



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, July 26, 2022

10:00 AM

Council Chambers

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

1. Call to Order and Roll Call

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

Excused: 1 - President Pro Tem Randy Helms

Councilmember Henjum, Councilmember Murray, and Councilmember Williams attended the meeting virtually.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Bill Gandy from the Colorado Springs Fire Department.

Beckett Hensler, son of Nadine Hensler, nominated appointee to the Planning Commission, led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

- 3.A. [AR DP 21-00813](#) An appeal of the Planning Commission's decision to deny a Development Plan (AR DP 21-00813) for a Kum & Go gas station, convenience store and associated parking and landscaping on a 1.04-acre site located at the southeast corner of south 8th street and West Brookside Street.

(Quasi-Judicial)

Related File: AR FP 21-00814

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development Department

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

Attachments: [CC AppealStatement Kum&Go](#)
[Staff Presentation_Kum & Go Gas Station Appeal CC_MDA 080922](#)
[Kum&GoCCPresentation](#)
[CC LetterUrbanStrategies](#)
[CPC_StaffReport_Kum&GoGasStationAppeal](#)
[Approval Letter Development Plan](#)
[Approved Plan Set](#)
[CPC Appeal Statement Urban Strategies](#)
[CPC_kum&goappellantexhibit](#)
[CPC Appeal Statement Severson](#)
[CPC Applicant Appeal Response](#)
[CPC PublicComments](#)
[Additional Public Comments](#)
[BrooksideGardens JanelleWalters](#)
[Map of known nearby gas stations](#)
[Context Map](#)
[Vicinity Map](#)
[PlanCOS Vision Map](#)
[CPC_Minutes_Kum&Go_draft](#)
[7.5.906 \(B\) Appeal of Commission-Board](#)
[7.5.502.E Development Plan Review](#)
[CC PostponementRequest_Kum&Go](#)

Motion by Councilmember Donelson, seconded by Councilmember Henjum, to postpone the appeal hearing to the August 9, 2022, City Council regular hearing per City Code Section 7.5.906.B.3. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

- 3.B.** [AR FP 21-00814](#) An appeal of the Planning Commission's decision to deny a Final Plat (AR FP 21-00814) for a K & G Subdivision combining 5 parcels into one single parcel on a 1.04-acre site located at the southeast corner of south 8th street and West Brookside Street.

(Quasi-Judicial)

Related File: AR DP 21-00813

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development Department

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

Attachments: [Approved Final Plat](#)

[7.5.906 \(B\) Appeal of Commission-Board](#)

[7.5.906 \(A\)\(4\) Administrative Appeal](#)

[7.7.303 Final Plat Requirements](#)

[7.7.305 Replat Requirements](#)

Motion by Councilmember Henjum, seconded by Councilmember Murray, to postpone the appeal to the August 9, 2022, City Council regular hearing per City Code Section 7.5.906.B.3. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

- 3.C.** [CPC ZC 22-00055](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 0.38-acre located at 518-520 West Brookside Street from R-1 6000 (Single-Family Residential) to R-2 (Two-Family Residential) to August 9, 2022.

(Quasi-Judicial)

Related File: CPC CP 22-00056

Presenter:

Austin Cooper, Planner II, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Attachments: [ORD_ZC_518-520WestBrooksideSt](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change Depiction](#)
[CPC Staff Report Brookside](#)
[Project Statement](#)
[Concept Plan](#)
[Vibrant Neighborhoods Framework](#)
[Vision Map](#)
[Land Use Types](#)
[Aerial](#)
[CPC Consent Minutes](#)

Motion by Councilmember Henjum, seconded by Councilmember Murray, to postpone the Ordinance amending the zoning map of the City of Colorado Springs relating to 0.38-acre located at 518-520 West Brookside Street from R-1 6000 (Single-Family Residential) to R-2 (Two-Family Residential) to the August 9, 2022 City Council meeting. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

- 3.D.** [CPC CP 22-00056](#) A concept plan for 518-520 West Brookside Street to bring the existing duplexes into compliance.

(Quasi-Judicial)

Related Files: CPC CP 22-00056

Presenter:

Austin Cooper, Planner II, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

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

Motion by Councilmember Murray, seconded by Councilmember Henjum, to postpone the concept plan for 518-520 West Brookside Street to the August 9, 2022 City Council regular hearing. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

- 3.E.** [22-279](#) Resolution Rescinding Resolution Nos. 9-06, 83-14, 111-21 and 112-21 and Adopting a New Policy to be Applied to Applications to Create or Modify a District Authorized under Titles 31 And 32 of the Colorado Revised Statutes, Model Service Plans and a Model Business

Improvement District Operating Plan and Budget

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Peter Wysocki, Director of Planning and Community Development

Attachments: [RES_SpecialDistrictPolicyPlansBIDPlan-2022-06-22](#)
[Exhibit A 2022-07-05-SpecialDistrictPolicy](#)
[Exhibit B 2022-07-05-SingleDistrictModelServicePlan](#)
[Exhibit C 2022-07-05-Multiple-District Model Service Plan](#)
[Exhibit D Model BID Operating Plan and Budget- 6-27-22 Draft](#)
[District Policy PowerPoint-7-12-22 Council Update](#)
[Recent Correspondence Addressed to All Council](#)
[Resolution 9-06](#)
[Resolution 111-21](#)
[Resolution 83-14](#)
[Resolution 112-21](#)
[21-18Citymetropolitandistrictaudit](#)
[Special District Working Group Membership](#)
[SpecialDistrictPolicyJan06](#)
[Staff Presentation](#)

Motion by Councilmember Murray, seconded by Councilmember Henjum, to postpone the Resolution Rescinding Resolution Nos. 9-06, 83-14, 111-21 and 112-21 and Adopting a New Special District Policy to be Applied to Applications to Create or Modify a District Authorized under Titles 31 And 32 of the Colorado Revised Statutes, Model Service Plans and a Model Business Improvement District Operating Plan and Budget to the August 9, 2022 City Council meeting. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

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.** [22-339](#) Ordinance No. 22-39 amending Section 810 (Refunds) of Part 8 (Tax Returns and Payments) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the

City of Colorado Springs 2001, as amended, pertaining to Refunds

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [SalesTaxHousingRefundORD-2022-07-05-clean](#)

[SalesTaxHousingRefundORD-2022-07-05-redline](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [22-490](#) City Council Regular Meeting Minutes June 28, 2022

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [6-28-2022 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [22-492](#) The City Clerk reports that on July 11, 2022 there was filed with her a petition for the annexation of West Colorado Avenue 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 West Colorado Ave](#)

[W.Colorado Ave Addition No. 1 Legal DRAFT 2022-06-20](#)

[W.Colorado Ave Addition No. 1 Map DRAFT 2022-06-20](#)

This Item was approved on the Consent Calendar.

4B.C. [22-494](#) The City Clerk reports that on July 11, 2022 there was filed with her a petition for the annexation of West Colorado Avenue 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 West Colorado Ave](#)
[W.Colorado Ave Addition No. 2 Legal DRAFT 2022-06-20](#)
[W.Colorado Ave Addition No. 2 Map DRAFT 2022-06-20](#)

This Item was approved on the Consent Calendar.

- 4B.D. [22-495](#)** The City Clerk reports that on July 11, 2022 there was filed with her a petition for the annexation of West Colorado Avenue 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 West Colorado Ave](#)
[W.Colorado Ave Addition No. 3 Legal DRAFT 2022-06-20](#)
[W.Colorado Ave Addition No. 3 Map DRAFT 2022-06-20](#)

This Item was approved on the Consent Calendar.

- 4B.F. [22-424](#)** A Resolution approving additional property into the Inclusion Area Boundaries of Peak Metropolitan District Nos. 1-3 for a property in the Airport Business Park.

Presenter:
Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department
Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution](#)
[Exhibit 1- Map and Legal for District No. 3 Inclusion](#)
[District 3 Inclusion Map](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G. [22-413](#)** A Resolution of the City Council of the City of Colorado Springs, Colorado authorizing Peak Metropolitan District No. 3 to issue debt in the form of Limited Tax General Obligation Bonds Series 2022A-1 and Limited Tax General Obligation Convertible Capital Appreciation Bonds, Series 2022A-2 in an amount not to exceed \$109,000,000 for properties in the Airport Business Park.

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Resolution](#)
[Peak District #3 Proposed Boundaries](#)
[Letter to City Council Re. Issuance of Debt Instrument \(2022 Bonds\)](#)
[Term Sheet - Peak MD No. 3 dated 6-9-22](#)
[G.6 Peak MD#3 Financial Plan](#)
[Peak MD 3 Preliminary General Counsel Bond Opinion](#)
[Peak MD 3 Revised Indenture \(6-13\)](#)

This Resolution was adopted on the Consent Calendar.

- 4B.H. [22-304](#)** A Resolution Approving the Fifth Amended and Restated Intergovernmental Agreement among El Paso County, Colorado, the City of Colorado Springs, the City of Manitou Springs, the Town of Green Mountain Falls, the Town of Ramah, and the Town of Calhan Regarding the Pikes Peak Rural Transportation Authority

Presenter:

Gayle Sturdivant, P.E., City Engineer/Deputy Public Works Director
Randy Helms, Councilor, PPRTA Board Vice Chair
Wayne Williams, Councilor
Yolanda Avila, Councilor

Attachments: [3 PPRTA 5thAmended RES-2022-05-31](#)
[1 Establishing IGA 5th Amended and Restated \(PPRTA Referred to Members 05-11-2022, Revised Per COCS CLEAN\)](#)
[2 Establishing IGA 5th Amended and Restated \(PPRTA Referred to Members 05-11-2022 REDLINE\)](#)
[4 Resolution 97-21 Adding Calhan](#)

This Resolution was adopted on the Consent Calendar.

- 4B.I. [22-350](#)** A Resolution Rescinding Resolution No. 61-20 and Establishing Fees and Charges for the Parks, Recreation and Cultural Services Cemetery Enterprise for 2023

Presenter:

Britt Haley, Acting Director of Parks, Recreation and Cultural Services
Kim King, Recreation and Administration Manager

Attachments: [Exhibit A - 2023 Cemetery Fees and Charges - Proposed Final CemeteryFeeRES-2022-06-10.doc](#)
[7-11-22 - 2023 Proposed Cemetery Fees and Charges - City Council Presentation \(002\) - Final](#)

This Resolution was adopted on the Consent Calendar.

- 4B.J.** [22-466](#) Ordinance No. 22-43 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 Refunding Revenue Bonds, Series 2022A in an Aggregate Principal Amount Not to Exceed \$150,000,000, and the City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2022B in an Aggregate Principal Amount Not to Exceed \$185,000,000, 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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [2 - CSU 2022 AB Bond Ordinance](#)
[3 - July-Aug 2022 CC - 2022AB Bond Ordinance](#)

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

- 4B.K.** [22-467](#) Ordinance No. 22-44 of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of a First Amendment to Standby Letter of Credit and Reimbursement Agreement Between the City of Colorado Springs, Colorado and Sumitomo Mitsui Banking Corporation and an Amended and Restated Fee Agreement Between the City of Colorado Springs, Colorado and Sumitomo Mitsui Banking Corporation, Relating to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Refunding Revenue Bonds, Series 2009C; and Providing Other Matters Relating Thereto.

Presenter:

Tristan Gearhart, Chief Planning and Financial Officer, Colorado Springs Utilities.

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities.

Attachments: [2 - Colorado Spring Utilities - Series 2009C Authorizing Ordinance Extension](#)
[3 - 07.2022 CC - 2009C Liquidity Renewal](#)

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

- 4B.L.** [22-468](#) Ordinance No. 22-45 of the City of Colorado Springs, Colorado

Approving and Authorizing the Execution and Delivery of a Third Amendment to Standby Bond Purchase Agreement by and Among the City of Colorado Springs, Colorado, U.S. Bank National Association, and Computershare Trust Company, N.A., as Agent for Wells Fargo Bank, N.A., as Tender Agent and Paying Agent and a Second Amended and Restated Fee Agreement by and Among the City of Colorado Springs, Colorado, U.S. Bank National Association, and Computershare Trust Company, N.A., as Agent Wells Fargo Bank, National Association, as Tender Agent and Paying Agent, Relating to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Improvement Revenue Bonds, Series 2012A; and Providing Other Matters Relating Thereto.

Presenter:

Tristan Gearhart, Chief Planning and Financial Officer, Colorado Springs Utilities.

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities.

Attachments: [2 - Colorado Spring Utilities - Series 2012A Authorizing Ordinance SBPA Extension](#)
[3 - 07.2022 CC - 2012A Liquidity Renewal](#)

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

4B.M. [22-469](#)

Ordinance No. 22-46 of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of the Revolving Loan Agreement Between the City of Colorado Springs, Colorado and U.S. Bank National Association and the Revolving Promissory Note of the City Relating Thereto; and Providing Other Matters Relating Thereto.

Presenter:

Tristan Gearhart, Chief Planning and Financial Officer, Colorado Springs Utilities.

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities.

Attachments: [2 - Colorado Spring Utilities - Revolving Loan Agreement Extension Ordinance](#)
[3 - 07.2022 CC - Revolving Loan Agreement \(Line of Credit\) Renewal](#)

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

4B.N. [CPC MP 06-00219-A1 1MJ22](#)

A resolution of the City Council of the City of Colorado Springs, Colorado approving a major amendment to the Flying Horse Master Plan for 5.6-acres to accommodate the inclusion of residential uses (Legislative)

Related Files: CPC PUZ 22-00024, CPC PUP 13-00033-A3MJ22

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [RES_FlyingHorseMPA](#)
[Exhibit A - FlyingHorseMPA](#)
[Flying Horse 22 MJ staff presentation](#)
[StaffReport_KAW_FlyingHorse22](#)
[Project Statement](#)
[Flying Horse Master Plan](#)
[Zone Change](#)
[Concept Plan Amendment](#)
[FIA Below Threshold Flying Horse Parcel 22](#)
[Vision Map](#)
[7.5.408 Master Plan](#)

This Resolution was adopted on the Consent Calendar.

- 4B.O.** [CPC PUZ 22-00024](#) Ordinance No. 22-47 amending the zoning map of the City of Colorado Springs relating to 5.9-acres located at the intersection of Silver Rose Lane and Silversmith Road from PUD (Planned Unit Development) to PUD (Planned Unit Development: commercial, office, and residential, 20 dwelling units per acre, maximum 90,000 square feet for nonresidential uses, maximum building height of 35 feet east of the Silversmith Road and Silver Rose Lane intersection)
(Quasi-Judicial)

Related Files: CPC MP 06-00219-A11MJ22, CPC PUP 13-00033-A3MJ22

Presenter:
Katelynn Wintz, Planning Supervisor, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Attachments: [ORD_ZC_FlyingHorseParcel22](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Change](#)

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

- 4B.P.** [CPC PUP 13-00033-A3 MJ22](#) A PUD concept plan amendment for Flying Horse Parcel 22 located east of the intersection of Silversmith Road and Silver Rose Lane.
(Quasi-Judicial)

Related Files: CPC MP 06-00219-A11MJ22, CPC PUZ 22-00024

Presenter:
Katelynn Wintz, Planning Supervisor, Planning & Community
Development
Peter Wysocki, Planning Director, Planning & Community Development

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

This Item was approved on the Consent Calendar.

- 4B.Q.** [CPC MPA](#)
[04-00043-A9](#)
[MJ22](#) A resolution of the City Council of the City of Colorado Springs,
Colorado approving a major amendment to Hill Properties Master Plan
relating to 22 acres located at the southwest corner of W Fillmore St and
Centennial Blvd.

(Legislative)

Related Files: CPC PUZ 22-00052, CPC PUP 22-00053

Presenter:
Caleb Jackson, AICP, Senior Planner, Planning and Community
Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [RES_HillPropertiesMPA](#)
[Exhibit A - HillPropertiesMPA](#)
[Pike View STAFF](#)
[ppt PikeView APPLICANT](#)
[CPC Staff Report Pike View](#)
[Project Statement](#)
[Master Plan Amendment_Hill Properties](#)
[FIA](#)
[Zone Change](#)
[Concept Plan](#)
[Public Comment](#)
[Pike View Additional Public Comment](#)
[Public Comment - Applicant Response](#)
[Vicinity Map](#)
[PlanCOS Vision Map](#)
[PlanCOS Vibrant Neighborhoods Framework](#)
[PlanCOS Unique Places Framework](#)
[PlanCOS Majestic Landscapes Framework](#)
[PlanCOS Areas of Capacity and Change](#)
[7.5.408 Master Plan](#)

This Resolution was adopted on the Consent Calendar.

- 4B.R.** [CPC PUZ 22-00052](#) Ordinance No. 22-48 amending the zoning map of the City of Colorado Springs pertaining to 46.754 acres located at the southwest corner of West Fillmore Street and Centennial Boulevard from PUD/SS (Planned Unit Development: Commercial with Streamside Overlay) and OC (Office Commercial) to PUD/SS (Planned Unit Development: Residential, maximum density of 8 dwelling units per acre, maximum height of 55 feet, with Streamside Overlay)

(Quasi-judicial)

Related Files: CPC MPA 04-00043-A9MJ22, CPC PUP 22-00053

Presenter:

Caleb Jackson, AICP, Senior Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC PikeView](#)
[Exhibit A - Legal Desc](#)
[Exhibit B Zone Change](#)

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

- 4B.S.** [CPC PUP
22-00053](#) A PUD concept plan for 46.754 acres located at the southwest corner of W Fillmore St and Centennial Blvd for a multi-family development.

(Quasi-judicial)

Related Files: CPC MPA 04-00043-A9MJ22, CPC PUZ 22-00052

Presenter:

Caleb Jackson, AICP, Senior Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Attachments: [Concept Plan](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

This item was approved on the Consent Calendar.

- 4B.T.** [CPC V
22-00070](#) Ordinance No. 22-49 vacating portions of a public right-of-way consisting of 0.037-acre of established tree lawn located south of the intersection of Hazel Avenue and 1st Street.

(Legislative)

Presenter:

Austin Cooper, Planner II, Planning and Community Development Department

Peter Wysocki, Planning Director, Planning and Community Development Department

Attachments: [ORD VacationROW Hazel&1st](#)

[Exhibit A - Legal Desc](#)

[Exhibit B - FirstStreetVacationPlat](#)

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

- 4B.U.** [CPC ZC
22-00068](#) Ordinance No. 22-50 amending the zoning map of the City of Colorado Springs relating to 5.261 acres located at 1951 Allegheny Drive from PUD/R/HS (Planned Unit Development and Estate Single-Family Residential with Hillside Overlay) to PF (Public Facilities).

(Quasi-Judicial)

Related File: CPC CP 22-00086

Presenter:

Peter Lange, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Attachments: [ORD_ZC_CSUAllegheny](#)
[Exhibit A - Legal Desc](#)
[Exhibit B - Zone Change](#)
[Staff Report_CSU ALLEGHENY AND YELLOWPINE](#)

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

- 4B.V.** [CPC CP 22-00086](#) A concept plan for a Colorado Springs Utilities fiber-optic facility located at 1951 Allegheny Drive.

(Quasi-Judicial)

Related File: CPC ZC 22-00068

Presenter:

Peter Lange, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

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

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

5. Recognitions

- 5.A.** [22-497](#) A Resolution Celebrating August 4, 2022 as the 232nd Anniversary Of The United States Coast Guard

Presenter:

Mike O'Malley, Councilmember District 6
Rear Admiral Sean Regan, United States Coast Guard

Attachments: [Coast Guard Anniversary](#)

Councilmember O'Malley read the Resolution celebrating August 4, 2022

as the 232nd anniversary of the United States (U.S.) Coast Guard.

Rear Admiral Sean Regan, U.S. Coast Guard, provided a brief history of the U.S. Coast Guard and the many accomplishments of the men and women who have served.

President Strand asked where the U.S. Coast Guard Academy is located. Admiral Regan stated it is located in New London, CT.

Motion by Councilmember Fortune, seconded by Councilmember Henjum, that the Resolution Celebrating August 4, 2022 as the 232nd Anniversary Of The United States Coast Guard be adopted. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

5.B. [22-426](#) A Resolution honoring July 27, 2022 as National Korean War Veteran Armistice Day

Presenter:

Dave Donelson, Councilmember District 1

Attachments: [National Korean War Veterans Armistice Day](#)

Councilmember Donelson provided a brief history of the Korean War and read the Resolution honoring July 27, 2022 as National Korean War Veteran Armistice Day.

Ted Gembczynski, veteran and member of the Dutch Nelsen Chapter Korean War Veterans Association, and Kelly Perry expressed appreciation for the recognition.

Motion by Councilmember Murray, seconded by Councilmember O'Malley, that the Resolution honoring July 27, 2022 as National Korean War Veteran Armistice Day be adopted. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

5.C. [22-493](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [072622 Boards Commissions and Committee Appointments](#)

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

Julia Sands de Melendez, Patrick Stephens, and Colby Foos expressed appreciation for the opportunity to serve.

Citizen Kelly Perry spoke about the importance of providing public swimming pools in low-income areas of the City.

Motion by Councilmember Williams, seconded by Councilmember Henjum, that the City Council Appointments to Boards, Commissions, and Committees be approved. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

5.D. [22-457](#) City Council Appointments to Citizens' Transportation Advisory Board

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [072622 CTAB Appointments](#)

President Strand presented the City Council Appointments to Citizens' Transportation Advisory Board

Councilmember Donelson stated he feels there will not be representation the way this board was designed for with the appointments the way it is listed because it will be too bicycle-oriented, and these appointments will not represent a balanced Board. He requested that this item be divided into two groups with the first group including Geoffrey Ames, Steve Murray, and Chris Jennings.

Councilmember Williams explained the role of CTAB is as an advisory board to City Council on all transportation aspects of the City as a whole.

Councilmember Henjum and Councilmember Murray stated they believe these appointments could look at the entire system as a whole regardless of if they are bicycle enthusiasts.

Scott Barnhart, Chair, CTAB, stated the Board believes these nominees will review the City's transportation in all aspects of the system.

Citizen Gwyneth Hill May asked how crime will be addressed. Tim Roberts, Transportation Planning Manager, Traffic Engineering, is a responsibility of the City, not the CTAB.

Citizen Jaymen Johnson stated all the members of CTAB should be mindful of all aspects of the City.

Councilmember Fortune and Councilmember O'Malley stated it may best serve the City to delay the appointment until all the issues are resolved.

Councilmember Avila stated she feels this is slight to the individuals who have volunteered to serve on this Board.

Councilmember Williams asked if City Council has the authority to change the members of CTAB if warranted in the future. Ben Bolinger, Assistant City Attorney, confirmed City Council can remove or add members as needed.

Motion by Councilmember Murray, seconded by Councilmember Henjum, that the City Council Appointments to Citizens' Transportation Advisory Board for Geoffrey Ames, Steve Murray, and Chris Jennings be approved. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

Motion by Councilmember Murray, seconded by Councilmember Henjum, that the City Council Appointments to Citizens' Transportation Advisory Board for Kevin Mock, Erick Gunderson, Nick Marsh, Emilie Jackson be approved. The motion passed by a vote of 5-3-1-0

Aye: 5 - Avila, Henjum, Murray, Strand, and Williams

No: 3 - Donelson, Fortune, and O'Malley

Excused: 1 - Helms

6. Mayor's Business

There was no Mayor's Business.

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

Citizens Kelly Perry, Sharon McPhee, and Jackson Hyland spoke about the need for reproductive rights for women and safe abortions access.

Citizens Jacques Sears, Monika May, and Tina Valenzuela spoke about the illegal activities at the Babilonia Bar and Grill.

Citizen Walter Lawson stated the City should have collaborated with the Pikes Peak Rural Transportation Authority (PPRTA) regarding emergency evacuation networks and requested the item be postponed.

Citizen Jaymen Johnson read "The People's House, The Stranger Who Stands at Your Gate" by Gordon Lightfoot.

8. Items Called Off Consent Calendar

- 4A.B.** [CPC CA 22-00016](#) Ordinance No. 22-40 creating new Part 19 (Citywide Development Impact Fees) of Article 5 (Administration and Procedures) of Chapter 7 (Planning Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Citywide Development Impact Fees

Presenter:

Charae McDaniel, Chief Financial Officer

Peter Wysocki, Planning and Community Development Director

Attachments: [ORD_ImpactFees 22-07-06 - Clean](#)

[ORD_ImpactFees 22-07-06 - Redline](#)

Councilmember Henjum stated she called this item off the Consent Calendar in order to highlight the importance of this Ordinance in regard to public safety and she would like Development Impact Fees to be set at one hundred percent of the cost recovery.

Charae McDaniel, Chief Financial Officer, stated the specific impact fee amounts are not listed in the Ordinance.

Councilmember Murray stated he also believes the cost recovery should be one hundred percent instead of seventy percent.

President Strand asked if this impact fee is in addition to the already established annexation fees which go toward public safety. Ms. McDaniel confirmed it is.

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that the Ordinance creating new Part 19 (Citywide Development Impact Fees) of Article 5 (Administration and Procedures) of Chapter 7 (Planning Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Citywide Development Impact Fees be finally passed. The motion passed by a vote of 7-1-1-0

Aye: 7 - Avila, Donelson, Fortune, Henjum, O'Malley, Strand, and Williams

No: 1 - Murray

Excused: 1 - Helms

- 4A.C. [22-261](#)** Ordinance No. 22-41 amending Section 102 (Definitions) and creating a new Section 108 (Emergency Evacuation Procedures) of Part 1 (Purpose and Powers; Continuity) and creating a new Section 206 (Emergency Evacuation Plan) of Part 2 (Office of Emergency Management) of Article 7 (Emergency Management) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Emergency Evacuations

Presenter:

Chief Randy Royal, Colorado Springs Fire Department
Chief Adrian Vasquez, Colorado Springs Police Department
Fire Marshal Brett Lacey, Colorado Springs Fire Department
Andrew Notbohm, Deputy Director, Pikes Peak Regional Office of
Emergency Management

Attachments: [OEM_EvacORD-2022-04-01](#)
[FireMitigationEmergencyEvac_PresentationV.2](#)

Councilmember Murray stated new development will affect evacuation routes and evacuation times and will not be supporting this item.

Citizens R.C. Smith, Lisa Bigelow, Angela Gilpin, Walter Lawson, Bruce Hamilton, Donna Strom, Sallie Clark, Dana Duggan, Bill Wysong, spoke in opposition of the Ordinance and several of these citizens requested a postponement of this item.

Randy Royal, Chief, Colorado Springs Fire Department (CSPD), stated the mapping in Zonehaven will provide evacuation routes for all zones, there will be decisions made in real time depending on the threat and risk of the emergency, there will be options for sheltering in place, and their goal is to be proactive in getting people evacuated safely, and modeling cannot ensure a maximum one-hour clearance evacuation time.

Councilmember Murray stated the performance of the CSPD is evaluated on their response time so citizen evacuation should have the same. Chief Royal stated it is because there are too many variables with wildland fires and other extreme events.

Adrian Vasquez, Chief, Colorado Springs Police Department (CSPD), explained how Police Officers are trained to make decision points on

critical instances based on that moment in time.

Jim Reid, Director, Pikes Peak Regional Office of Emergency Management (PPROEM), stated flexibility is key in the event of an emergency and this Ordinance provides that flexibility.

Mayor Suthers stated the City's highest priority is public safety and the public safety officers which deal with managing public safety everyday is where he holds the confidence in their recommendations of the proposed Ordinance.

Councilmember Henjum, Councilmember Fortune, and Councilmember Donelson spoke in support of the proposed Ordinance.

President Strand asked if FLEET will be reviewed. Travis Easton, Director of Public Works, stated they will be evaluating it by the end of August 2022.

Motion by Councilmember Henjum, seconded by Councilmember Williams, that the Ordinance amending Section 102 (Definitions) and creating a new Section 108 (Emergency Evacuation Procedures) of Part 1 (Purpose and Powers; Continuity) and creating a new Section 206 (Emergency Evacuation Plan) of Part 2 (Office of Emergency Management) of Article 7 (Emergency Management) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Emergency Evacuations be finally passed. The motion passed by a vote of 7-1-1-0

Aye: 7 - Avila, Donelson, Fortune, Henjum, O'Malley, Strand, and Williams

No: 1 - Murray

Excused: 1 - Helms

4B.E. [22-496](#)

The City Clerk reports that on July 11, 2022 there was filed with her a petition for the annexation of Flying Horse East 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: [Flying Horse East Annexation Petition](#)

[Legal Description Flying Horse East](#)

[Flying Horse East Addition No. 3 Annexation Plat](#)

[Flying Horse East Vicinity Map](#)

Councilmember Henjum stated this property does not appear to be contiguous with City boundary and requested additional information regarding this annexation.

Peter Wysocki, Director of Planning and Community Development, provided an overview of the process and requirements in order for a property to be annexed within the City which includes one-sixth of the property boundary must be contiguous with the City.

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that the Flying Horse East Addition No. 3 petition and map 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, Fortune, Henjum, Murray, O'Malley, Strand, and Williams

Excused: 1 - Helms

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

11.A. [22-298](#)

A Resolution of the City of Colorado Springs approving a Service Plan for the Peak Metropolitan District Nos. 4, 5, 6 and 7 serving the Airport Business Park

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Peter Wysocki, Planning and Community Development Director

Attachments: [Resolution Peak Metro Districts 4-7](#)
[Exhibit 1- Peak MD 4-7 Consolidated Service Plan](#)
[Staff PowerPoint](#)
[Applicant Budget Committee PowerPoint](#)
[Redline Peak MD 4-7 Service Plan](#)
[Peak MD 4-7 Ltr to Carl Schueler re Consolidated Service Plan \(6-3-22\)](#)
[Peak MD 4-7 Supplemental Ltr to Carl Schueler re Consolidated Service Plan \(6-15-22\)](#)

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Development Department, presented the Resolution approving a Service

Plan for the Peak Metropolitan District Nos. 4, 5, 6 and 7 serving the Airport Business Park.

There were no comments on this item.

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that the Resolution of the City of Colorado Springs approving a Service Plan for the Peak Metropolitan District Nos. 4, 5, 6 and 7 serving the Airport Business Park be adopted. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

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

16. General Improvement District:

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

- 16.A.** [22-293](#) Ordinance No. 22-42 of the Board of Directors of the Colorado Springs, Spring Creek General Improvement District to approve the Dissolution of the District

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [GIDSpringCreekDissolutionORD-2022-06-21](#)

[CSSPRINGCREEKGID-Tax-Map](#)

There were no comments on this item.

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that the Ordinance of the Board of Directors of the Colorado Springs, Spring Creek General Improvement District to approve the Dissolution of the District be finally passed. The motion passed by a vote of 8-0-1-0

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

Excused: 1 - Helms

17. Adjourn

There being no further business to come before Board of Directors of the Colorado Springs, Spring Creek General Improvement District, the Board adjourned.

Sarah B. Johnson, City Clerk