



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, October 8, 2024

10:00 AM

Council Chambers

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1. Call to Order and Roll Call

President Helms called the meeting to order at 10:00 AM.

Present: 8 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Brian Risley, and Councilmember Michelle Talarico

Excused: 1 - Councilmember Mike O'Malley

2. Invocation and Pledge of Allegiance

The Invocation was made by Katharine Sanchez from the Congregation Care and Outreach Pastor with New Life Church - Downtown.

President Helms led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

There were no changes to the Agenda.

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

4A. Second Presentation:

4B. First Presentation:

4B.A. [24-550](#) City Council Regular Meeting Minutes September 24, 2024

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [9-24-2024 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [24-534](#) Quarterly Recognition for City Employee Retirees.

Presenter:
Britt Haley, Parks, Rec, & Cultural Services Director, Parks, Rec & Cultural Services.

Attachments: [Retiree Resolution Q3 2024](#)

This Item was approved on the Consent Calendar.

4B.C. [24-526](#) A Resolution Authorizing the Use of Possession and Use and/or Eminent Domain to Acquire Property Needed for the Park Vista Drainage Channel Improvements Project

Presenter:
Adam Copper, Senior Engineer, Stormwater Enterprise
Gayle Sturdivant, PE, PMP, City Engineer/Deputy Public Works Director
Kellie Billingsley, Real Estate Services Manager

Attachments: [1 Park Vista P 47 Mussman Resolution](#)
[Park Vista Drainage Channel Improvements Presentation 20241008](#)
[Signed Resolution No. 121-24.pdf](#)

This Resolution was adopted on the Consent Calendar.

4B.D. [24-530](#) A Resolution Authorizing the Use of Possession and Use and/or Eminent Domain to Acquire Certain Easements Needed for the I-25 Ramps/Nevada Tejon Corridor Improvements Project

Presenter:

Gayle Sturdivant, PE, PMP, City Engineer/Deputy Public Works
Director
Kellie Billingsley, Real Estate Services Manager

Attachments: [1 Property Location Map](#)
[2 South Nevada - Resolution](#)
[3 Resolution - Exhibits A and B](#)
[4 Resolution - Exhibits C and D](#)
[5 South Nevada - Presentation 20241008](#)
[Signed Resolution No. 122-24.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.E. [24-442](#)** Ordinance No. 24-91 including certain property into the boundaries of the Gold Hill North Business Improvement District (Legislative)

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services
Kevin Walker, Director, Planning and Neighborhood Services

Attachments: [Cover Letter](#)
[Gold Hill Inclusion ORD - TDG](#)
[Gold Hill North MD No. 1 and BID Financial Plan](#)
[Gold Hill North MD No. 1 and BID Financing Overview](#)
[Map 2024](#)
[Staff PowerPoint Gold Hill BID Inclusion 2024 v.2](#)
[Exhibit A - Petition for Inclusion, BID, 2024-09-13.pdf](#)
[Exhibit B - Affidavit of Publication, Notice of Inclusion \(BID\).pdf](#)

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

- 4B.F. [24-443](#)** Ordinance No. 24-92 excluding certain property from the boundaries of the Gold Hill North Business Improvement District (Legislative)

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services
Department
Kevin Walker, Interim Director, Planning and Neighborhood Services

Attachments: [Cover Letter](#)
[Gold Hill Exclusion ORD - TDG](#)
[Gold Hill Inclusion & Exclusion Map 2024](#)
[Gold Hill North MD No. 1 and BID Financial Plan](#)
[Exhibit A- Petition for Exclusion.pdf](#)
[Exhibit B-Affidavit of Publication, Notice of Exclusion \(BID\).pdf](#)
[Staff PowerPoint Gold Hill BID Exclusion 2024 Combined.pptx](#)

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

- 4B.G. [24-496](#)** A Resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of tax supported and special revenue bonds by the Gold Hill North Business Improvement District (Legislative)

Presenter:

Kyle Fenner, Senior Planner, Planning and Neighborhood Services
Kevin Walker, Interim Director, Planning and Neighborhood Services

Attachments: [Cover Letter & Bond Docs 2024-08-16](#)
[2024 Gold Hill North BID Operating Plan and Budget](#)
[RESOLUTION Gold Hill North BID Debt Issuance TDG](#)
[Service Plan - Gold Hill MD Nos. 1 and 2 revised](#)
[Staff PowerPoint Gold Hill BID Debt Issuance 2024 v.2](#)
[Signed Resolution No. 123-24.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.H. [24-518](#)** Ordinance No. 24-93 amending Section 2(A) of Ordinance No. 23-64, And Amending Section 3 Of Ordinance No. 14-20 (An Ordinance Confirming The Mayor's Appointment Of The City Attorney And Setting The Salary Of The City Attorney), And Prescribing The Salary Of The City Attorney.

Presenter:

Myra Romero, Chief Human Resources and Risk Officer

Attachments: [24-518 City Attorney 2024 Salary Ordinance](#)

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

- 4B.I. [24-525](#)** A Resolution Approving the Third Amended and Restated Intergovernmental Agreement for the Pikes Peak Rural Transportation Authority Funded Capital Projects, Maintenance Programs and City-Sponsored Transit Activities

Presenter:

Gayle Sturdivant, PE, PMP, City Engineer/Deputy Public Works
Director
Ryan Phipps, PE, Engineering Program Manager, Capital Projects

Attachments: [1 PPRTA-IGA-RES_2024](#)
[2 Comp IGA 3rd Amended and Restated_Redline](#)
[3 Comp IGA 3rd Amended and Restated_Clean](#)
[4 Presentation](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Henjum, seconded by President Pro Tem Crow-Iverson, 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, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

5. Recognitions

5.A. [24-523](#) A Resolution supporting October 2024 as Fire Prevention Month in the City of Colorado Springs

Presenter:

Randy Helms, Council President and Councilmember District 2
Sunny Smaldino, Community Education and Outreach Supervisor,
Colorado Springs Fire Department

Attachments: [2024 CSFD Fire Prevention Month Resolution](#)
[Signed Resolution No. 125-24.pdf](#)

President Helms read the Resolution to support October 2024 as Fire Prevention Month and stated his family's home burned down when he was younger and expressed the importance of fire safety in the home.

Bret Lacey, Fire Marshal, Colorado Springs Fire Department (CSFD), recognized the group of community outreach and educators who work to make the City safer and presented a brief background on the origin of Fire Prevention Month and stated the theme of this year's Fire Prevention Month is "Smoke alarms: Make them work for you," serves to remind everyone of the importance of having working smoke alarms and carbon monoxide in the home.

Councilmember Leinweber requested additional information regarding the dangers of lithium-ion batteries. Fire Marshal Lacey provided a brief overview of the dangers of lithium-ion batteries and how to dispose of them safely.

Councilmember Henjum asked how to address fire alarm devices who have failing batteries and moths who set them off. Marshal Lacey stated to use a vacuum wand on them and to change their batteries annually.

Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Henjum, that the Resolution to support October 2024 as Fire Prevention Month in the City of Colorado Springs be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

- 5.B.** [24-543](#) A Resolution in recognition of National Disability Employment Awareness Month, October 2024.

Presenter:

Yolanda Avila, Councilmember District 4

Danielle Delgado, Human Resources Manager

Attachments: [National Disability Employment Awareness Month 2024 Resolution Signed Resolution No. 126-24.pdf](#)

Councilmember Avila read a Resolution recognizing October 2024 as National Disability Employment Awareness Month.

Indy Frazee, Chief Executive Officer, The Independent Center, provided an overview of The Independent Center, identified the employment statistics for individuals with disabilities, and spoke about the benefits related to the employment of those with disabilities.

Tyler Voss, The Independent Center, identified his experience contributing to the workforce as a blind person.

Erica Rosario, The Independent Center, spoke about her struggles with an invisible disability and how she is still able to make a difference in the workplace.

Danielle Delgado, Human Resources Manager, identified the role of the City regarding Americans with Disabilities (ADA).

Councilmember Henjum highlighted Councilmember Avila's interview by

the Colorado Springs Independent.

Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Resolution in recognition of National Disability Employment Awareness Month, October 2024 be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

5.C. [24-544](#) A Resolution recognizing October 2024 as National Cybersecurity Awareness Month

Presenter:

Nancy Henjum, Councilmember District 5

Attachments: [Cybersecurity Awareness Month Signed Resolution No. 127-24.pdf](#)

Councilmember Henjum explained how important cybersecurity is and read a Resolution recognizing October 2024 as Cyber Security Awareness Month.

Mary Weeks, Chief Information Officer, Information Technology (IT), and Frank Swanson, Manager, Cyber Security, identified some of the ways in which the City implements cybersecurity to keep information safe and secure and recommended ways individuals can be cybersecure in their personal lives.

Councilmember Avila expressed appreciation for Ms. Weeks and the IT Department team.

Motion by Councilmember Henjum, seconded by Councilmember Risley, that the Resolution recognizing October 2025 as National Cybersecurity Awareness Month be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

5.D. [24-547](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:

Randy Helms, Council President and Councilmember District 2

Attachments: [10082024 Boards Commissions and Committee Appointments](#)

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

Councilmember Donelson asked if Samuel Clark was an alternate on the Downtown Review Board. Ayana Garcia, Program Administrator, Boards, Commissions, and Committees stated he was not, he applied and was appointed as a voting board member through an application process due to a need to fill an unexpired term due to a resignation. Michael Montgomery, Deputy City Council Administrator, stated the appointments are done by the Downtown Development Authority (DDA).

Councilmember Donelson requested this item be bifurcated. Consensus of Council agreed to Councilmember Donelson's request.

Councilmember Henjum and Councilmember Talarico stated Mr. Clark is very well regarded and they respect the decision of the DDA to appoint him to the board.

Motion by Councilmember Avila, seconded by Councilmember Henjum, that appointment of Samuel Clark to the Downtown Development Authority be approved. The motion passed by a vote of 7-1-1-0

Aye: 7 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

No: 1 - Donelson

Excused: 1 - O'Malley

Motion by Councilmember Leinweber, seconded by Councilmember Talarico, that the appointment Amanda Gigiano to the Planning Commission be approved. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

6. Mayor's Business

Councilmember Leinweber requested a ten-minute recess to support the Mayor's announcement which was taking place on the steps of City Hall that they have acquired funding and the Veteran's Parade will take place on Saturday, November 9, 2024. Consensus of Council agreed to Councilmember Leinweber's request.

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

Citizens Shanity Velasquez, ceded their time to Heather McBroom, Executive Director, Thrive Networks, and Zeta Velasquez ceded their time to Felipe Velasquez, Felipe's 109, who both spoke about the effects the construction of the South Academy Boulevard project has

been having on businesses for over a year and requested the City allocate \$1.5 million emergency grant relief to those businesses.

Citizen Ethan Jacobs spoke against the noise he is experiencing in his apartment from the train horns.

Citizen Dee Thornhill ceded their time to David Thornhill who requested assistance for his daughter who is experiencing homeless.

Citizens Dave Illsley, Matthew Grubisic, and Kat Gayle spoke about the Ford Amphitheater open house and said there was zero commitment to mitigate the noise.

Citizen Brett Dayberry spoke about his encounter with undocumented immigrants from Venezuela.

Citizen Jim Coonradt spoke about a cockroach infestation at his apartment.

Citizen Dallas Whitewolf, Warriors of Light 719, spoke about the attributes of mastery and peace.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

11.A. [24-481](#)

A resolution including certain property into the boundaries of the Waterview North Metropolitan District Nos. 1 & 2 (Legislative)

Presenter:
Kyle Fenner, Senior Planner, Planning and Neighborhood Services Department

Attachments: [RESOLUTION Waterview North WITH EXHIBITS v.3](#)[Cover Letter with Petitions](#)[EXHIBIT A - Waterview North MD Nos. 1 2 - Consolidated Service Plan 2023-08-22](#)[Exhibit B - Vicinity Map 2023-08-18](#)[Exhibit C-1 - Initial Districts Boundaries Map, 2023-05-10](#)[Exhibit C-2 - Inclusion Area Map, 2024](#)[Waterview North Newspaper Notice 2024.07.29](#)[45-day Notice to County for Proposed Activity, Nos. 1 2, 2024-07-22](#)[Staff PowerPoint Waterview North Districts 1 & 2 Inclusion v.2](#)[Signed Resolution No. 128-24.pdf](#)

Kyle Fenner, Senior Planner, Planning and Neighborhood Services, presented the Resolution including certain property into the boundaries of the Waterview North Metropolitan District Nos. 1 and 2. She provided an overview of the background of the districts, location, summary of inclusions, existing boundaries, proposed inclusions, Colorado Revised Statutes Title 32, outside review, and staff recommendation.

Councilmember Henjum asked if the district needs a budget for their Service Plan to add fire infrastructure. Ms. Fenner stated that will be written into their cash flow model in their 2025 budget.

Councilmember Donelson asked how many acres are proposed to be included. Ms. Fenner stated approximately 12-acres.

Councilmember Donelson asked if the property is owned by one owner. Ms. Fenner confirmed it is.

Motion by Councilmember Leinweber, seconded by Councilmember Talarico, that the Resolution including certain property into the boundaries of the Waterview North Metropolitan Districts Nos 1 & 2 be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

11.B. [24-483](#)

A resolution accepting and endorsing the recommendations from the Lodgers and Automobile Rental Tax (LART) Citizen Advisory Committee for expenditures from the LART special fund for inclusion in the 2025 budget

Presenter:

Charae McDaniel, Chief Financial Officer

Sally Hybl, Chair, LART Citizens' Advisory Committee

Attachments: [LART Resolution - 2025 Projects](#)
[2025 LART Resolution Exhibit A - w modifications - 9-12-24](#)
[Signed Resolution No. 129-24.pdf](#)

Councilmember Leinweber recused himself due to him being the founder and his wife being the Executive Director of the Pikes Peak Outdoor Recreation Alliance (PPORA) which is one of the recipients of funding from the Lodgers and Automobile Rental Tax (LART) fund.

Charae McDaniel, Chief Financial Officer, presented the Resolution accepting and endorsing recommended expenditures from the LART special fund for inclusion in the 2025 budget. She stated the LART fund is a separate revenue fund from the City's General Fund and the purpose of the fund, which is stated in City Code is that this tax shall be used to attract visitors and to enhance the economy of the City and the Pikes Peak Region. Ms. McDaniel stated the revenue that comes into this fund is a two percent tax on all lodging stays and one percent tax on all auto rentals which amounts to approximately \$10 million per year and gets allocated out to attract visitors and enhance the economy with approximately seventy-five percent going to pay contracts for enhancement of the economy and attraction of visitors to the region and the remaining twenty-five percent of it is considered by the Citizen Advisory Committee. The Citizen Advisory Committee is a Council committee of citizens who comes together to solicit applications for the LART funds, they review those applications, and provide recommendations to the City Council of events to be funded in the 2025 budget.

Sally Hybl, Chair, LART Citizen Advisory Committee, provided a brief overview of the process in which they review applications with the purpose to make recommendations to City Council concerning the expenditures of the LART fund, which they take very seriously, with the purpose to attract visitors and to enhance the economy of the City and the Pikes Peak Region. She stated for this cycle, they received eighty-seven applications requesting over \$7.6 million and the available funds only totaled \$2.2 million.

Councilmember Donelson asked if there was a correlation between the amount an event is being awarded and the economic impact of it. Ms. McDaniel stated economic impact is not a factor in the rubric, it is an additional piece of information the LART Advisory Committee may

consider in their recommendations.

Councilmember Donelson asked what is in the rubric. Ms. McDaniel stated it is attracting visitors, enhancing the economy, program merit, and administrative responsibility for the money.

Councilmember Donelson asked what are considered heritage events. Ms. McDaniel stated they are the events that City Council has by Resolution indicated that they are heritage/Resolution events and those include the Olympic and Paralympic Hall of Fame Festival, Colorado Springs Labor Day Liff-off, Fallen Firefighters Memorial event, Pikes Peak International Hill Climb Fan Fest Day, Star Spangled Symphony, Pikes Peak or Bust Parade, Pikes Peak Range Riders Foundation Western Street Breakfast, Starlight Spectacular, and Festival of Lights Parade.

President Helms stated the budget we are considering today is not the General Fund, it is the LART fund which is a tourism tax that is collected when a tourist or anyone else stays in a hotel or rents a car and it must be spent only on events and organizations that meet the purpose designated in the City Code which stated that in order for an organization or event to be given LART funding, they must bring visitors which stay in the City. He stated the LART Committee are professional people from across the City who do a very hard job of evaluating the groups that apply for LART funding, which is a very small amount of money. President Helms state the Committee uses a sanitized scoring process, then makes the recommendations to the Budget Committee and then to City Council. He stated the two City Councilmember liaisons put their individual ideology aside to work with the LART Committee to present a workable solution.

President Helms stated because the Western Street Breakfast was not awarded LART funding for 2025, he, Greg Phillips, Director of Aviation, Colorado Springs Airport, and Ms. McDaniel were able to find sponsorship funding for it from the Colorado Springs Airport which shows the community needs to work together to find solutions.

Councilmember Donelson stated he will not support \$60,000 of LART funding to go toward the Pikes Peak Pride Festival and Parade when there are zero dollars going toward the Festival of Lights Parade, Pikes Peak or Bust Rodeo, Western Street Breakfast, and the Starlight

Spectacular. He stated he also does not support the cut in funding to the Fallen Firefighters Memorial event which has a huge economic impact on the City.

Councilmember Donelson stated the three events which had the largest increase in funding were the Pikes Peak Pride Festival and Parade, Alianza De Futbol Soccer tournament, and the PPORA which he finds hard to believe the recommendations are based on a rubric or are data driven because these events do not have as large of an economic impact as some of the others.

President Helms stated the Pikes Peak Pride Parade is not receiving LART funding because the LART Committee felt that if the other parades were not receiving awards, then no parades should receive awards. Ms. Hybl confirmed only the Pikes Peak Pride Festival, which is a two-day event which attracts thousands of visitors including overnight stays, is receiving funding.

Ms. Hybl stated while economic impact is not scored as part of the process, the extensive rubric does place emphasis on economic impact and it does take into account that the charge of this tax is to attract visitors and to enhance the economy of the City, but it does not say anything about reflecting values or reflecting historic events although they we do take into consideration that Heritage/Resolution events are a priority.

Councilmember Donelson stated the Pikes Peak Pride Festival and Parade was submitted as one application, so he does not believe the festival was awarded \$60,000 separately because it is one entity and the amount of hotel rooms and flights anticipated to be generated were one hundred yet the Pikes Peak Marathon and Ascent which was only awarded \$25,000 estimated 6,860 room nights, 225 flights, and 600 rental cars. Ms. McDaniel stated there is a mechanism in the contract with the entity which would specify the money would be required to only go toward the Festival.

Citizens Kevin Kaveney, Emily Tamayo ceded their time to Cory Arcarese, Angelina Velasquez ceded their time to Moni Hernandez, Jennifer Smith, Heather McBroom, Crystal Hendrix ceded their time to Donny Coram, Eton Percy, Kat Gayle, Nancy Wile ceded their time to Al Wile, Brett Dayberry, Janet Mulvaney, Donna Labelle, Joan Mills,

Bentley Rayburn, Katherine Toman, LaDonna Robertsons, Jeany Rush, Tanya Reagan, and Dana Duggan who spoke in opposition to the proposed Resolution.

Citizens Susan Garsoe, Carol Campbell, Lauren Ripcoe, and Jessica Laney ceded their time to Justin Burns, who spoke in favor of the proposed Resolution.

President Helms stated City Council will be revisiting LART because it is one of the lowest LART in the nation and they will also look at how the events are evaluated. He stated he does not feel it is fair to say that the personal values of Councilmembers are being reflected in how they vote.

Councilmember Avila asked if there needs to be any clarification made after hearing citizen comments. Ms. Hybl stated they are constantly learning, trying to refine the process, and be as transparent as possible and she was a little concerned about some of the percentages of how much funding has been reduced or the funding percentage of what they asked for so she would have to go back and do some of that fact checking in that regard. She stated one of the things that they look at in every one of the applications is how much more the events are asking for compared to the previous years which in some cases increased significantly. Ms. Hybl stated they also look at every budget to see if an event is generating revenue and making a profit from the event.

Councilmember Donelson asked why the Broadmoor received \$46,000 in LART funding for 2024. Ms. McDaniel stated she believes it was for marketing for hosting the United States Senior Open in 2025.

Councilmember Avila stated the City has hired a consultant to review the LART funding sources, contracts, and any conflicts of interest and she supports the proposed Resolution and the funding of the Pikes Peak Region Pride Festival, Fiestas Patrias, and Juneteenth.

Councilmember Donelson stated it is ultimately City Council's decision, he does not feel the rubric supports what the citizens want to spend money on, the heritage events are special to the community, and provided an overview of the economic impacts of several events and the amount of funding they will receive.

Councilmember Donelson stated the City should not be spending tax dollars to promote transgenderism, syringes/needles being given out, and a booth to solicit members for the Satanic Temple, and a queer prom in conjunction with the Pikes Peak Pride Festival especially when there are many other events which everyone can enjoy.

Councilmember Donelson stated Council should try to help the children experiencing transgenderism, not encourage them and if these recommendations were put to a vote by the citizens on a ballot, it would not pass.

Motion by Councilmember Donelson, that the Resolution be postponed to the October 22, 2024 City Council meeting. The motion failed for lack of a second.

Motion by Councilmember Donelson, that the Resolution be amended to move \$32,200 from the Pikes Peak Pride Festival to the Festival of Lights Parade. The motion failed for lack of a second.

Motion by Councilmember Donelson, that the Resolution be amended to move \$22,000 from the Pikes Peak Pride Festival to the Pikes Peak or Bust Rodeo Parade. The motion failed for lack of a second.

Motion by Councilmember Avila, seconded by Councilmember Talarico, that the Resolution accepting and endorsing the recommendations from the Lodgers and Automobile Rental Tax (LART) Citizen Advisory Committee, as provided in Exhibit A, for expenditures from the LART special fund in the 2025 budget be adopted. The motion passed by a vote of 5-2-1-1

Aye: 5 - Avila, Helms, Henjum, Risley, and Talarico

No: 2 - Crow-Iverson, and Donelson

Recused: 1 - Leinweber

Excused: 1 - O'Malley

12. Public Hearing

- 12.A.** [ANEX-24-00](#) [08R](#) A resolution finding a petition for annexation of the area known as Neagle-Dutcher Family Addition Annexation consisting of 1.01 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of November 12, 2024, for the Colorado Springs City Council to consider the annexation of the area.
(Legislative)

Presenter:

Tamara Baxter, Planning Supervisor, Planning and Neighborhood Services.

Attachments: [Neagle-Dutcher Family Addition Resolution Setting Hearing Date](#)
[Exhibit A Petition for Annexation](#)
[Vicinity Map](#)
[Signed Resolution No. 130-24.pdf](#)

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services, presented the Resolution finding a petition for annexation of the area known as Neagle-Dutcher Family Addition Annexation consisting of 1.01 acres and setting a hearing date of November 12, 2024, for the City Council to consider the annexation of the area.

There were no comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Resolution finding the petition for annexation to be in substantial compliance with C.R.S. section 31-12-107(1), setting the hearing date of November 12, 2024, for consideration of the Neagle-Dutcher Family Addition Annexation, and directing the Clerk to provide notice in accord with C.R.S. section 31-12-108 be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

- 12.B.** [ANEX-22-00](#) A resolution adopting findings of fact and conclusions of law based
[02RF](#) thereon and determining the eligibility for annexation of property
known as Park Vista Addition No. 10 Annexation.
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Attachments: [Attachment 1 - Exhibit A - Park Vista Addition No 10](#)
[Attachment 2 - Exhibit B - Annexation Agreement](#)
[Attachment 3 - Exhibit 12A - Planner Affidavit](#)
[Attachment 4 - Exhibit 12 C - Surveyor Affidavit](#)
[ResFindofFact Park Vista Addition No 10](#)

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services, presented the Resolutions and Ordinances annexing the area known as Park Vista Addition No. 10 Annexation consisting of 2.18 acres establishing a R-5 (Multi-Family High) zone district and Preliminary/Final Plat for 0.89 acres located at 4372 Siferd Boulevard.

He provided a brief overview of the site location, timeline, background, annexation, zone establishment, concept plan, stakeholder process, and staff recommendation.

There were no comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Talarico, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Park Vista Addition No. 10 Annexation consisting of 2.18 acres be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

- 12.C.** [ANEX-22-00](#) Ordinance No. 24-94 annexing the area known as Park Vista Addition
[02](#) No. 10 Annexation located at 4372 Siferd Boulevard consisting of 2.18
acres.
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood
Services

Kevin Walker, Interim Planning Director, Planning and Neighborhood
Services

Attachments: [Annexation Ordinance - Park Vista Addition No 10 Annexation](#)
[Staff Report Park Vista Addition No 10_RGS](#)
[Attachment 1 Project Statement Park Vista Addition No 10](#)
[Attachment 2 Annexation Agreement-Applicant Executed only Park](#)
[Vista Addition No. 10](#)
[Attachment 3 Exhibit A - Legal Description](#)
[Attachment 4 Park Vista Addition No 10 - Annexation Plat_3-5-24](#)
[Attachment 5 Petition - Park Vista Addition No 10](#)
[Attachment 6 - Exhibit A - Park Vista Addition No 10](#)
[Attachment 7 - Exhibits A and B - Legal Description and Map](#)
[Depcition - Zone Change - Park Vista Addition 10](#)
[Attachment 8 - Park Vista Addition Subdivision Filing No 10](#)
[Park Vista Addition No. 10_Staff Presentation_RGS](#)
[7.6.203-Annexation Conditions](#)

Please see comments in Agenda item 12.C.

Motion by Councilmember Avila, seconded by Councilmember Leinweber, that this Ordinance annexing into the City of Colorado Springs the area known as Park Vista Addition No. 10 Annexation consisting of 2.18 acres located at 4372 Siferd Boulevard, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in Chapter 7 Section 7.6.203 be approved on first reading. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

- 12.D.** [ZONE-22-0006](#) Ordinance No. 24-95 establishing a R-5 (Multi-Family High) zone district for 0.89 acres located 4372 Siferd.
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Attachments: [Zoning Ordinance](#)
[7.5.603.B Findings - ZC](#)
[Exhibits A and B.pdf](#)

Please see comments in Agenda item 12.C.

Motion by Councilmember Avila, seconded by Councilmember Leinweber, that the Ordinance establishing 0.89 acres as a R-5 (Multi-Family High) zone district, based upon the findings that the zone establishment request complies with the criteria for granting a zone establishment as set forth in Chapter 7 Section 7.5.603(B) be approved on first reading. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

- 12.E.** [SUBD-22-0021](#) Park Vista Subdivision No. 10 Preliminary/Final Plat for 0.89 acres located 4372 Siferd Boulevard.
(Quasi-Judicial)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services

Attachments: [7.7.204 Preliminary Plat Requirements](#)
[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)

Please see comments in Agenda item 12.C.

Motion by Councilmember Leinweber, seconded by Councilmember Henjum, that the Park Vista Subdivision No. 10 Preliminary/Final Plat, based upon the findings the proposal meets the requirements for a preliminary plat as set forth in Chapter 7 Section 7.7.204 and the requirements for a final plat as set forth in Chapter 7 Section 7.7.303 be approved. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

- 12.F. [UVAR-24-0002](#) A use-variance to allow the establishment of a Medical Marijuana Cultivation Facility use consisting of 2.4 acres located at 3758 Astrozon Blvd. (Quasi-Judicial)

Presenter:

Allison Stocker, Planner II, Planning and Neighborhood Services Department

Kevin Walker, Interim Planning Director, Planning and Neighborhood Services Department

Attachments: [UVAR-24-0002 Staff Report Draft ADS 20240726](#)

[Attachment 1 Project Statement](#)

[Attachment 2 Land Use Statement](#)

[Attachment 3 Ordinance 83-88 Establishing Planned Provisional Zone](#)

[Attachment 4 Vicinity Map](#)

[Attachment 5 Public Comments](#)

[UVAR-24-0002 Presentation](#)

[UVAR-24-0002 Astrozon MedMarj Presentation](#)

[7.5.527 USE VARIANCE](#)

Allison Stocker, Planner II, Planning and Neighborhood Services Department, presented the use-variance to allow the establishment of a Medical Marijuana Cultivation Facility use consisting of 2.4 acres located at 3758 Astrozon Boulevard. She provided an overview of the vicinity map, applications, project summary, site plan, Planned Provisional Overlay language, timeline of review, stakeholder involvement, agency review, application review criteria, and optional motions.

Ryan Moore, Herbal Healing LLC, representing the applicant, identified the reason they would like to relocate, existing company reorganization, medical only initiative, use of facility, proposed facility, smell mitigation, and facility pictures. He went over the extraordinary circumstances for their facility to be approved, necessity of use variance, how it will help the community, no fault of applicant/landlord, restrictions on use of property, and limited properties available.

Councilmember Leinweber stated there have been many break-ins via driving a stolen car through the storefront in that area and he is concerned about that type of incident occurring at this location. Mr. Moore stated the entire backside of the facility is cement and there are two large pillars at the front to deter criminals and they will be increasing security as well.

President Pro-Tem Crow-Iverson asked if this facility is a grow which only sells to retail establishments and not individual customers. Mr. Moore stated they are proposing it will be a cultivation facility which will only sell to retail facility so there would not be any walk-in customers off the street.

President Pro-Tem Crow-Iverson asked if the retail customers identify how much Tetrahydrocannabinol (THC) they want in their plants and if the plants are genetically modified to accommodate their requests. Mr. Moore stated this cultivation is not genetically modified and will primarily feed the store they own located off Fillmore Street, they cultivate based on patient feedback/what they are in need of, their businesses are highly regulated, and the highest level of THC their plants have ever tested at was thirty percent, but their average is twenty-two to twenty-four percent.

Councilmember Henjum asked what the outcome would be if this was not approved. Mr. Moore stated they would have to shut down their cultivation facility, surrender the license, and they would most likely lose their patient base due to the product not being their own, which would cause complete forfeiture of the company.

Councilmember Henjum asked if this relocation is in response to the Ordinance recently passed by City Council regarding the setback buffer. Mr. Moore stated it was not and their motive is not to sell recreational marijuana.

Ms. Stocker stated the root of this use-variance coming forward is due to the restrictive Ordinance 83-88 because it was a snapshot in time which limits uses at that location otherwise this application would have just been a conditional use, and it would not have been elevated to City Council.

Councilmember Avila stated she supports this request.

Motion by Councilmember Henjum, seconded by Councilmember Leinweber, that the Use Variance to establish a Medical Marijuana Cultivation Facility based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.527 be approved. The motion failed by a vote of 4-4-1-0

Aye: 4 - Avila, Henjum, Leinweber, and Talarico

No: 4 - Crow-Iverson, Donelson, Helms, and Risley

Excused: 1 - O'Malley

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, President Helms adjourned the meeting at 4:53 PM.

Sarah B. Johnson, City Clerk

16. General Improvement Districts

Following adjournment of the Regular City Council meeting, City Council shall reconvene as the Board of Directors of the Marketplace at Austin Bluffs General Improvement District, for action on the following item:

- 16.A.** [24-324](#) Request to set November 12, 2024 as the Public Hearing date for consideration of adopting the proposed 2025 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [MAB GID 2025 Budget](#)

Charae McDaniel, Chief Financial Officer, presented the request to set November 12, 2024 as the Public Hearing date for consideration of adopting the proposed 2025 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law.

There were no comments on this item.

Motion by Councilmember Avila, seconded by Councilmember Talarico, that the request to establish November 12, 2024 as the date of the Public Hearing to consider the 2025 Colorado Springs Marketplace at Austin Bluffs General Improvement District budget be approved. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley

Following adjournment of the Board of Directors of the Marketplace at Austin Bluffs General Improvement District, City Council shall reconvene as the Board of Directors for the Briargate General Improvement District 2021, for action on the following item:

- 16.B.** [24-301](#) Request to set November 12, 2024 as the Public Hearing date for consideration of adopting the proposed 2025 Colorado Springs Briargate General Improvement District 2021 Budget and to advertise as required by law

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [2025 Briargate GID 2021 Budget](#)

Charae McDaniel, Chief Financial Officer, presented the request to set November 12, 2024 as the Public Hearing date for consideration of adopting the proposed 2025 Colorado Springs Briargate General Improvement District 2021, Budget and to advertise as required by law.

There were no comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Leinweber, that the request to establish November 12, 2024 as the date of the Public Hearing to consider the 2025 Colorado Springs Briargate General Improvement District 2021 budget be approved. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, Leinweber, Risley, and Talarico

Excused: 1 - O'Malley