



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, July 11, 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

The Invocation was made by Benny Soto, Outreach Pastor, from the Academy Christian Church.

President Helms led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

President Helms stated items 4A.A. will be removed from the Consent Calendar.

Consensus of Council agreed to this change on 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.** [23-350](#) City Council Regular Meeting Minutes June 27, 2023

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [6-27-2023 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

**4B.B.** [23-333](#) The City Clerk reports that on June 15, 2023 there was filed with her a petition for the annexation of Colorado Centre 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.doc](#) [Colorado Center.doc](#)

[Vicinity Map Colorado Center.docx](#)

[Vicinity Map Colorad Center Addition No 3.JPG](#)

[Colorado Center Addition No. 3 - Annexation Plat.pdf](#)

[Colorado Center Addition No. 3 - General App.pdf](#)

[Colorado Center Addition No. 3 - Petition-Signed.pdf](#)

[SOAs.pdf](#)

This Item was approved on the Consent Calendar.

**4B.C.** [PUDZ-22-00](#) First reading of an ordinance amending the zoning map of the City of [08](#) Colorado Springs relating to 4.56 acres located between E. St. Elmo Ave. and E. Ramona Ave. just west of S. Nevada Ave. from MX-M (Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone

districts, both with the SS (Streamside Overlay) zoning designation, to PDZ/SS (Planned Development Zone District with the Streamside Overlay Zone) for multi-family residential land use, with a maximum building height of 85 feet, and a maximum density of 87.72 DUs/acre, for the purpose of setting a public hearing date for July 25, 2023 and providing notice of the ordinance.

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

**Attachments:** [Ordinance](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change](#)

[Staff Report](#)

[Project Statement](#)

[Public Comments](#)

[Public Comment Responses](#)

[Creekwalk Residential Stakeholder Input UPDATED POST-CPC](#)

[Vicinity Map](#)

[PlanCOS Vision Map](#)

[PlanCOS Areas of Change Map](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

[7.5.603 Findings - ZC](#)

[CPC Meeting Minutes 06.14.23](#)

[Staff Presentation](#)

[Signed Ordinance No. 23-32.pdf](#)

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

**4B.D. [23-285](#)**

A Resolution Authorizing the Acquisition of Real Property Owned By JCJK Real Estate, LLC 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 2910 Austin](#)

[Bluffs Pkwy](#)

[CC Presentation Property Acquisition Central Bluffs Sub 2910 Austin](#)

[Bluffs Pkwy](#)

[Signed Resolution No. 95-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.E.** [23-355](#) A Resolution Finding A Public Purpose In A Lease For Less Than Fair Market Value To The State Of Colorado, Department Of Higher Education, By The State Board For Community Colleges And Occupational Education For The Use And Benefit Of Trinidad State Junior College In Support Of The Rocky Mountain Line Technician Program

**Attachments:** [CC Resolution\\_Rocky Mountain Line Tech Program](#)  
[CC Presentation\\_Rocky Mountain Line](#)  
[Signed Resolution No. 96-23.pdf](#)

This Resolution was adopted on the Consent Calendar.

### Approval of the Consent Agenda

**Motion by Councilmember Avila, seconded by President Helms, 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

There were no Recognitions.

### 6. Mayor's Business

There was no Mayor's Business.

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

Citizen Corey Gifford spoke about the number of fireworks being set off after 9:00 PM in his neighborhood.

Citizen Lawrence Martinez stated he does not feel the Mayor's new community organization will be effective, the discourse between the police department and citizens needs to be repaired before asking the citizens to retain their Taxpayer Bill of Rights (TABOR) refund, and there is a hole in the pavement along both sides of the sidewalk at Monterey and Kodiak.

Citizen Jaymen Johnson expressed appreciation for the citizens who spoke today, encouraged the public to participate in the Walmart backpack collection for students, recommended the City host drone shows instead of fireworks for Fourth of July celebrations, and the sidewalks which need to

be repaired may be the responsibility of a metropolitan district.

Citizen Woody Longmire expressed support of the placeholder to get the TABOR refund initiative on the ballot.

Citizen Andrew Dalby spoke in opposition of Colorado Senate Bill 190.

Citizen Angela Gilpin, Maverick Observer, spoke about the Office of Accessibility meetings having poor quality of the transcriptions of the meetings, videos which are not archived, and that American Sign Language (ASL) interpreters are only brought in if requested.

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

### **4A.A. [23-298](#)**

Ordinance No. 23-31 of the City of Colorado Springs, Colorado Providing for the Refunding of Certain Outstanding Utilities System Revenue Bonds of the City; Providing for the Extension, Betterment, Other Improvement and Equipment of the City of Colorado Springs Utilities System; Providing for the Issuance and Sale of the City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2023a in an Aggregate Principal Amount not to Exceed \$250,000,000, and the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2023b in an Aggregate Principal Amount Not to Exceed \$186,000,000, Payable Solely Out of the Net Revenues to be Derived From the Operation of the City of Colorado Springs Utilities System; Authorizing the Execution by the City of a Paying Agent Agreement, Escrow Agreement, a Bond Purchase Agreement, and an Official Statement Related Thereto; and Providing Other Matters Relating Thereto

Presenter:

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Travas Deal, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU 2023AB Bond Ordinance - DRAFT](#)  
[CSU 2023AB Bond Purchase Agreement - DRAFT](#)  
[CSU 2023AB Official Statement - DRAFT](#)  
[June-July 2023AB Bond Ordinance - City Council Presentation](#)  
[Signed Ordinance No. 23-31.pdf](#)

Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU), presented the Ordinance for the issuance of the Series 2023A refunding series and 2023B new money series up to approximately \$250M to support the financing activity. He provided a brief overview of the

new money debt issuance (2023A) and refunding debt issuance (2023B).

Councilmember O'Malley stated he pulled this item from the Consent Calendar because he does not feel they have effectively addressed the needs in the strategic planning which is outdated. He stated some of the issues brought up include fuel price volatility management and funding of large future capital programs. He recommended City Council vote against this item so they can address the strategic plan more effectively. Mr. Gearhart stated CSU is aware that they have additional spending needed in order to meet the demand of the City, they build their infrastructure to support growth, these bonds would take the capital spending out to September 2024, and the interest rates issued on these bonds will be evaluated for future savings.

Councilmember Risley asked what is included in the capital spending. Mr. Gearhart provided an overview of the top five projects by service line for 2024.

Travas Deal, Chief Executive Officer, CSU, stated they understand the list of what they need to continue to do to maintain the current system is endless and they will continue to address the strategic plan for growth with key stakeholders.

Councilmember O'Malley asked how much debt is being refinanced. Mr. Gearhart stated \$186 million. Councilmember O'Malley asked if the rate payers are able to purchase via retail the first issuance of bonds. Mr. Gearhart stated it is a bit difficult for an individual investor, but if they went through an agent, the bonds can be individually purchased. Councilmember O'Malley stated the refinancing of the bonds does make sense to him so he will be voting in favor on this item and requested additional information regarding the strategic planning.

President Helms stated he appreciates Councilmember O'Malley's analysis and forward thinking, and he will also be supporting this item because he supports the four key objectives outlined in the document.

President Helms stated he will be supporting this item because he supports the four key objectives outlined in the document.

Councilmember Henjum stated she also supports this item and

encouraged Councilmembers to attend the CSU Finance Committee meeting scheduled for July 17, 2023 so some of these budget questions can be answered.

Councilmember Donelson stated support of CSU by Council is important and additional information can be obtained from the CSU Finance Committee meetings.

Councilmember Talarico stated she would like to discuss a better alignment between finance, strategic planning, and project committees in order to provide a better understanding of the big picture.

**Motion by Councilmember Avila, seconded by Councilmember Leinweber, that Ordinance No. 23-31 of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue bonds of the City; providing for the extension, betterment, other improvement and equipment of the City of Colorado Springs Utilities System; providing for the issuance and sale of the City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2023a in an aggregate principal amount not to exceed \$250,000,000, and the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2023b in an aggregate principal amount not to exceed \$186,000,000, payable solely out of the net revenues to be derived from the operation of the City of Colorado Springs Utilities System; authorizing the execution by the City of a Paying Agent Agreement, Escrow Agreement, a Bond Purchase Agreement, and an Official Statement related thereto; and providing other matters relating thereto be finally passed. 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

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

There was no Unfinished Business.

## **11. New Business**

There was no New Business.

## **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. [23-356](#)**

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 and discussing strategy for negotiations and instructing negotiators regarding an economic development and incentive 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:** [23-356 Econ Dev Closed Session Council Notice draft](#)

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 and discussing strategy for negotiations and instructing negotiators regarding an economic development and incentive 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**

Upon completion of the Closed Executive Session, there being no further business to come before City Council, Council adjourned.



Sarah B. Johnson, City Clerk