



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, June 13, 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:** 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

A moment of silence was observed in honor of former Councilmember Stephannie Fortune who passed away early this morning. The Invocation was made by Reverend Lee Ann Bryce from the First Congregational Church.

President Helms, Fiona, Benjamin, and Isaac Fickert, Committee Chair Pack 100 and Troop 404, Boy Scouts of America, led the Pledge of Allegiance and recognized June 14, 2023 as Flag Day.

Councilmember Donelson stated the flag he had brought to honor Flag Day now represents former Councilmember Fortune, June 14, 2023 is also the 248th birthday of the United States Army, and the twenty-one-day period between Flag Day and the Fourth of July is known as Honor America Days.

### **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:**

- 4A.A. [SUBD-23-00](#) Ordinance No. 23-28 vacating a remaining portion of a public  
[17](#) right-of-way known as Country Lane No. 2 consisting of 4,807 square feet located between 7529 Rustic Lane and 7629 Rustic Lane.

(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

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

**Attachments:** [Ordinance](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Vacation Plat](#)  
[To Be Provided](#)  
[Vicinity Map](#)  
[7.7.402.C Vacation Procedures](#)  
[Staff Presentation](#)

**This Ordinance was finally passed on the Consent Calendar.**

#### **4B. First Presentation:**

- 4B.A. [23-290](#) City Council Regular Meeting Minutes May 23, 2023

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [5-23-2023 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 4B.B.** [23-262](#) A resolution approving an Economic Development Agreement between the City of Colorado Springs and Project Verge

Presenter:

Shawna Lippert, Senior Economic Development Specialist  
Bob Cope, Economic Development Officer

**Attachments:** [RES ProjectVerge 2023](#)  
[Project Verge\\_Economic Development Agreement](#)  
[EDA Presentation-Verge](#)

This Resolution was adopted on the Consent Calendar.

- 4B.C.** [23-222](#) A Resolution Approving and Authorizing the Chief Executive Officer of Colorado Springs Utilities to Enter Into a Long-term Water Treatment Contract between the Fountain Valley Authority and the City of Colorado Springs, the City of Fountain, Security Water District, Stratmoor Hills Water District, and Widefield Water and Sanitation District

Presenter:

Travas Deal, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU-FVA WaterTreatmentAgreementRES-2023-04-24\[37934\]Final](#)  
[FINAL Water Treatment Contract for FVA - 3-17-23](#)

This Resolution was adopted on the Consent Calendar.

- 4B.D.** [23-280](#) A resolution finding a petition for annexation of the area known as Hope Chapel Addition No. 1 consisting of 4.6136-acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of July 25, 2023, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Related Files: 23-300

Presenter:

Gabe Sevigny, Planning Supervisor, Planning & Community  
Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [Resolution - Hope Chapel Addition No. 1](#)  
[Exhibit A - Hope Chapel Addition No. 1](#)  
[Annexation Plat - Hope Chapel Addition No. 1](#)  
[Vicinity Map](#)

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

**4B.E. [23-300](#)**

A resolution finding a petition for annexation of the area known as Hope Chapel Addition No. 2 consisting of 9.8807-acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of July 25, 2023, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Related Files: 23-280

Presenter:

Gabe Sevigny, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

**Attachments:** [Resolution - Hope Chapel Addition No. 2](#)  
[Exhibit A - Hope Chapel Addition No. 2](#)  
[Annexation Plat - Hope Chapel Addition No. 2](#)  
[Vicinity Map](#)

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

**4B.F. [23-030](#)**

A resolution finding a petition for annexation of the area known as T5 Addition No. 1 consisting of 20,064 square feet to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of July 25, 2023, for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

**Attachments:** [Resolution](#)  
[Exhibit A](#)  
[T5 Addition No. 1 - Annexation Plat](#)  
[Vicinity Map](#)

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

- 4B.G.** [23-287](#) The City Clerk reports that on May 23, 2023 there was filed with her a petition for the annexation of Authentix Wolf Ranch Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1).

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [Memo to Clerk Annexation](#)  
[Petition\\_AuthentixWolfRanch\\_AdditionNo1.pdf](#)  
[4\\_Authentix-Wolf-Ranch-Addition-No-1-Legal-Description.pdf](#)  
[2\\_Authentix Wolf Ranch Vicinity Map.jpg](#)  
[1\\_Tri-Lakes\\_COS\\_general\\_owner\\_consultant\\_and\\_developer\\_executed.pdf](#)  
[1-Hooks\\_Group\\_COS\\_general\\_owner\\_consultant\\_and\\_developer\\_authORIZATION\\_Executed.pdf](#)  
[3\\_Annexation\\_Petition\\_Hooks\\_Group.pdf](#)  
[3\\_Annexation\\_Petition\\_Tri-Lakes.pdf](#)  
[5\\_Authentix\\_Wolf\\_Ranch\\_Add\\_No1\\_Annexation\\_Plat\\_2nd\\_Submittal\\_\(2023-0503\).pdf](#)  
[6\\_COS\\_Statement\\_of\\_Authority\\_Hooks\\_Group\\_Executed.pdf](#)  
[6\\_COS\\_Statement\\_of\\_Authority\\_Tri-Lakes\\_Executed.pdf](#)

**This Item was approved on the Consent Calendar.**

- 4B.H.** [ZONE-23-00](#) [10](#) First reading of an ordinance amending the zoning map of the City of Colorado Springs relating to 3.53 acres located at the southwest intersection of Roller Coaster Road and North Gate Boulevard from PBC/cr (Planned Business Center with conditions of record) to PBC (Planned Business Center [to be known as MX-M (Mixed Use Medium Scale)]), for the purpose of setting a public hearing date for June 27,2023 and providing notice of the ordinance.

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Ordinance](#)  
[Exhibit A - Legal](#)  
[Exhibit B - Depiction Addendum](#)  
[Staff Report](#)  
[Project Statement](#)  
[PlanCOS Vision Map](#)  
[CPC\\_Minutes\\_05.10.23\\_Roller Coaster Commercial](#)  
[7.5.603 Findings - ZC](#)  
[Presentation](#)

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

### Approval of the Consent Agenda

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

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

### **5. Mayor's Business**

President Helms introduced Mayor Yemi who honored former Councilmember Stephannie Fortune and provided a brief overview of all her achievements and contributions to the City.

### **6. Recognitions**

**6.A. [23-257](#)** A Joint Proclamation recognizing June 19, 2023 as Juneteenth

Presenter:  
Yolanda Avila, Councilmember District 4  
Yemi Mobolade, Mayor

**Attachments:** [Proclamation Juneteenth](#)

Councilmember Avila read the joint Proclamation recognizing June 19, 2023 as Juneteenth.

Danielle Summerville, Community, Diversity, and Outreach Programs Manager, introduced June Waller with the National Association for the Advancement of Colored People (NAACP) Colorado Springs, Jennifer and DeAndre "D" Smith, One Body ENT/organizers of Juneteenth, Linda Weiss, President and CEO, and Jashawn Jackson Community Cultural

Collective, Minister Earl Schaffer Jr., Pikes Peak Diversity Council, Regina English, State Representative, House District 17 Southeast Corridor, provided an overview of the history and importance of Juneteenth, the community events scheduled June 16 through June 18, 2023 at America the Beautiful Park, expressed appreciation for the City's acknowledgement of Juneteenth.

Mayor Yemi spoke about Juneteenth representing a day of remembrance and truth.

Several Councilmembers expressed appreciation for all their efforts in bringing the community together.

**6.B.**    [23-304](#)            A Resolution in recognition of the 25th Anniversary of Art on the Streets

Presenter:

Michelle Talarico, Councilmember District 3

**Attachments:**    [Art on the Streets](#)

Councilmember Talarico read a Resolution in recognition of the 25th Anniversary of Art on the Streets.

Susan Edmondson, President and CEO, Downtown Partnership, introduced Michelle Winchell, Executive Director, Downtown Ventures who provided a brief history of Art on the Streets.

Councilmember Risley spoke about the importance of Art on the Street in providing for the vitality and vibrance of the downtown core.

**Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Talarico, that the Resolution in recognition of the 25th Anniversary of Art on the Streets be adopted. 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.C.**    [23-303](#)            Appointments to City Council Board, Commissions, and Committees

Presenter:

Randy Helms, Council President, and Councilmember District 2

**Attachments:**    [061323 Boards Commissions and Committee Appointments](#)

[2023.05.16 Downtown BID board - Michael Brantner](#)

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

There were no comments on this item.

**Motion by Councilmember Avila, seconded by Councilmember Leinweber, that the Appointments to City Council Board, 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

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

Citizen Janice Moglen wished everyone a happy Father's Day and spoke about Katharine Lee Bates and her contributions to the community and the tourism industry.

Citizen Jim Coonradt, Cottonwood Creek Disk Golf Club, spoke about his concerns with the environmental conditions which will occur after the completion of the stormwater project on the course.

Citizen Andrew Dalby spoke against Senate Bill 190.

Citizen Jaymen Johnson expressed appreciation for the citizens who spoke, and the recognitions given by City Council at today's meeting and honored former Councilmember Stephannie Fortune for her dedication and work for District 3.

## **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. [23-213](#)**

Ordinance No. 23-29 amending Ordinance No. 22-90 (2023 Budget Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$710,460 for additional projects and events recommended by the LART Citizen Advisory Committee; and to the Capital Improvements Program (CIP) Fund in the amount of \$250,000 for a LART-funded capital project that will be administered by the City of Colorado Springs Parks, Recreation and Cultural Services Department

Presenter:

Chris Fiandaca, City Budget Manager

PK McPherson, Chair, LART Citizen Advisory Committee



**Attachments:** [LART ORD-2023-05-01](#)

[LART Presentation](#)

[2023 LART Resolution Exhibit A Rev for off-cycle](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation of \$710,460 to the Lodgers and Automobile Rental Tax (LART) fund for additional projects and events as recommended by the LART Citizen Advisory Committee (CAC) and to the Capital Improvements Program (CIP) Fund in the amount of \$250,000 for LART-funded capital projects that will be administered by the City of Colorado Springs Parks, Recreation and Cultural Services Department.

Councilmember Donelson requested the Ordinance be amended for an additional appropriation of \$7,500 to Colorado International Events to fund the Pikes or Bust Rodeo Parade due to the organization discovering ten days ago that the company who was going to provide the barricades for the event is no longer able to do it.

John O'Donnell, applicant, provided an overview of the events they have organized in the community, their budget, and the barricade donors need to back out due to staffing issues.

David Siegal, Vice Chair LART CAC, stated their concern about this request will set a precedent for applicants to request additional funding after the application review process is complete. He also honored former Councilmember Stephannie Fortune.

Councilmember Risley stated he believes this would be a unique situation.

Councilmember Avila commented there was a lot of push back when an additional supplemental appropriation was made last year for the Juneteenth and Fiestas Patrias and requested an overview of the organizations and the amounts approved for the off-cycle funding. Ms. McDaniel provided that information.

**Motion by Councilmember Donelson, seconded by Councilmember Risley, to amend Ordinance No. 23-29 approving a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund and the Capital Improvements Program (CIP) Fund for an additional appropriation of \$7,500 to Colorado International Events to fund the Pikes or Bust Rodeo Parade be approved. The motion passed by a vote of 7-1-1-0**

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

**No:** 1 - Avila

**Excused:** 1 - Leinweber

**Motion by Councilmember Talarico, seconded by Councilmember Henjum, that Ordinance No. 23-29 approving a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund and the Capital Improvements Program (CIP) Fund as amended for an additional appropriation of \$7,500 to Colorado International Events to fund the Pikes or Bust Rodeo Parade be passed on first reading. The motion passed by a vote of 8-0-1-0**

## **11. New Business**

### **11.A. [23-231](#)**

A resolution declaring the intent of the City of Colorado Springs, Colorado to issue its multifamily housing revenue bonds to finance the acquisition, construction, improvement and equipping of an affordable multifamily housing facility known as Royal Pine Apartments.

Steve Posey, Community Development Division Manager  
John Bales, Fred Marienthal, Kutak Rock LLP  
Peter Wysocki, Director of Planning and Community Development

**Attachments:** [2023.05.22 Royal Pines Inducement Resolution](#)

[Royal Pine Drive CC Work Session 05222023 Updated 4-25-23](#)

President Helms stated the public hearing today is for consideration of the Resolution declaring the intent to issue revenue bonds and does not approve the construction of the project, authorize building permits, or issue bonds. He stated the Planning Department has recently received a land use application related to this project and will go through the City's Land Use Review process which could include a hearing before City Council.

Ben Bolinger, Legislative Counsel, reiterated that the land use approval process is separate from this item which is a preliminary Resolution on issuing bonds and an approval today does not obligate Councilmembers to support the project.

Councilmember Donelson clarified that even if the proposed Resolution is approved today, the bonds will not be issued until the project is approved.

Steve Posey, Community Development Division Manager, Planning and Community Development Department, presented the resolution declaring the intent of the City to issue its multifamily housing revenue bonds to

finance the acquisition, construction, improvement and equipping of an affordable multifamily housing facility known as Royal Pine Apartments. He stated this is a finance item related to Private Activity Bonds (PAB), not a land use item, there is no risk or liability to the City in issuing these bonds, the developer will still have to go through the Land Use Review process, and adopting this Resolution does not guarantee that the bonds will be issued. He stated the proposed Resolution indicates to Colorado Housing and Finance Authority (CHAFA) that the City wants to use a portion of the City's annual allocation to build an affordable housing apartment project, the project is consistent with HomeCOS, the City's Fee Rebate Program, PAB Working Group, and providing housing for a segment of the City's workforce.

Citizens Erin Maruzzella, Executive Director, Innovations in Aging Collaborative, Randy Scott, Pikes Peak Housing Network, Lee Patke, Executive Director, Greccio Housing, David Lord, Chair, Leadership Council, Pikes Peak Housing Network, Gaby Glassford, Data Driven Economic Strategies, Susan Edmondson, President and CEO, Downtown Partnership, Beth Diana, Director of Public Affairs, La Plata Communities, Marla Novak, Vice President of Governmental Affairs, Housing and Building Association of Colorado Springs/Community Housing Ability Taskforce (CHAT), Paula Stecker, member of Colorado Springs Faith Table, Susan Bolduc, member of Colorado Springs Faith Table and statewide Sustainable Housing Coalition, Beth Lindquist, Together Colorado, Dave Dazlich, Vice President, Government Affairs, Colorado Springs Chamber and EDC, Zurit Horowitz, John Shether, Board Member Westside Cares, Scott Corea, Project Specialist, Community Health Partnership, and Shawn Brennan spoke in support of the proposed Resolution.

Citizens Steve Parrish, Susan Forget, Vicki Kapron, Jim Blair, Jim Zendejas, Nathalie Ingram, Dan Bloom, Steven Glendenning, Barbara Vinshettal, Sarah Markham, Brian Live, John Barto, Les, and Al Peterson spoke in opposition to the proposed Resolution.

Councilmember Avila requested the where the data regarding 5,500 vacancies was obtained. Mr. Parrish stated [www.apartments.com](http://www.apartments.com) <<http://www.apartments.com>>.

Councilmember Donelson requested Mr. Bolinger address the concerns

regarding covenants. Mr. Bolinger stated the City does not have jurisdiction over private contracts or covenants, so it is not the responsibility of City Council to enforce them, jurisdiction lies with the district court. Mr. Zendejas stated City Council has no right to overrule a private contract between his three owners and the developer. Mr. Bolinger stated nothing City Council does today will alter that private contract. Mr. Zendejas stated he agrees with that, but if his clients choose to attempt to enforce their rights, they will have to do so at the beginning of the process.

President Helms asked if Mr. Zendejas' clients own property in the area of the project. Mr. Zendejas stated his clients own three of the eight business lots and they will enforce the private agreement with developer which stated the area would be commercial. President Helms asked if they would sell their lots to the developer. Mr. Zendejas stated they have not been asked to.

Councilmember Risley clarified that if there is a rezoning application for this project, there will be adequate public notifications and a robust process involving the residents and reviewing the applications, but today is a financial matter.

Councilmember Donelson requested clarification regarding whether the implementation of the Unified Development Code (UDC) changed the zoning allowances for this area. Peter Wysocki, Director, Planning and Community Development, stated this area was zoned Planned Business Center (PBC) which allows commercial, retail, office uses, and multi-family zoning subject to a conditional use permit approval by the Planning Commission and under the new UDC, the PBC zone changed to a Mixed-Use Medium Intensity which allows multi-family as a permitted use by right.

Mr. Peterson asked if this proposed Resolution was similar to getting preapproved for a mortgage. Mr. Bolinger stated it is the intent to issue bonds and it would take an Ordinance to issue the bonds which would happen in the future.

Councilmember Donelson requested this item be postponed to the July 11, 2023 City Council meeting and that Mr. Wysocki and Mr. Posey meet with the citizens to explain more clearly the process.

Councilmember Avila asked if a postponement would affect the project. Mr. Wysocki could delay the submittal of the applications for the project itself and until those applications are received, they would not be able to answer all the questions the citizens may have regarding the project.

Michael Montgomery reminded Council there are already two other land use application hearings scheduled for July 11, 2023. President Helms stated he is concerned with pushing it out that far.

Mr. Posey stated it is important to separate the finance process from the land use process and there are no materials available for a land use discussion because none of those applications have been submitted yet.

Eric Grodahl, Principal, DBG Development, representing the development, stated they have not submitted a Development Plan, this financial step is the first step in the process, and they have every intention to go above and beyond what is required for neighborhood reach out. He stated they are a long-term owner of everything they build/develop, they have an interest in being a good neighbor in every community they enter, they will be available to answer questions, and solicit feedback.

Councilmember Leinweber stated when projects are postponed, costs are added, and they have not gotten to the stage to whether this location is appropriate for this affordable housing project.

Councilmember Avila stated this item is legislative, but once this project is quasi-judicial it changes how citizens can obtain information and does not support delaying it.

Councilmember O'Malley stated he supports delaying the Resolution and he will not be supporting the money going to that neighborhood for that project.

Councilmember Henjum stated she will not be supporting a delay, expressed appreciation for everyone who came to speak today, explained how citizens can learn about the governmental processes, how there will be opportunity for them to engage in this project, and stated there is a great need for affordable housing in the community.

Councilmember Donelson stated he does not see that a two-week delay would have great consequences but will allow for residents to get their questions answered and requested this item be postponed to the June 27, 2023 City Council meeting.

John Bales, Kutak Rock, Third-Party Bond Counsel for the City, stated this Resolution is saying that the City intends to issue bonds, and there are certain qualifications before they do issue bonds which include all the entitlements, approval by the City, and approval by bond counsel. He stated this Resolution sets aside the PAB bond cap so they can continue the process.

Councilmember Risley requested citizens continue to trust Council and the process and stated they will look for ways to mitigate their concerns and will continue to do what they believe is the right thing to do for the community and the City.

Councilmember Leinweber asked what percentage of the PAB would be used for this project. Mr. Posey identified the proposed PAB allocations and projects for 2022 and 2023 and stated that there would still be bonds available at the state level to finance other projects. Councilmember Leinweber asked if developers compete for this funding. Mr. Posey confirmed that they do. Councilmember Leinweber asked if the funding would go away if the City does not use it. Mr. Posey stated the City has three years to use it.

Mr. Wysocki spoke about all the considerations which go into the review process for projects like this especially when it is a competitive application for Federal Department of Housing and Urban Development (HUD) and PAB allocations.

Councilmember Donelson stated if this item is postponed, the citizens questions and concerns could be answered over the period of two weeks and their trust in Council can be maintained.

**Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the Resolution declaring the intent of the City of Colorado Springs, Colorado to issue its multifamily housing revenue bonds to finance the acquisition, construction, improvement and equipping of an affordable multifamily housing facility known as Royal Pine Apartments be postponed to June 27, 2023 City Council meeting. The motion failed by a vote of 4-5-0-0**

**Aye:** 4 - Crow-Iverson, Donelson, Helms, and O'Malley

**No:** 5 - Avila, Henjum, Leinweber, Risley, and Talarico

Councilmember Leinweber asked if there are other organizations applying for these funds. Mr. Posey stated there are at the state level, but not for these local fund PAB.

**Motion by Councilmember Henjum, seconded by Councilmember Leinweber, that the Resolution declaring the intent of the City of Colorado Springs, Colorado to issue its multifamily housing revenue bonds to finance the acquisition, construction, improvement and equipping of an affordable multifamily housing facility known as Royal Pine Apartments be adopted. 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

## **12. Public Hearing**

There was no Public Hearing.

### **13. Added Item Agenda**

There were no items added to the Agenda.

### **14. Executive Session**

#### **14.A. [23-305](#)**

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 a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney, discussing strategy for negotiations, and instructing negotiators regarding an intergovernmental agreement and a related construction agreement.

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:** [Closed Session memo - Airport IGA](#)

Ben Bolinger, Legislative Counsel, City Attorney's Office, stated 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 a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney, discussing strategy for negotiations, and instructing negotiators regarding an intergovernmental agreement and a related construction agreement.

Council President Helms polled Council regarding the desire to proceed with a Closed Executive Session. At least two-thirds of Council agreed to proceed in Closed Executive Session.

**15. Adjourn**

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

Sarah B. Johnson, City Clerk