



City of Colorado Springs

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

Meeting Minutes City Council

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Tuesday, July 12, 2022

10:00 AM

Council Chambers

How to Watch the Meeting

Coloradosprings.gov/springstv | Facebook Live: Colorado Springs City Council
Facebook Page @coscity Council | SPRINGS TV - Comcast Channel 18 / 880 (HD)
- Stratus IQ Channel 76 / 99 (Streaming)

How to Comment on Agenda Items

Before the meeting, you may email general comments for items not on the agenda or comments regarding agenda items to: allcouncil@coloradosprings.gov

During the meeting, those who wish to comment should submit their name, telephone number, and the topic or agenda item for comment via allcouncil@coloradosprings.gov in addition to calling +1 720-617-3426 United States, Denver (Toll) and entering this Conference ID: 625 334 048#

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, Councilmember Dave Donelson, Councilmember Stephannie Fortune, President Pro Tem Randy Helms, Councilmember Nancy Henjum, Councilmember Bill Murray, Councilmember Mike O'Malley, President Tom Strand, and Councilmember Wayne Williams

Councilmember Williams attended the meeting virtually.

Councilmember O'Malley attended the meeting in person and then virtually at approximately 1:00 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by President Pro Tem Helms.

President Strand led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Dena Lozano, Deputy City Clerk, stated item 4A.D. needs be removed from the Consent Calendar because it did not have a unanimous vote at the June 28, 2022 City Council meeting.

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:

- 4A.A. [CPC V
21-00077](#) Ordinance No. 22-35 vacating the public right-of-way known as Greeley Street consisting of 0.567-acres located north of Wheeler Avenue and west of Golden Avenue.

(Legislative)

Presenter:
Matthew Alcuran, Planner II, Planning and Community Development Department
Peter Wysocki, Planning Director, Planning and Community Development Department

Attachments: [ORD ROWVaction GreeleyStreet](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Vacation Plat](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [CPC A
21-00153](#) Ordinance No. 22-36 annexing to the City of Colorado Springs that area known as Space Village Addition No. 1 annexation consisting of 21.82 acres.

(Legislative)

Related Files: CPC A 21-00153R, CPC ZC 21-00165, CPC CP 20-00137-A1MJ21

Presenter:
Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Planning Director, Planning and Community

Development

Attachments: [ORD AnnexSpaceVillageAdditionNo.1](#)
[Exhibit A - Legal Description Annexation Reagan Ranch](#)
[STAFF PP Space Village Annexation CC 6-28-2022](#)
[CPC Staff Report Space Village Addition No. 1_final](#)
[Project Statement](#)
[Enclave 2020](#)
[Exhibit B - Annexation Plat](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [CPC ZC 21-00165](#) Ordinance No. 22-37 amending the zoning map of the City of Colorado Springs pertaining to 14.665 acres located northeast of the Space Village Avenue and Marksheffel Road intersection establishing a PIP-2/APZ2/AO (Planned Industrial Park, Accident Potential Subzone 2 with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00153R, CPC A 21-00153, CPC CP 20-00137-A1MJ21

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

Attachments: [ORD_ZC_SpaceVillageNo.1](#)
[Exhibit A - Legal Desc ZC](#)
[Exhibit B - Zone Depiction](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [22-458](#) A resolution finding a petition for annexation of the area known as Woodmen East Commercial Center Addition No. 1 Annexation consisting of 30.74 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of August 23, 2022 for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [RES HearingDateWoodmenEastCommercial Exhibit A WoodmenEastCommercialCtr AnnexPetition VicinityMap WoodmenEastCommercialCtrAdditionNo.1](#)

This Resolution was adopted on the Consent Calendar.

4B.B. [22-355](#)

A Resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a Special Municipal Election and to participate in a Coordinated Election to be held on Tuesday, November 8, 2022, and providing the effective date of this resolution.

Presenter:

Sarah B Johnson, City Clerk

Attachments: [RES Intent to Participate 11-2022 election](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Donelson, seconded by President Pro Tem 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, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

5. Recognitions

5.A. [22-457](#)

City Council Appointments to Citizens' Transportation Advisory Board

Presenter:

Tom Strand, Council President and Councilmember At Large

Attachments: [072622 CTAB Appointments](#)

Councilmember Henjum provided a brief history of Citizens' Transportation Advisory Board (CTAB), the thirteen interviews which took place to appoint members to represent District 1, District 6, and bicycle transportation.

Councilmember O'Malley stated the District 6 member has not been decided yet. Councilmember Henjum stated a candidate has been chosen for District 6.

Councilmember Donelson recommended the CTAB appointment be bifurcated in order to allow Councilmember O'Malley additional time to review the candidates for District 6.

Councilmember Williams requested that when an appointment is dependent upon a specific district residence status that it be identified in the City Council Agenda packet. President Strand agreed to that request.

Erick Gunderson spoke about why he volunteered for this Board.

Councilmember Donelson asked which candidate is being proposed for District 1. President Strand stated they will provide that information.

President Pro Tem Helms gave a brief overview of the duties of the Airport Advisory Board.

John Buckley expressed appreciation for the opportunity to serve on the Airport Advisory Board.

David Edmundson, Deputy Chief, Colorado Springs Police Department, provided a brief background of the El Paso-Teller County 9-1-1 Authority Board and stated he is proud to be a part of that Board.

Councilmember Murray asked what the current staffing is on that Board. Deputy Chief Edmundson stated they are down thirty-three positions.

Motion by President Pro Tem Helms, seconded by Councilmember Murray, to approve as amended with the removal of the appointments to the Citizens' Transportation Advisory Board the City Council Appointments to Boards, Commissions, and Committees. The motion passed by a vote of 8-1-0-0

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

No: 1 - Henjum

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, that the City Council Appointments to Boards, Commissions, and Committees for the Citizens' Transportation Advisory Board be postponed to the July 26, 2022 City Council meeting. The motion passed by a vote of 7-2-0-0

Aye: 7 - Donelson, Fortune, Helms, Henjum, Murray, O'Malley, and Strand

No: 2 - Avila, and Williams

5.B. [22-425](#) A Resolution Designating July as National Park and Recreation Month

Presenter:

Bill Murray, Councilmember At Large

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

Attachments: [071222- 2022 Park and Rec Month Resolution](#)

Councilmember Murray read the Resolution Designating July as National Park and Recreation Month.

Britt Haley, Parks, Recreation and Cultural Services Acting Department Director, introduced several members of the parks system staff and expressed appreciation for the team and partnerships. She stated that Colorado Springs is the first municipality to achieve gold standard status for sixteen sites for the national "Leave No Trace" campaign.

Several Councilmember expressed appreciation for all the people who contribute to the well-being of the parks.

Motion by President Pro Tem Helms, seconded by Councilmember O'Malley, that the Resolution designating July as National Park and Recreation Month be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

6. Mayor's Business

There was no Mayor's Business.

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

Citizen Charles Barber spoke about the importance of water conservation.

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

Citizen Bill Wysong spoke about the need for additional parks and transportation in the City.

Citizen Cory Sutella, Executive Director, Medicine Wheel Trail Advocates, stated they have been working with Kids on Bikes and Cheyenne Mountain Cycling Team to raise funds to construct the Cresta Bike Park which is nearing completion and requested that City Staff collaborate with groups like theirs in regards to trails.

Citizen Jaymen Johnson expressed gratitude to Councilmember Donelson and the Parks, Recreation, and Cultural Services Department and spoke about City's response to the neighbors of the Babilonia Bar and Grill.

Citizen Conrad Czajkowski expressed appreciation for President Pro Tem Helms.

Citizen Mr. J requested the restrooms not be locked and the doors to the building not be left open to the cold at the bus terminal

8. Items Called Off Consent Calendar

- 4A.D. [CPC ZC 22-00001](#) Ordinance No. 22-38 amending the zoning map of the City of Colorado Springs relating to 6.49-acres located southwest of the intersection of Lexington Drive and Parliament Drive from R-5/P (Multi-Family with Planned Provisional Overlay) to R-5 (Multi-Family Residential)

(Quasi-Judicial)

Related File: CPC CP 22-00002

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Attachments: [Ord_ZC_LexingtonVistas](#)

[Exhibit A](#)

[Exhibit B](#)

Katelynn Wintz, Planning Supervisor, Planning and Community Development, presented the Ordinance amending the zoning map of the City of Colorado Springs relating to 6.49-acres located southwest of the intersection of Lexington Drive and Parliament Drive from R-5/P (Multi-Family with Planned Provisional Overlay) to R-5 (Multi-Family Residential).

Councilmember Murray stated this is not the right facility for this location or community.

Councilmember Avila recused herself due to not being present or reviewing the previous public hearing for this item.

Motion by President Pro Tem Helms, seconded by Councilmember Fortune, that the Ordinance amending the zoning map of the City of Colorado Springs relating to 6.49-acres from R5/P to R5, based on the findings that the change of zoning request complies with the three (3) criteria for granting a zone change as set

forth in City Code Section 7.3.603(B) be finally passed. The motion passed by a vote of 6-2-0-1

Aye: 6 - Donelson, Fortune, Helms, Henjum, Strand, and Williams

No: 2 - Murray, and O'Malley

Recused: 1 - Avila

9. Utilities Business

- 9.A.** [22-371](#) A Resolution Authorizing the Acquisition of Real Property Owned By Monica C. Padeway to be Used for the Central Substation Project

Attachments: [CC Resolution 4006 Goldenrod Final 07-12-22](#)
[CC Presentation 4006 Goldenrod Final 07-12-22](#)
[CC Presentation 4006 Goldenrod Final 07-12-22](#)

Jessica Davis, Land Resource Manager, Colorado Springs Utilities (CSU), presented the Resolution authorizing the acquisition of real property owned by Monica C. Padeway to be used for the Central Substation Project and provided a brief history of the property at 4006 Goldenrod Drive.

President Strand asked if this project was a necessity. Ms. Davis confirmed it was in order to combine the three substations in the area into one central substation. She says this will provide more resiliency and reliability to the community and long-term operations and maintenance cost savings.

Councilmember Donelson stated there will be a meeting regarding this proposed substation on July 20, 2022 at Colorado Springs Christian School from 5:00 to 7:00 PM and this property purchase does not commit the City to the Central Substation Project.

Councilmember Henjum stated she supports the purchase of this property.

Aram Benyamin, Chief Executive Officer, CSU, stated the three older substations are limited in space because of the feeders in the neighborhoods and are reaching their capacity.

Councilmember Fortune asked if safety and exposure questions will be discussed at the July 20th meeting. Mr. Benyamin stated safety is their number one priority.

Motion by Councilmember Henjum, seconded by Councilmember Murray, that

the Resolution authorizing the acquisition of real property owned By Monica C. Padeway to be used for the Central Substation Project be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 9.B.** [22-430](#) Consideration of a Resolution Adopting Certain Changes to Colorado Springs Utilities' Open Access Transmission Tariff

Attachments: [07-12-2022 CC - OATT Resolution](#)
[07-12-2022 CC - OATT Tariff Sheets](#)
[2022 D&O OATT 06-28-2022](#)

Councilmember Avila recused herself because she was not present for the Open Access Transmission Tariff (OATT) hearing and did not review it prior to today's meeting.

David Beckett, Senior Attorney, City Attorney's Office, Colorado Springs Utilities (CSU) Division, presented the Resolution adopting certain changes to CSU' OATT.

There were no comments on this item.

Motion by Councilmember Williams, seconded by President Pro Tem Helms, that the Resolution adopting certain changes to Colorado Springs Utilities' Open Access Transmission Tariff be adopted. The motion passed by a vote of 8-0-0-1

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

Recused: 1 - Avila

10. Unfinished Business

- 10.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](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance 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 City Code pertaining to refunds. She stated this proposed Ordinance adds a new section to the Sales Tax Code that

allows the owner of a qualifying Affordable Housing project to be eligible for a refund of City taxes paid for the purchase or use of construction materials and in conjunction with the Affordable Housing Fee Rebate Program, the refunding of Sales and Use Tax paid for construction material on qualifying Affordable Housing projects will provide additional incentive for Affordable Housing projects. She stated City Council requested consideration of projects if part of the project is affordable housing and to lower the number of minimum units required. Ms. McDaniel explained that to qualify for the refund, the project would need to meet the following requirements: the project is located in the City, is new construction, substantial rehabilitation of an existing dwelling, or conversion of an existing commercial building to multi-family housing, consists of one or more dwelling units that qualify as income-restricted, has received a final certificate of occupancy, and dwelling units in the project will remain as affordable housing for a minimum of fifteen years. She identified the definition of mixed-use projects and that the refund would be applicable on a proportional basis.

There were no comments on this item.

Motion by President Pro Tem Helms, seconded by Councilmember Murray, that the Ordinance 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 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

11. New Business

- 11.A. [22-360](#) Proposed updates to the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals

Presenter:

Danielle Delgado, Human Resources Manager, Human Resources

Attachments: [Q2 2022 PPM Updates - summary](#)

[Q2 2022 PPM Updates - detailed](#)

Danielle Delgado, Human Resources Manager, Human Resources Department, presented the proposed updates to the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals (PPM).

President Strand requested additional information regarding the policy for victims of domestic abuse. Ms. Delgado stated the City's previous policy

on leave for victims of domestic abuse was three days of unpaid leave and the proposed policy increases it to six days of paid leave.

Motion by Councilmember Donelson, seconded by Councilmember Fortune, that the updates to the Civilian and Sworn Policies and Procedures Manuals as proposed be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 11.B. [22-279](#)** Postpone a 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

Motion by Councilmember Fortune, seconded by Councilmember Henjum, that 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 be postponed to the July 26, 2022 City Council meeting. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 11.C. [22-105](#)** A Resolution establishing the Citywide Development Impact Fees for specific land uses as required by City Code Section 7.5.1904

Presenter:

Charae McDaniel, Chief Financial Officer

Peter Wysocki, Planning and Community Development Director

Attachments: [ImpactFeesRES-2022-06-14](#)

[Impact Fee - Exhibit A to Resolution - Ch 7 Use Type Fee Tiers - 02-16-22](#)

[COS Impact Fee presentation - 06-22-2022](#)

[CRSA 29-20-203 Conditions on land-use approvals](#)

[CRSA 29-20-1045 Impact fees--definition](#)

[Citywide Development Impact Fee Review](#)

Charae McDaniel, Chief Financial Officer, presented the Resolution establishing the Citywide Development Impact Fees for specific land uses as required by City Code Section 7.5.1904 and the Ordinance creating a new Part 19 (Citywide Development Impact Fees) of Article 5

(Administration and Procedures) of Chapter 7 (Planning Development and Building) of the City Code pertaining to Citywide Development Impact Fees and identified the language revision requested by City Council at the June 27, 2022 Work Session in which the results of the fee study could increase or decrease the impact fees.

President Strand asked how long staff has been working on the proposed Ordinance. Ms. McDaniel stated four years.

Councilmember Donelson asked if the cost recovery was set at seventy percent. Ms. McDaniel confirmed it was.

Tim Siebert, Nor'Wood Development Group, provided an overview of the stakeholder process and how the impact fees were determined. He stated they support the proposed Ordinance.

Councilmember Murray asked why the fee results from the TischlerBise study was not included in the proposed fees. Ms. McDaniel stated that fee study provided the mathematical calculations for the maximum allowable which only looks at expenditures and not revenue and the seventy percent cost recovery was a policy decision by the City.

Jeff Greene, Chief of Staff, stated the discussion of impact fees began with the City Auditor's Office recommendation regarding annexation fees regarding Police and Fire and the TischlerBise study provided the model which can be used to address the capital infrastructure needed for Police and Fire. He stated these fees in turn will increase the cost to the end user due to the increased cost of housing and apartment rent which is why the Administration supports the seventy percent cost recovery.

Johnna Reeder-Kleymeyer, President and Chief Executive Officer, Colorado Springs Chamber and EDC, identified the initiatives of the Chamber and EDC, stated they are in support of public safety, recognize the necessity to identify funding sources for public safety capital improvement projects, as well as the need for the City to stay economically competitive in order to attract new residents and businesses to the City, and will reluctantly support the seventy percent cost recovery fee.

Councilmember Henjum stated she believes the cost recovery fee should be one hundred percent as reflected by the TischlerBise study because

public safety should be the City's number one priority, read an email provided by former City Councilmember Jill Gaebler, and made a motion to amend the cost recovery fee to eighty percent.

Councilmember Avila stated City Council needs to be a voice for those who do not have direct access to the Administration, the City needs more Police and Fire stations, and supports Councilmember Henjum's motion.

Councilmember Williams stated home-owners are already required to pay the Public Safety Sales Tax, vacant lots are not generating any revenue for Police and Fire, and he supports the seventy percent cost recovery.

Mr. Greene stated the general fund has a fundamental responsibility to help fund the mission and the objectives of the City to include Police and Fire service and this fee will not eliminate that responsibility, this fee will impact the cost of development in all areas of the City, and the end user will be the one who ultimately has to pay the fee.

President Strand asked what the impact would be on the Colorado Springs Police Department (CSPD) and the Colorado Springs Fire Department (CSFD) if it was not passed by City Council. Adrian Vasquez, CSPD, Police Chief, stated the results of this particular impact fee is critical as they look at the growth of the City and would enable them to build a training academy, additional Police substations out east, and additional evidence storage facilities. Randy Royal, CSFD, Fire Chief, stated it would enable them to increase emergency response times.

President Strand asked what the City Auditor's Office role was in determining the proposed Police and Fire fees related to Banning Lewis Ranch Amended and Restated Annexation Agreement were not defined in the City Code. Vicky Classen, Audit Supervisor, City Auditor's Office, stated in review of the economic impact analysis provided by TischlerBise, it was clear that there was insufficient funding to cover the capital costs needed for public safety.

Motion by Councilmember Henjum, seconded by Councilmember Murray, that the Resolution as amended that the Citywide Development Impact Fees be based on an eighty percent cost recovery level and establishing the Citywide Development Impact Fees for specific land uses as required by City Code Section 7.5.1904 be adopted. The motion failed by a vote of 3-6-0-0

Aye: 3 - Avila, Henjum, and Murray

No: 6 - Donelson, Fortune, Helms, O'Malley, Strand, and Williams

Councilmember Henjum made a motion to include language to the proposed Resolution which states "WHEREAS, City Council intends to establish the Citywide Development Impact Fees at an amount that would recover seventy percent (70%) of the highest allowable fee as determined by TischlerBise; and".

Mr. Greene stated the Administration supports the Resolution as originally written.

Motion by Councilmember Henjum, seconded by Councilmember Avila, that the Resolution as amended to include language to the proposed Resolution which states "WHEREAS, City Council intends to establish the Citywide Development Impact Fees at an amount that would recover seventy percent (70%) of the highest allowable fee as determined by TischlerBise; and", and establishing the Citywide Development Impact Fees for specific land uses as required by City Code Section 7.5.1904 be adopted. The motion failed by a vote of 4-5-0-0

Aye: 4 - Avila, Henjum, Murray, and Strand

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

Motion by Councilmember Donelson, seconded by Councilmember Williams, that the Resolution establishing the Citywide Development Impact Fees for specific land uses as required by City Code Section 7.5.1904 be adopted. The motion passed by a vote of 8-1-0-0

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

No: 1 - Avila

11.D. [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](#)

Please see comments in Agenda item 11.C.

Motion by Councilmember Henjum, seconded by Councilmember Donelson, 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 approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

- 11.E.** [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](#)

Mayor Suthers introduced the Ordinance amending Chapter 8 (Public Safety) of the City Code pertaining to Emergency Evacuations. He stated historically speaking, flash flooding and wildland fire have been the greatest natural disaster threats to Colorado and the Pikes Peak Region and despite the risks, people continue to choose to live and build in flood plains and Wildland Urban Interface (WUI). He provided a history of the catastrophic events which have occurred in the area and the measures the City has developed to prepare, deal, and recover from them when they happen. Mayor Suthers stated important aspects of evacuation planning has been taken from the procedural manuals to be codified in the Public Safety and Emergency Management Section of the City Code.

Brett Lacey, Colorado Springs Fire Department (CSFD) Fire Marshal, gave a historical overview of proactive wildfire mitigation efforts.

Randy Royal, Colorado Springs Fire Department (CSFD) Fire Chief, provided an overview of the all-hazard emergency response, relevant Ordinance section in City Code for emergency response, evacuation zones, relevant Ordinance section in City Code for evacuation zones, Zonehaven, and emergency evacuation plan.

Councilmember Henjum asked how Zonehaven will interface with people so they know the potential routes they will need to travel for their zone. Chief Royal stated the zones are small and will have a listing of the roads to take them out during an evacuation.

Councilmember Murray asked how adding high density apartments will affect the evacuation routes. Chief Royal stated there would have to be a twenty-five percent in population to change the outcome of the evacuation.

Councilmember Murray stated he would like to see a collaboration with the Land Use Department and with FLEET to ensure that development of the City will not be detrimental to the safety of the citizens. Chief Royal stated they have reviewed FLEET and have determined Zonehaven is the best tool to utilize.

Jim Reid, Director, Pikes Peak Regional Office of Emergency Management (PPROEM) went over the roles of the PPROEM regarding emergency response support operations and the relevant Ordinance section in City Code for PPROEM.

Adrian Vasquez, Colorado Springs Police Department (CSPD) Police Chief, identified CSPD's aspects of emergency response and the relevant Ordinance section.

Councilmember Henjum asked what can be done with the known choke points during evacuation. Todd Frisbie, City Traffic Engineer, stated they address those issues in context of everyday travel to accommodate the flow of traffic.

Councilmember Donelson asked if there are any processes which can evaluate the improvements which could be made. Mr. Frisbie stated they work with the CSFD and CSPD on a daily basis and Traffic Engineering is always open to discussions related to those improvements.

President Strand asked why Chief Vasquez personally recommends this proposed Ordinance. Chief Vasquez stated he has had personal experience of being evacuated from the WUI during the Waldo Canyon Fire so he understands both sides of the situation.

Citizen Dana Dugan provided an overview of evacuation modeling, multi-mission aircraft (MMA), Zonehaven, Paradise Camp Fire, FLEET, incident adapting, and safe areas.

Citizen Bill Wysong went over the comparison and contrast of the proposed Ordinance and the proposed Ordinance from Westside Watch and The Maverick Observer, best practices, impact of development, ad hoc moratoriums, Cresta Road closure, lawsuits, .

Citizens Marla Novak, Vice President of Government Affairs, Housing and Building Association, Dave Dazlich, Vice President of Government Affairs, Colorado Springs Chamber and EDC, Dave Talbot, and Roger Learn spoke in support of proposed Ordinance.

Councilmember Fortune asked if the members of the Governmental Affairs Council are in support of this item. Johnna Reeder-Kleymeyer, President and Chief Executive Officer, Colorado Springs Chamber and EDC, confirmed they were.

Citizens Dutch Schultz, Donna Strom, Tim Hoiles, Carrie Wade, John Pitchford, RC Smith, and Bruce Hamilton spoke in opposition of the proposed Ordinance.

President Strand asked if the Public Works Department would be willing to study the benefits of a program similar to FLEET in terms of a safe evacuation process in the next 120 days. Travis Easton, Public Works Director, stated they would evaluate it, but would have concerns if it is outside the City's standard traffic criteria.

Councilmember Murray stated if FLEET is being considered to be integrated into evacuation planning, the Ordinance should be postponed until the evaluation is complete.

Councilmember Henjum stated residents should know what the clearance evacuation time is for their area.

Councilmember Donelson asked if the MMA would have been a game changer in the Waldo Canyon fire. Chief Royal stated when the fire started and people noticed the smoke, but could not find it, it would have been very beneficial to utilize the MMA or drones and put out the fire at that time

because by the next day, the weather conditions changed.

Councilmember Fortune stated she has studied and researched this issue extensively and this Ordinance does not stop further development of evacuation planning. She asked why modeling was discontinued in 2010. Fire Marshal Lacey stated it was an evaluation by the Pikes Peak Area Council of Governments (PPACG) but it was not a formal evacuation plan.

Councilmember Williams summarized the Ordinance which is being voted on and stated it is better than what the City currently has.

Councilmember Avila stated she does not want to see the City develop to the level that would put citizens in danger, people who choose to live in the WUI know the risks, and she will be supporting the Ordinance.

President Pro Tem Helms stated he believes this proposed Ordinance is outstanding, well written, and does not restrict the City from using modeling programs in the future.

Councilmember Henjum believes there is a mistrust from citizens that the intention and capabilities of City staff is for the public safety of the community. She stated she supports the proposed Ordinance.

Councilmember Murray stated he will be supporting this Ordinance but would like the FLEET issues to be addressed in the overall City's requirements for protecting citizens.

Jeff Greene, Chief of Staff, stated the proposed Ordinance is a result of the recommendation and the collaboration efforts of the public safety experts of the City who have spent most of their professional careers dedicated to public safety.

President Strand stated this Ordinance requires the CSFD to review and update the Wildfire Protection Plan every five years and suggested it is done even more frequently than what is required.

Motion by President Pro Tem Helms, seconded by Councilmember O'Malley, that the Ordinance amending Section 102 (Definitions) and creating a new Section 108 (Emergency Evacuation Procedures) of Part 1 (Purpose and Powers; Continuity) an 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 approved on first reading.

The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

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.

16. General Improvement District:

- A. [22-292](#) A Public Hearing on the Dissolution of the Colorado Springs Spring Creek General Improvement District, Colorado Springs, Colorado

Presenter:

Charae McDaniel, Chief Financial Officer

Charae McDaniel, Chief Financial Officer, stated by state law, the Colorado Springs Spring Creek General Improvement District (GID) must be dissolved because it has completely fulfilled its purpose.

There were no comments on this item.

- B. [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 approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Donelson, Fortune, Helms, Henjum, Murray, O'Malley, Strand, and Williams

17. Adjourn

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

Sarah B. Johnson, City Clerk