amount of property tax revenue would increase.

Councilmember Henjum asked if the district could raise the mill levy in 2028-2029. Ms. Peykov stated they could not raise it above ten mills unless the states changes the residential or commercial property tax assessment rate to remain tax neutral. Tim Siebert, Nor'Wood Development Group, representing the applicant, stated the Model Service Plan language allows the base year plan to fluctuate so there is constant revenue to pay down the debt and the district also has the ability to vote to decrease the mills.

**Motion by Councilmember O'Malley, seconded by Councilmember Talarico, that the Resolution of the City of Colorado Springs approving a Service Plan for the Percheron Park and Recreation District consisting of 681 acres located north and south of Woodmen Road at Banning Lewis Parkway be adopted. The motion passed by a vote of 8-1-0-0**

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

**No:** 1 - Henjum

### **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, President Helms adjourned the meeting at 4:27 PM.

Sarah B. Johnson, City Clerk