



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, March 14, 2023

10:00 AM

Council Chambers

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

1. Call to Order and Roll Call

Present: 8 - Councilmember Yolanda Avila, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Tom Strand, and Councilmember Wayne Williams

Excused: 1 - Councilmember Stephanie Fortune

2. Invocation and Pledge of Allegiance

The Invocation was made by Susan Bolduc from the First Lutheran Church.

Members of President Pro Tem Helms' family, Bren, age 8, Carter, age 6, and London, age 3, led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority (CSURA), requested items 11.D., 11.E., 11.F., and 11.G., to be

postponed..

Councilmember Donelson requested items 4B.H., 4B.I., and 4B.J., to be removed from the Consent Calendar.

Consensus of Council agreed to these changes on the agenda.

- 3.A.** [PUDZ-22-0005](#) An appeal of the Planning Commission decision to recommend approval of an ordinance amending the zoning map of the City of Colorado Springs relating to 125.34 acres located northwest of the West Garden of the Gods Road and North 30th Street intersection from PIP-1/A/PUD/HS (Planned Industrial Park, Agricultural, and Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Civic, Commercial, Office, Open Space and Residential uses; Maximum Building Height 45-feet; 9-14.5 du/ac residential and 950,000 maximum non-residential square footage; with Hillside Overlay).

(Quasi-Judicial)

Related Files: PUDC-22-0003

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [Postponement Request MSCA](#)

[7.5.603.B Findings - ZC](#)

[MSCA Presentation 3.28.23](#)

[MSCA Attachment 1](#)

[MSCA Attachment 2](#)

[MSCA Attachment 3](#)

[MSCA Attachment 4](#)

[MSCA Attachment 5](#)

[CombinedPublicComments_3222023](#)

Councilmember Murray stated he believes it is in everyone's best interest, specifically City Council's, that when the City is taken to court regarding the safety of the citizens, City Council should have the right to use safety as an additional requirement when adjudicating land use issues.

Motion by Councilmember Donelson, seconded by Councilmember Williams, that the appeal of the Planning Commission decision to recommend approval of an ordinance amending the zoning map of the City of Colorado Springs relating to 125.34 acres located northwest of the West Garden of the Gods Road and North

30th Street intersection from PIP-1/A/PUD/HS (Planned Industrial Park, Agricultural, and Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Civic, Commercial, Office, Open Space and Residential uses; Maximum Building Height 45-feet; 9-14.5 du/ac residential and 950,000 maximum non-residential square footage; with Hillside Overlay) be postponed to the March 28, 2023, City Council regular meeting as a matter of course per City Code section 7.5.906(B)(3). The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

- 3.B.** [PUDC-22-0003](#) An appeal of the Planning Commission decision to recommend approval of a PUD concept plan for the 2424 Garden of the Gods project illustrating an envisioned mixed-use development with commercial, civic, office, open space, and residential uses.

(Quasi-Judicial)

Related Files: PUDZ-22-0005

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Please see comments in Agenda item 3.A.

Motion by Councilmember Donelson, seconded by President Pro Tem Helms, that appeal of the Planning Commission decision to recommend approval of a PUD concept plan for the 2424 Garden of the Gods project illustrating an envisioned mixed-use development with commercial, civic, office, open space, and residential uses be postponed to the March 28, 2023, City Council regular meeting as a matter of course per City Code section 7.5.906.B.3. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

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.** [23-101](#) Ordinance No. 23-08 amending section 106 (animals kept on premises; sanitary requirements) and 110 (specific animals prohibited; exception) of article 7 (regulation of animals - general provisions) and section 102

(hoofed animals kept on premises; zoning requirements) of article 9 (regulation of animals - hoofed animals) of Chapter 6 (neighborhood vitality / community health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to regulation of animals.

Presenter:

Morgan Hester, Planning Supervisor
Randy Helms, Councilmember
Ben Bolinger, Assistant City Attorney

Attachments: [NeighborhoodVitality-RegulationAnimalsHoofedORD-2023-2-17 Signed Ordinance No. 23-08.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [CODE-23-00](#) Ordinance No. 23-09 amending the Unified Development Code of the City of Colorado Springs establishing standards for urban agriculture (goats)

Presenter:

Morgan Hester, Planning Supervisor
Ben Bolinger, City Attorney

Attachments: [UDC-GoatORD-2023-02-27 Goat Ordinance Presentation Signed Ordinance No. 23-09.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [23-077](#) Ordinance No. 23-10 amending Budget Ordinance No. 22-90 (2023 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$200,000 to Complete the Acquisition of up to 5.74 Acres of Property for the Purpose of Public Open Space and Trails

Presenter:

Britt Haley, Director, Parks, Recreation & Cultural Services Department

Attachments: [Appropriation Ordinance.FiveAcreCBAddition Signed Ordinance No. 23-10.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [23-079](#) Ordinance No. 23-11 amending Budget Ordinance No. 22-90 (2023 Appropriation Ordinance) For A Supplemental Appropriation To The Trails, Open Space And Parks Fund In The Amount Of \$7,655,000 To Complete The Acquisition Of Approximately 1,021 Acres Of Property For The Purpose Of Public Open Space And Trails

Presenter:

Britt Haley, Director, Parks, Recreation and Cultural Services
Department

Attachments: [Appropriation Ordinance.WildHorseRanch](#)
[Signed Ordinance No. 23-11.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.E. [23-064](#)** Ordinance No. 23-12 repealing Ordinance Nos. 21-116 and 22-27, and Amending Section 3 of Ordinance No. 14-20 (An Ordinance Confirming the Mayor's Appointment of the City Attorney and Setting the Salary of the City Attorney), and Section 3 of 18-120 (An Ordinance Appointing the City Council Administrator and Setting the Salary of the City Council Administrator), and Prescribing the Salaries of the City Attorney, City Auditor, and City Council Administrator

Presenter:

Mike Sullivan, Chief Human Resources and Risk Officer
Mayor John Suthers

Attachments: [ConsolidatedSalaryORD-2023-01-26](#)
[Signed Ordinance No. 23-12.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [23-155](#)** City Council Regular Meeting Minutes February 28, 2023

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [2-28-2023 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 4B.B. [23-128](#)** A resolution approving the amended intergovernmental agreement between the City of Colorado Springs and El Paso County, Colorado establishing the Pikes Peak Regional Office of Emergency Management

Presenter:

Ryan Trujillo, Deputy Chief of Staff
Jim Reid, Regional Director, Office of Emergency Management

Attachments: [Amended_City-County_OEM_IGA.docx](#)
[OEM-RES-Amended_IGA.docx](#)
[Signed Resolution No. 32-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.C. [22-765](#)** Ordinance No. 23-14 repealing and reordaining Part 1 (Fire Prevention Code) of Article 4 (Fire Prevention) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended, adopting the 2021 Edition of the International Fire Code with amendments and providing penalties for the violation thereof.

Presenter:

Brett T. Lacey, Fire Marshal

Attachments: [Fire-2021_IFC_Adoption-NOTICE-PublicHearing-2023-02-21.docx](#)
[2022.11.15 DP CSFD IFC Letter of Support](#)
[121222 - Proposed 2021 IFC Amendments HBA Support FINAL](#)
[AIA CO IFC Update Letter of Support to CO Springs FD 11-17-22](#)
[12-14-22 2022 FBA Support Letter](#)
[2021 Fire Code Adoption 1-10-23 presentation](#)
[Fire-2021_IFC_AdoptionRD-FINAL-3-7-23](#)
[Signed Ordinance No. 23-14.pdf](#)

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

- 4B.D. [ZONE-22-00](#)
[20](#)** Ordinance No. 22-15 amending the zoning map of the City of Colorado Springs relating to 1,249 square feet located south of the intersection of North 7th Street and West Espanola Street from PK/HS/SS (Public Park with Hillside and Streamside Overlays) to R-2/HS (Two-Family Residential with Hillside Overlay).

(Quasi-Judicial)

Presenter:

Austin Cooper, Planner II, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_AmesLandExchange](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Change](#)
[Staff Report Ames Land Exchange](#)
[Project Description](#)
[Public Comments](#)
[Public Comment Response](#)
[Vision Map](#)
[CPC_Minutes_2.8.23_Ames Land Exchange DRAFT](#)
[7.5.603.B Findings - ZC](#)
[Ames Land Exchange APC](#)
[Signed Ordinance No. 23-15.pdf](#)

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

- 4B.E. [23-080](#)** Ordinance No. 22-16 amending Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the adoption of the Pikes Peak Regional Building Code, 2023 Edition, formerly adopted by Ordinance No. 18-15 and Ordinance No. 18-121, and adopting the penalties for the violation thereof.

Presenter:

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

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

John Welton, Deputy Building Official - Inspections, Pikes Peak Regional Building Department

Virginia V. Koulchitzka, Regional Building Attorney, Pikes Peak Regional Building Department

Attachments: [RBD-2023CodeAdoptedByReferenceORD-2023-02-06FINAL](#)
[2023 PPRBC Executive Summary V1.1](#)
[Brief Summary - 2023 PPRBC](#)
[2023 PPRBC FINAL-protected](#)
[2023 PPRBC V2.2 Appendix D draft3](#)
[012323 - HBA Support 2023PPRBC FINAL](#)
[Significant Changes to 2021_all](#)
[PPRBD 2023 Code Adoption Presentation](#)
[Signed Ordinance No. 23-16.pdf](#)

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

- 4B.F.** [23-044](#) A Resolution Authorizing The Acquisition Of Real Property Owned By Grant Invest Llc And Real Property Owned By Parkway Plaza Limited Liability Company To Be Used For The Central Bluffs Substation Project

Presenter:

Jessica K. Davis, Land Resource Manager, Colorado Springs Utilities
Travas Deal, Chief Executive Officer, Colorado Springs Utilities

Attachments: [CC Resolution Property Acquisition Central Bluffs Sub 2914 and 2930 Austin Bluffs Pkwy Final](#)
[CC Presentation Property Acquisition Central Bluffs Sub 2914 and 2930 Austin Bluffs Pkwy](#)
[Signed Resolution No. 33-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G.** [23-058](#) A Resolution Authorizing The Acquisition Of A Permanent Easement On Property Owned By Waste Connections Of Colorado, Inc., A Delaware Corporation, Being The Survivor Of A Merger With Springs Waste Systems, LLC, A Colorado Limited Liability Company, To Be Used For The Kelker To South Plant Transmission Project

Presenter:

Jessica K. Davis, Land Resource Manager, Colorado Springs Utilities
Travas Deal, Chief Executive Officer, Colorado Springs Utilities

Attachments: [CC Resolution Property Acquisition Kelker to South Plant Waste Connections Easement](#)
[CC Presentation Property Acquisition K-SP Waste Connections](#)
[Signed Resolution No. 34-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Murray, seconded by Councilmember Williams, 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, Donelson, Helms, Henjum, Murray, O'Malley, Strand, and Williams

Excused: 1 - Fortune

5. Recognitions

- 5.A.** [23-158](#) A Resolution in Recognition of MATHCOUNTS

Presenter:

Wayne Williams, Councilmember At Large

Attachments: [MATHCOUNTS](#)
[Signed Resolution No. 36-23.pdf](#)

Councilmember Williams read the Resolution in recognition of MATHCOUNTS and identified the students from the area who participated in the regional competition program on February 11, 2023 at Timberview Middle School.

Mike Bartusek, Pikes Peak Regional Coordinator, provided an overview of the MATHCOUNTS 2023 program and recognized the coaches and students who took part in the competition.

David Kent, Winner of the MATHCOUNTS 2023 competition, explained the answer to the math question presented to City Council by Mr. Bartusek.

Motion by Councilmember Williams, seconded by Councilmember O'Malley, that the Resolution in Recognition of MATHCOUNTS be adopted. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

5.B. [23-159](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [031423 Boards Commissions and Committee Appointments](#)

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

President Pro Tem Helms provided an overview of the Briargate General Improvement District 2021 Advisory Committee who worked on the ballot issue 6B which was passed by voters approximately a year and a half ago.

Cheryl McCullough and Angela L Seals, nominee appointees to the Lodgers and Automobile Rental Tax (LART) Citizen Advisory Committee, expressed appreciation for being able to serve the City.

Motion by Councilmember Donelson, seconded by President Pro Tem Helms, to approve City Council Appointments to Boards, Commissions, and Committees. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

6. Mayor's Business

There was no Mayor's Business.

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

Citizens Jaymen Johnson and Janice Moglen spoke about the history and importance of Single Parents' Day. Emily Evans, City Council Administrator read the Proclamation recognizing March 21, 2023 as Single Parents' Day.

Citizen Dallas Gardner spoke about his recommendations of how leaders can protect the citizens of the community.

8. Items Called Off Consent Calendar

- 4B.H. [23-126](#) A Resolution Authorizing the Disposal of Surplus City Property to Project Raptor (The "Purchaser")

Attachments: [RESOLUTION Project Raptor Surplus Property Disposition 2023-03-14.docx](#)
[POWERPOINT Project Raptor Surplus Property Disposition Resolution 2023-03-14.pptx](#)
[Signed Resolution No. 35-23.pdf](#)

Councilmember Donelson requested additional information regarding the disposal of surplus City property to Project Raptor. Troy Stover, Director of Business Park Development, provided an overview of Project Raptor, and stated there are no operational issues or constraints with the Airport, this disposal met the requirements of the Real Estate Manual and Urban Frontier agreement.

Councilmember Donelson requested additional information regarding the City's investment of \$14 million, with \$2.4 million in proceeds back. Mr. Stover stated Peak Innovation is at a point in time where it is capable for bonding for infrastructure and the Peak Metropolitan District closed on a \$14 million bond for infrastructure on December 21, 2022 so in the Purchase and Sale Agreement (PSA) it will not be the City's burden to bear, it will be the District's.

Councilmember Donelson asked if the District will be obligated to build the approximately 100,000 square foot facility. Mr. Stover confirmed they will be.

Councilmember Donelson requested the projected economic impact for this project. Mr. Stover stated they are still working on that.

Motion by Councilmember Murray, seconded by Councilmember Williams, that the Resolution authorizing the City Real Estate Services Manager to execute documents necessary to dispose of 12.693 acres, more or less, of surplus City property, situated in Peak Innovation Park, in Colorado Springs, El Paso County, Colorado, and to obtain the Mayor's signature on the Quitclaim Deed and related documents to convey the property to the Purchaser be adopted. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

4B.I. [23-164](#)

The City Clerk reports that on March 2, 2023 there was filed with her a petition for the annexation of Capital Drive 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: [Memo to Clerk Annexation Petition](#)
[Capital Drive Addition No 2 - Vicinity Map](#)
[Capital Drive Addition No 2 - Petition](#)
[Capital Drive Addition No 2 - Annexation Plat](#)
[Capital Drive Addition No 2 - Legal Description](#)

Councilmember Donelson asked if there are residences or businesses located in this area. Gave Sevigny, Planning Supervisor, Planning and Community Development, stated this is for right-of-way only.

Councilmember Donelson asked why there is a small gap between the two requested annexations. Mr. Sevigny stated in the review process, Planning staff, will correct any gaps before the final proposal. Peter Wysocki, Director, Planning and Community Development, provided a brief history of the Sands Annexation and stated as part of the agreement between the City and El Paso County was that the City would maintain and take ownership of Capital Drive and the City's Public Works Department is the petitioner for this annexation, not the developer.

Sarah B. Johnson, City Clerk, reminded Council that these items are being referred to City staff for review and are not approving the actual annexations.

Motion by Councilmember Murray, seconded by Councilmember Williams, to refer the petition and map for Capital Drive Addition No. 2 to the City Administration to determine whether the petition and map substantially comply with the requirements of the Municipal Annexation Act of 1965 and City Code be approved. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

4B.J. [23-165](#)

The City Clerk reports that on March 2, 2023 there was filed with her a petition for the annexation of Capital Drive Addition No. 3 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: [Memo to Clerk Annexation Petition](#)
[Capital Drive Addition No 3 - Annexation Plat](#)
[Capital Drive Addition No 3 - Legal Description](#)
[Capital Drive Addition No 3 - Petition](#)
[Capital Drive Addition No 3 - Vicinity Map](#)

Motion by Councilmember Donelson, seconded by Councilmember Murray, to refer the petition and map for Capital Drive Addition No. 3 to the City Administration to determine whether the petition and map substantially comply with the requirements of the Municipal Annexation Act of 1965 and City Code be approved. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

10.A. [MAPN-22-00](#) Ordinance No. 23-13 adopting the ConnectCOS Master Transportation Plan, the City of Colorado Springs 2023 Intermodal Transportation Plan as amended at the February 28, 2023 City Council meeting.

[06](#)

Presenter:

Ted Ritschard, P.E., Olsson

Todd Frisbie, P.E., PTOE, City Traffic Engineer, Public Works

Department
Tim Roberts, Transportation Planning Program Manager, Public Works
Department
Travis Easton, P.E., Public Works Director, Public Works Department

Attachments: [1 ConnectCOS ORDINANCE-2023-02-28 \(006\)](#)

[Connect COS Presentation 03142023](#)

[Signed Ordinance No. 23-13.pdf](#)

Travis Easton, Public Works Director, Public Works Department, presented the Ordinance adopting the ConnectCOS Master Transportation Plan, the City of Colorado Springs 2023 Intermodal Transportation Plan as amended at the February 28, 2023 City Council meeting.

Councilmember Murray stated Citizen Welling Clark requested to change the 2020 West Colorado Avenue designation to a minor arterial, 31st Street to a collector, recalculate Colorado Avenue correctly with 2020 traffic loading for a minor arterial and 2045 traffic loading using a collector's volume capacity. Mr. Easton stated he will talk to Mr. Welling regarding his requests.

Councilmember Henjum reiterated the importance of citizens getting engaged at the beginning of these processes.

Councilmember Williams stated he is supportive of this item with the amendment of the addition of the whereas clause which was requested at the February 28, 2023 City Council meeting.

Councilmember Donelson requested the word "permanent" be added before "greenway" in the new whereas clause. Ben Bolinger, Legislative Counsel, City Attorney's Office, stated if it was the intent of the amendment in the original motions, then it is probably not a substantial change, but a clarifying change to add it.

Councilmember O'Malley stated this would be a disservice to the 84,000 people who live in District 6 and the 160,000 slotted to live there in the future so he will not be supporting it.

Councilmember Williams stated this is an evaluation and suggested the word "permanent" be added between the words "for" and "inclusion".

Citizen Mark Reynolds spoke in support of the amended Ordinance.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, to amend the Ordinance adopting the ConnectCOS Master Transportation Plan, the City of Colorado Springs 2023 Intermodal Transportation Plan as amended at the February 28, 2023 City Council meeting to include the word "permanent" in the added Whereas clause to state "Evaluation of the Rock Island Trail right-of-way for permanent inclusion into the Park system as a greenway" be finally passed. The motion passed by a vote of 7-1-1-0

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

No: 1 - O'Malley

Excused: 1 - Fortune

11. New Business

11.A. [URA 23-092](#) A resolution terminating the existing CityGate Urban Renewal Plan.

Related Files: URA 22-716, URA 22-768

Presenter:

Jariah Walker, CSURA Executive Director

Attachments: [Existing City Gate Termination Resolution](#)
[Signed Resolution No. 37-23.pdf](#)

Jariah Walker, Colorado Springs Urban Renewal Authority (CSURA) Executive Director, introduced the Resolutions terminating the existing CityGate Urban Renewal Plan, approving the City Gate 2.0 Urban Renewal Plan, and Cooperation Agreement between the CSURA and the City to promote redevelopment and assist with financing of public improvements for the City Gate 2.0 Urban Renewal project and to approve the amount of annual sales tax increment revenue allocated. He introduced Greg Cerbana, Vice President of Government Affairs and Public Relations, Laura Neumann, Strategic Project Lead, David Neville, Ben Bolinger, Legislative Counsel, City Attorney's Office, Ryan Tefertiller, Urban Planning Manager, Sarah Dunmire, Economic and Planning Systems (EPS), and, Andrew Knutsen, Economic and Planning Systems (EPS), and provided an overview of project.

Councilmember Donelson stated he believes development would occur in this area with or without this URA designation. Mr. Walker stated the level of investment that comes with taking care of these properties with aging infrastructure, demolition, abatement, utility access issues, and parking access issues is enormous.

Councilmember Murray stated he believes the City has abused the URA designation on several occasions, but this particular area was a blighted area and believes this is in the best interest of the City.

Councilmember Donelson stated the City being clean and safe are the priorities of the citizens he has spoken with, not the amenities this project offers. Mr. Walker stated crime was prevalent and one of the conditions of blight identified in this area.

Councilmember Avila asked how much revenue is generated by downtown. President Strand stated he will request that information.

Councilmember Williams explained that with Tax Incremental Financing (TIF), no one will be giving up tax revenue for this project.

Councilmember Donelson requested a comparison of the differences between City Gate and City Gate 2.0. Mr. Walker stated there have been no dollars to the URA as it relates to the former plan.

Councilmember Donelson stated he believes this area will be developed regardless. Mr. Walker stated it would not be developed with the level of infrastructure this project is proposing.

President Pro Tem Helms stated the additional parking infrastructure provided by the TIF is absolutely necessary.

Motion by Councilmember Murray, seconded by Councilmember Henjum, that the Resolution terminating the existing CityGate Urban Renewal Plan be adopted. The motion passed by a vote of 7-1-1-0

Aye: 7 - Avila, Helms, Henjum, Murray, O'Malley, Strand, and Williams

No: 1 - Donelson

Excused: 1 - Fortune

- 11.B.** [URA 22-716](#) A resolution making certain legislative findings and approving the City Gate 2.0 Urban Renewal Plan.

Related Files: URA 22-768, URA 23-092

Presenter:
Jariah Walker, CSURA Executive Director

Attachments: [Resolution_CityGate2.0URAPlan](#)
[City Gate 2.0 Plan Final with Legal.](#)
[CPC Staff Report_CityGate URA_RBT](#)
[213039-Council Summary Slides 2-1-2023](#)
[FIGURE 1 - City Gate URA Plan](#)
[FIGURE 2 - City Gate Zoning Exhibit](#)
[FIGURE 3 - PlanCOS Vision Map](#)
[FIGURE 4 - CSURA-Conditions Survey-City Gate 9-16-2021](#)
[FIGURE 5 - Impact Report City Gate 2.0](#)
[City Gate 2.0 Financial Model Final](#)
[PPLD 9 6 22\(w notes\)](#)
[Signed Resolution No. 38-23.pdf](#)

Please see comments in Agenda item 11.A.

Motion by Councilmember Murray, seconded by President Pro Tem Helms, that the Resolution making certain legislative findings and approving the City Gate 2.0 Urban Renewal Plan be adopted. The motion passed by a vote of 7-1-1-0

Aye: 7 - Avila, Helms, Henjum, Murray, O'Malley, Strand, and Williams

No: 1 - Donelson

Excused: 1 - Fortune

- 11.C. [URA 22-768](#)** A resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the City Gate 2.0 Urban Renewal project and to approve the amount of annual sales tax increment revenue allocated, pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II)

Related File:

Presenter:

Jariah Walker, CSURA Executive Director

Attachments: [Resolution_CityGate2.0CooperationAgreement](#)
[City Gate 2.0 Cooperation Agreement](#)
[Signed Resolution No. 39-23.pdf](#)

Please see comments in Agenda item 11.A.

Motion by Councilmember Henjum, seconded by Councilmember Murray, that the Resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the City Gate 2.0 Urban Renewal project and to approve the amount of annual sales tax

increment revenue allocated, pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II) be adopted. The motion passed by a vote of 7-1-1-0

Aye: 7 - Avila, Helms, Henjum, Murray, O'Malley, Strand, and Williams

No: 1 - Donelson

Excused: 1 - Fortune

- 11.D. [URA 23-034](#) A resolution making certain legislative findings and approving the Gold Hill Mesa Commercial Urban Renewal Plan.

Related File: URA 23-035, URA 23-046, URA 23-093

Presenter:

Jariah Walker, CSURA Executive Director

Attachments: [RES_GHMCommercialURAPlan](#)

[URA PLAN Gold Hill Mesa Commercial Final 3-4-2022](#)

[CPC Staff Report GHM Commercial URA RGS](#)

[URA Impact Report Gold Hill Mesa Commercial Final 2-1-2023](#)

[Gold Hill Mesa Commercial Urban Renewal Plan](#)

[Conditions Survey](#)

[Aerial](#)

[Vision Map](#)

[GHM URA MD Boundary Map-Graphic](#)

[CPC_Minutes_2.8.23_Gold Hill Mesa URA DRAFT](#)

Councilmember Donelson asked why these items are being postponed. Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority (CSURA), stated some of the development team for these items were unable to make it out of Seattle, WA for this hearing, there needs to be a little more work completed regarding the financing, and requested they be postponed to a later date.

Councilmember Donelson requested that in the future, if an item is going to be postponed, that Council be given more of an advanced notice of it. Mr. Walker stated he was just notified of it this morning. President Strand stated he just received the information approximately an hour ago.

Motion by President Pro Tem Helms, seconded by Councilmember Williams, that the Resolution making certain legislative findings and approving the Gold Hill Mesa Commercial Urban Renewal Plan be postponed to a later date. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

- 11.E. [URA 23-035](#) A resolution approving a cooperation agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the Gold Hill Mesa Commercial Urban Renewal Project and to approve the amount of annual sales tax increment revenue allocated pursuant to Colorado Revised Statute Section 31-25-107(9)(a) (II)

Related File: URA 23-035

Presenter:

Jariah Walker, CSURA Executive Director

Attachments: [RES_GHMCommercialCooperationAgreement](#)
[Gold Hill Mesa Commercial Cooperation Agreement](#)

Motion by President Pro Tem Helms, seconded by Councilmember Williams, that the Resolution approving a cooperation agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to promote redevelopment and assist with financing of public improvements for the Gold Hill Mesa Commercial Urban Renewal Project and to approve the amount of annual sales tax increment revenue allocated pursuant to Colorado Revised Statute Section 31-25-107(9)(a)(II) be postponed to a later date. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

- 11.F. [URA 23-046](#) A resolution making certain legislative findings and approving a substantial modification to the amended Gold Hill Mesa Urban Renewal Plan.

Related File: URA 23-034

Presenter:

Jariah Walker, CSURA Executive Director

Attachments: [RES_Amended_GHM_Substantial_Modification](#)
[Exhibit A - Resolution 68-15](#)
[Exhibit B - AmendedGHMURA](#)
[CPC Staff Report_GHM Amended URA_RGS](#)
[Amended Gold Hill Mesa Urban Renewal Plan](#)
[Amended Area](#)
[Aerial](#)
[Vision Map](#)
[CPC_Minutes_2.8.23_Gold Hill Mesa URA DRAFT](#)

Motion by President Pro Tem Helms, seconded by Councilmember Williams, that the Resolution making certain legislative findings and approving a substantial modification to the amended Gold Hill Mesa Urban Renewal Plan be postponed to a later date. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

- 11.G. [URA 23-093](#)** A resolution to terminate the existing Gold Hill Mesa Commercial Urban Renewal Plan.

Related File: URA 23-034

Presenter:

Jariah Walker, CSURA Executive Director

Attachments: [RES Existing GHM Termination](#)

Motion by President Pro Tem Helms, seconded by Councilmember Williams, that the Resolution to terminate the existing Gold Hill Mesa Commercial Urban Renewal Plan be postponed to a later date. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Fortune

- 11.H. [23-168](#)** An Ordinance amending Section 102 (Definitions), Section 120 (Roadside Sale of Animals prohibited), and creating Section 122 (Pet Store Sales Prohibited) of Article 7 (Regulation of Animals - General Provision) of Chapter 6 (Neighborhood Vitality / Community Health) pertaining to the prohibition of sales and certain other transactions involving dogs or cats by pet stores and providing penalties for the violation thereof

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [PetStore ORD 2023-2-21](#)

President Strand introduced the Ordinance pertaining to the prohibition of sales and certain other transactions involving dogs or cats by pet stores and providing penalties for the violation thereof.

Councilmember Murray read the Ordinance in its entirety.

Councilmember Henjum asked if this Ordinance would permit pet stores to sell cats and dogs obtained from commercial breeders as long as half of

the pets they are selling are from rescue shelters. President Strand stated that is correct.

Councilmember Williams asked if that rule would apply to people who sell out of their home. President Strand stated it would not. Citizen John Lieberman stated small breeders of four or less are not regulated by the United States Department of Agriculture (USDA).

Mr. Lieberman provided an overview of why an Ordinance is needed, the conditions of puppy mills, how to find a responsible dog breeder, humane vs inhumane pet store business models, sorting fact from fiction, minimum USDA standards of living space, benefits of a humane pet store model, predatory lending practices, and human health consequences.

Dustin Hayworth, owner, Pet City, Chapel Hills Mall, and Brie Maestas, owner, Pet City Citadel Mall, provided an overview of how Pet City supports positive outcomes for animal welfare in Colorado Springs, the need for all business models, their work towards positive animal ownership, their third van dedicated for transportation, current growth of Canine Care Certified (CCC) breeders, adult dog rehoming program, other statistics since 2021, and outreach.

Citizens Francelle Moore, Susan Repp, Joyce Cowen, Heather Sanner, Pat Young, Cheryl Sape, and Pam Dickerson spoke in support of the proposed Ordinance.

Citizens Erica Bonderant, Brent Smith, Linda Hart, and Jennifer Clark spoke in opposition of the proposed Ordinance.

Councilmember Murray stated his primary goal is to support Pet City, the canine community, and our community and find a balance between all of them.

Councilmember Murray asked if Pet City sells an average of less than two puppies per day. Mr. Hayworth stated that is correct. Councilmember Murray asked how often they turn over their inventory. Mr. Hayworth stated they have roughly eighty or less dogs in their stores and turn over inventory approximately every twenty-five days and every one of their dogs are sold or sent home. Ms. Maestas stated it is illegal to euthanize a dog for an unknown reason.

Councilmember Murray asked where the dogs are coming from that are not CCC breeders. Mr. Hayworth stated State and Federally licensed breeders who are working toward the CCC standards, home breeders, or hobby breeders.

Councilmember Murray asked if there is any reason that Pet City cannot have half of their animals be obtained from animal rescue or public animal control. Mr. Hayworth stated he does not want to risk the health of the puppies he has in his store by bringing in unknown sources of animals, and their facility is designed for animals weighing less than thirty pounds.

Councilmember Murray asked if there was any issue with keeping the breeder contact information for three years. Mr. Hayworth stated that is already required under the State's Consumer Protection Act.

Councilmember Murray asked what the average price for these animals is. Mr. Hayworth stated \$3,200.00.

President Pro Tem Helms stated he does not support this Ordinance, but he does support the advocates and the Pet City owners who have improved the betterment of the lives of the puppies.

Councilmember Donelson asked if Mr. Hayworth was given the opportunity to provide input on the proposed Ordinance prior today's meeting. Mr. Hayworth stated he was not. Councilmember Donelson recommended that Council involve stakeholders early on in the process so they are able to provide their input.

Councilmember Donelson asked if Pet City is the oldest business in the mall. Mr. Hayworth confirmed that they are the last original business in the Chapel Hills Mall.

Councilmember Donelson asked what Pet City would do if they discovered they were purchasing animals who live in deplorable conditions. Mr. Hayworth stated they would quit buying from them and probably would not have bought from them to begin with.

Councilmember Donelson asked what they look for when buying from a breeder. Mr. Hayworth stated they should be greeted by the adult dogs and

there should be signs of activity in the yard.

Councilmember Donelson stated he does not believe that shutting down these two stores down in the City would have an impact on the bad breeders and the owners of Pet City are sincerely trying to be part of the solution and improving the situation.

Councilmember Henjum stated she believes everyone in the room cares about the humane treatment of animals and there has been an impact over the past eighteen months of how committed the owners of Pet City to moving toward one hundred percent of purchasing from CCC breeders and she will be voting against the proposed Ordinance.

Councilmember Donelson commented that all the dogs in the Humane Society of the Pikes Peak Region are adopted unless they are dangerous or have health conditions.

Councilmember Williams stated he is concerned that this Ordinance does not address the needs for inappropriate breeders, but singles out two retailers which he does not think is appropriate.

President Strand stated he believes when there are pet stores selling puppies, it encourages puppy mills which he is against.

Motion by Councilmember Murray, seconded by Councilmember Avila, that the Ordinance amending Section 102 (Definitions), Section 120 (Roadside Sale of Animals prohibited), and creating Section 122 (Pet Store Sales Prohibited) of Article 7 (Regulation of Animals - General Provision) of Chapter 6 (Neighborhood Vitality / Community Health) pertaining to the prohibition of sales and certain other transactions involving dogs or cats by pet stores and providing penalties for the violation thereof be approved on first reading. The motion failed by a vote of 3-5-1-0

Aye: 3 - Avila, Murray, and Strand

No: 5 - Donelson, Helms, Henjum, O'Malley, and Williams

Excused: 1 - Fortune

12. Public Hearing

There was no Public Hearing.

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

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

Sarah B. Johnson, City Clerk