



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, September 24, 2024

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

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

Present: 9 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico

2. Invocation and Pledge of Allegiance

The Invocation was made by Pastor Paul Nelson from the Living Word Bible Church.

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:

- 4A.A. [24-436](#) Ordinance No. 24-88 Certifying Delinquent Stormwater Fees and Charges to the El Paso County Treasurer for Collection

Presenter:

Richard Mulledy, P.E., Public Works Director

Erin Powers, P.E., Acting Stormwater Enterprise Manager

Attachments: [SWENT-StormwaterFees-CertificationORD-2024-07-30](#)
[2024 Exhibit A](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [24-468](#) Ordinance No. 24-89 amending Article 6 (Trails, Open Space and Parks Program) of Chapter 4 (Parks, Recreation and Cultural Services) of the Code of the City of Colorado Springs as Amended, pertaining to the Trails, Open Space and Parks Program

Presenter:

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

Lonna Thelen, Program Manager, Trails, Open Space and Parks
(TOPS) Program

Attachments: [TOPS Resolution 03-23](#)
[TOPS-BallotORD-2024-08-05](#)
[TOPS Ordinance Amendment Powerpoint.1](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [24-529](#) City Council Regular Meeting Minutes September 10, 2024

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [9-10-2024 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

Approval of the Consent Agenda

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

Aye: 8 - Avila, Crow-Iverson, Donelson, Helms, Henjum, O'Malley, Risley, and Talarico

Absent: 1 - Leinweber

5. Recognitions

5.A. [24-532](#) A Resolution recognizing October 2024 as Police Appreciation Month

Presenter:

Dave Donelson, Councilmember District 1

Attachments: [Police Appreciation Month Signed Resolution No. 113-24.pdf](#)

Councilmember Donelson expressed gratitude for Tim Leight for his efforts recognizing law enforcement officials and read the Resolution recognizing October 2024 as Police Appreciation Month.

Courtney Fisher, Sales Manager, Lemar Advertising, and wife of a Colorado Springs Police Depart (CSPD), expressed appreciation for the Resolution.

Adrian Vasquez, Chief, CSPD, stated he appreciates this recognition and the support from the community for Police Officers.

Several Councilmembers expressed appreciation for the CSPD.

Motion by Councilmember Donelson, seconded by President Pro Tem Crow-Iverson, that the Resolution recognizing October 2024 as Police Appreciation Month be adopted. The motion passed by a vote of 9-0-0-0

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

5.B. [24-488](#) A Resolution recognizing September 28 through October 6 as Creek Week 2024

Presenter:

Michelle Talarico, Councilmember District 3

Attachments: [Creek Week](#)
[Signed Resolution No. 114-24.pdf](#)

Councilmember Talarico read the Resolution recognizing September 28 through October 6 as Creek Week 2024.

Ali Shook, Executive Director of the Fountain Creek Watershed District, presented the Resolution recognizing the annual Creek Week clean-up which started eleven years ago. She stated they have removed 150 tons of litter from public lands, trails, and waterways and the word of the year is “renew”

Travas Deal, Chief Executive Officer, Colorado Springs Utilities (CSU) identified why the Fountain Creek’s hydrology is so important to the City’s water supply.

Councilmember Leinweber expressed appreciation for their clean-up efforts.

Motion by Councilmember Avila, seconded by Councilmember Talarico, that the Resolution recognizing September 28 through October 6 as Creek Week 2024 be adopted. The motion passed by a vote of 9-0-0-0

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

5.C. [24-490](#) A Resolution recognizing October 2024 as Arts Month in the Pikes Peak Region

Presenter:

Nancy Henjum, Councilmember District 5

Attachments: [Arts Month in the Pikes Peak Region](#)
[Signed Resolution No. 115-24.pdf](#)

Councilmember Henjum read the Resolution recognizing October 2024 as Arts Month.

Angela Seals, Executive Director, Cultural Office of the Pikes Peak Region (COPPeR), and Dylan Craddock, Program Manager, Creative Economy, gave a brief history identifying the objective and call to action for everyone to “Unite Their World With the Arts” during the month, and several of the programs scheduled for the month.

Motion by Councilmember Talarico, seconded by Councilmember Henjum, that the Resolution recognizing October 2024 as Arts Month in the Pikes Peak Region be adopted. The motion passed by a vote of 9-0-0-0

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

5.D. [24-524](#) City Council Appointments to Boards, Commissions, and Committees

Presenter:

Randy Helms, Council President and Councilmember District 2

Attachments: [09242024 Boards Commissions and Committee Appointments](#)

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

There were no comments on this item.

Motion by President Pro Tem Crow-Iverson, seconded by Councilmember Risley, that the City Council Appointments to Boards, Commissions, and Committees be approved. The motion passed by a vote of 9-0-0

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

6. Mayor's Business

Jamie Fabos, Chief of Staff, stated Mayor Yemi will be reviewing the budget and answering some questions at lunch today in place of the legislative update which has been moved until the end of October 2024, he met with senators, representatives, a couple candidates for Congress, as well as the White House Office of Intergovernmental Affairs in Washington DC. She stated the City of Colorado Springs was the only city successful in getting two Defense Communities Infrastructure Program grant in the amount of \$10 million to make some safety improvements at the Northgate of Peterson and Colorado Springs Utilities was successful in getting funding for some utility work on the United States Air Force Academy. Ms. Fabos stated they community is at 820 out of 1,000 Neighborhood Gatherings which has been great for the community as far as mental health.

7. Items Called Off Consent Calendar

There were no Items Called Off the Consent Calendar.

8. Utilities Business

8.A. [24-473](#) Review of Draft Proposed Gas Cost Adjustment Rates effective October 1, 2024.

Presenter:

Travas Deal, Chief Executive Officer, Colorado Springs Utilities

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

Attachments: [2- 09-24-2024 CC Mtg-GCA Resolution](#)
[3- Sheet 2.4 Rate Tbl - 26th Revised - Redline](#)
[4- Sheet 2.4 Rate Tbl - 26th Revised - Final](#)
[5- GCA Worksheet](#)
[09-23-24 09-24 -24 CC ECA-GCA.pptx](#)
[Signed Resolution No. 116-24.pdf](#)

Scott Shirola, Pricing and Rates Manager, Colorado Springs Utilities (CSU) presented the Resolutions setting the Gas Cost Adjustment (GCA), and Electric Cost Adjustment (ECA) rates effective October 1, 2024 and provided an overview of the types of fuel related cost, natural gas prices as of September 1, 2024, ECA and GCA projections for September 2024, sample residential bill, and how customers can receive assistance.

Councilmember Donelson stated the rates for GCA and ECA are reviewed every three months and over the past two years, it has either gone down or remained the same, however the cost of natural gas fluctuates which requires this increase and he will be supporting the Resolutions.

Motion by Councilmember Donelson, seconded by President Pro Tem Crow-Iverson, that the Resolution setting the Gas Cost Adjustment Rate effective October 1, 2024 be adopted. The motion passed by a vote of 9-0-0-0

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

8.B. [24-474](#) A Resolution Setting the Electric Cost Adjustment Rate Effective October 1, 2024

Presenter:

Travas Deal, Chief Executive Officer, Colorado Springs Utilities
Tristan Gearhart, Chief Planning and Finance Officer, Colorado Springs Utilities

Attachments: [2- 09-24-2024 CC Mtg-ECA Resolution](#)
[3- E Sheet 2.9 Rate Tbl - 25th Revised - Redline](#)
[4- E Sheet 2.9 Rate Tbl - 25th Revised - Final](#)
[5- ECA Worksheet](#)
[09-23-24 09-24 -24 CC ECA-GCA.pptx](#)
[Signed Resolution No. 117-24.pdf](#)

Please see comments in Agenda item 8.A.

Motion by Councilmember Donelson, seconded by Councilmember Henjum, the Resolution setting the Electric Cost Adjustment Rate Effective October 1, 2024 be adopted. The motion passed by a vote of 9-0-0-0

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

9. Unfinished Business

- 9.A.** [24-397](#) Ordinance No. 24-90 amending City Code Section 7.3.303.F (Marijuana-Related Services) of the Unified Development Code of the City of Colorado Springs. (Legislative)

Presenter:

Kevin Walker, Interim Director, Planning and Neighborhood Services

Attachments: [Draft Ordinance to City Council CAO Approved](#)
[Staff Report - RMS Council Ordinance Referral v3](#)
[UDC 7.5.702 Text changes](#)
[UDC 7.3.303 Marijuana-Related Uses](#)
[Charter Amendment](#)
[Statement of Insufficiency](#)
[MMC Facilities One Mile Separation Map8 24v2](#)
[2024 Presentation 8.28.24](#)
[City Council Draft Minutes](#)
[CPC Minutes 8.14.24 DRAFT](#)
[CPC Minutes 8.28.24 DRAFT](#)
[Letter Adinoff Opposition CS City Council ban on adult use sales](#)
[Public Comments Combined](#)

Kevin Walker, Interim Planning Director, Planning and Neighborhood Services, presented the Ordinance amending City Code Section 7.3.303.F (Marijuana-Related Services) of the Unified Development Code (UDC) and provided an overview of an addition to UDC requiring a separation of one mile of land uses for daycare centers, schools, and drug rehabilitation centers from retail recreational marijuana sales.

Councilmember Donelson asked if the Charter amendment on the ballot to not allow recreational marijuana sales in the City of Colorado Springs, has one mile limit in it. Trevor Gloss, Attorney, City Attorney's Office, stated it does not, it strictly prohibits the sale.

Councilmember Donelson asked if this Ordinance would subvert the will of the people if the voters pass to allow the sale of recreational marijuana within the City. Jamie Fabos, Chief of Staff, stated City employees cannot comment for or against measures which are on the ballot.

Motion by Councilmember Donelson, seconded by Councilmember Avila, to increase the citizens' time to speak from two minutes to three minutes. The motion passed by a vote of 6-3-0-0

Aye: 6 - Avila, Donelson, Henjum, Leinweber, Risley, and Talarico

No: 3 - Crow-Iverson, Helms, and O'Malley

Citizens Tonya Garduno and Luther Bono, spoke in opposition of the proposed Ordinance.

Councilmember Henjum stated she will be voting against this Ordinance.

Councilmember Donelson requested this Ordinance be tabled until after the election to see what the will of the people is. President Pro Tem Crow-Iverson declined to remove this item from today's agenda.

Councilmember O'Malley stated he supports the people who support national security, and he will not support anything to do with recreational marijuana in the community.

Councilmember Avila asked if a future City Council would be able to change this Ordinance. Mr. Gloss confirmed it could be.

Councilmember Avila stated this Ordinance is intentionally engineered to prohibit the sale of recreational marijuana in the City.

Councilmember Leinweber stated they must protect the kids, and he will be supporting this proposed Ordinance.

Councilmember Avila stated she also cares about children, but marijuana is already here and believes it is a ruse to get people to vote for this.

Motion by Councilmember O'Malley, seconded by President Pro Tem Crow-Iverson, that the Ordinance Aamending City Code Section 7.3.303.F (Marijuana -Related Services) of the Unified Development Code of the City of Colorado Springs be finally passed. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Henjum

10. New Business

10.A. [24-480](#)

A Resolution of the City of Colorado Springs approving an Amended and Restated Service Plan for the Rock Metropolitan District serving an area in the center of the northern portion of Colorado Springs.

Presenter:

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

Attachments: [Letter re Amended and Restated Service Plan 2024-08-06](#)
[2024 RESOLUTION Rock Metro District](#)
[Amended and Restated Service Plan 2024-08-29 \(Redline\) v.2](#)
[Amended and Restated Service Plan 2024-08-29 \(Clean\) v.2](#)
[Vicinity Map](#)
[Staff PowerPoint Rock v.2](#)
[Signed Resolution No. 118-24.pdf](#)

Kyle Fenner, Senior Planner, Planning and Neighborhood Services, presented the Resolution approving an amended and restated Service Plan for the Rock Metropolitan District. She provided an overview of the Service Plan, slight deviation from model, background of the district, and location.

There were no comments on this item.

Motion by Councilmember Henjum, seconded by Councilmember Talarico, that this Resolution of the City of Colorado Springs approving an Amended and Restated Service Plan for the Rock Metropolitan District. The motion passed by a vote of 9-0-0-0

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

- 10.B.** [24-393](#) A Resolution of the City of Colorado Springs approving a Service Plan for the Ovation Metropolitan District serving an area consisting of 60.28 acres generally located south of the intersection of Powers and Interquest Boulevard, east of Kettle Creek, and north of Old Ranch Road.

Presenter:

Allison Stocker AICP, Planner II, Planning and Community Development Department

Kevin Walker, Interim Planning and Community Development Director

Attachments: [Ovation District - Resolution - 9.11.2024](#)
[Cover Letter - Ovation MD 7-9-2024](#)
[Ovation full submittal - Final 7-16-2024](#)
[Ovation Service Plan - Final 7-16-2024](#)
[Ovation MD Director Parcel and FIA\(9062126.1\)](#)
[Ovation MD District Disclosure](#)
[Ovation Budget Committee PPT WorkSession](#)
[Ovation Resolution Hearing PPT 20240924](#)
[Signed Resolution No. 119-24.pdf](#)

Kevin Walker, Interim Director, Planning and Neighborhood Services presented the Resolution approving a Service Plan for the Ovation

Metropolitan District serving a final collective area consisting of 60.28 acres generally located south of the intersection of Powers and Interquest Boulevard, east of Kettle Creek, and north of Old Ranch Road. He stated this item requires a condition of approval because it is a piece of property that is currently owned by the City, it is under contract, and the contract contemplates a Service plan being adopted, but if this property does not close, the condition of approval would be that both previous approvals for the Service Plan are vacated.

President Helms asked why the property has not closed yet. Mr. Walker stated it is due to a due to a land use appeal of a prior City Council decision.

Councilmember Donelson asked if this property is changing from park owned property to single-family housing. Mr. Walker confirmed it is. Councilmember Donelson stated he will be voting against this Resolution.

Motion by Councilmember Henjum, seconded by Councilmember Leinweber, that the Resolution of the City of Colorado Springs approving a Service Plan for the Ovation Metropolitan District serving an area generally located south of the intersection of Powers and Interquest Boulevard, west of Powers Boulevard, north of Old Ranch Road, and east of Kettle Creek be adopted. The motion passed by a vote of 7-2-0-0

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

No: 2 - Donelson, and O'Malley

- 10.C.** [24-522](#) A Resolution reaffirming the City of Colorado Springs will remain a Non-Sanctuary City

Presenter:

Brian Risley, Councilmember At Large

Attachments: [Reaffirming Non-Sanctuary City](#)
[Signed Resolution No. 120-24.pdf](#)

Councilmember Risley presented the amended Resolution reaffirming the City of Colorado Springs will remain a Non-Sanctuary City with the addition of Councilmember Donelson's recommendation to include a Whereas which states "Call on the Governor of Colorado and our legislature to reverse legislation which has turned Colorado into a "Sanctuary State" - including HB 19-1124 and HB 23-1100".

Councilmember Avila stated she would like to wait until after Citizen's Discussion to ensure the citizen's who would like to speak on this issue are

present. Consensus of Council agreed to Councilmember Avila's request.

Councilmember Risley clarified that what they are talking about today has nothing to do with law abiding immigrants who came to the US through proper channels, it is not about perpetuating fear mongering, it is about being proactive to prevent the lawlessness and chaos that has plagued other communities from happening in Colorado Springs.

Councilmember Talarico stated she supports the original Resolution but requested the words "Sanctuary State" be removed. Marc Smith, Deputy City Attorney, City Attorney's Office, asked Councilmember Donelson and Councilmember O'Malley if they would like to amend their motion. Councilmember Donelson stated he would not.

President Pro Tem Crow-Iverson stated she would like to see a more unanimous Council on this item so she will be supporting Councilmember Talarico's request.

Motion by Councilmember Donelson, seconded by Councilmember O'Malley, to amend the Resolution to include a Whereas which states "Call on the Governor of Colorado and our legislature to reverse legislation which has turned Colorado into a "Sanctuary State" – including HB 19-1124 and HB 23-1100". The motion failed by a vote of 2-7-0-0

Aye: 2 - Donelson, and O'Malley

No: 7 - Avila, Crow-Iverson, Helms, Henjum, Leinweber, Risley, and Talarico

Councilmember Talarico requested the Resolution be amended to include a Whereas which states "Call on the Governor of Colorado and our legislature to reverse legislation which has negatively impacting our state and law enforcement including HB 19-1124 and HB 23-1100".

Councilmember O'Malley spoke about the Whereas which states "we believe in the rule law. We will not hesitate to request Title 32 assistance from the Governor of Colorado and Title 10 forces if needed by the federal government." and stated they should not hesitate to request that assistance if needed.

Motion by Councilmember O'Malley, seconded by Councilmember Risley, to amend the Resolution to include a Whereas which states "Call on the Governor of Colorado and our legislature to reverse legislation which has negatively impacting our state and law enforcement including HB 19-1124 and HB 23-1100". The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Henjum

Motion by Councilmember Donelson to amend the Resolution to include a Whereas which states “City Council calls for the City of Colorado Springs to join the current lawsuit by El Paso and other Colorado Counties against the State of Colorado for creating a “Sanctuary State”. The motion failed for lack of a second.

Motion by Councilmember Donelson to amend the Resolution to include a Whereas which states “City Council calls for the City of Colorado Springs to explore with Castle Rock, Aurora and other Front Range cities the possibility of joining their potential lawsuit against Denver regarding its “Sanctuary City” status and the resulting impacts on surrounding communities”. The motion failed for lack of a second.

Motion by Councilmember Donelson to amend the Resolution to include a Whereas which states “Call for remigration/deportation of all of the approximately 20 million illegal aliens who have recently entered our country”. The motion failed for lack of a second.

Citizens Jacqueline Arbendariz Unzueta, Jaxon Hoskinson, Annette Leyva, Jacquilyn Jaramillo, and Chauncy Johnson spoke in opposition of the proposed Resolution.

Councilmember Leinweber stated he believes immigrants are the strength of the country and he requested the wording to be changed to “those who have entered the country without legal status” because the laws are important and need to be honored. He stated even though the City says they are prepared to address if people start to move out of Denver, CO to Colorado Springs due to lack of services, he does not believe the City is ready.

Councilmember Avila stated this Resolution is startling and hurtful is a reaction to what is being said to be occurring in Aurora, CO and this Council does not know what it is to be a person of color or an immigrant. She stated this is fear mongering and this Resolution is stating a certain segment of the population is not equal or worthy.

Councilmember Henjum stated even though she believes it was not the intent, this Resolution is creating division and fear. She stated even though some people, including Councilmember Donelson’s constituents, want this Resolution, she will not be supporting it. Councilmember Donelson stated he objects to Councilmember Henjum making accusations against other Councilmembers at the dais. Councilmember Henjum withdrew her comment regarding Councilmember Donelson.

Councilmember Henjum asked if she violated Council Rules with her previous remarks. Emily Evans, City Council Administrator, stated

legislative counsel will review the footage with Council leadership to make a determination.

Motion by Councilmember Talarico, seconded by Councilmember Leinweber, that the Resolution reaffirming the City of Colorado Springs will remain a Non-Sanctuary City as amended to include a Whereas which states “Call on the Governor of Colorado and our legislature to reverse legislation which has negatively impacting our state and law enforcement including HB 19-1124 and HB 23-1100”. be adopted. The motion passed by a vote of 7-2-0-0

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

No: 2 - Avila, and Henjum

11. Public Hearing

There was no Public Hearing.

12. Added Item Agenda

There were no items added to the Agenda.

13. Executive Session

There was no Executive Session.

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

Citizen Lonnie Meera spoke about the lack of response from City staff, the need for street repairs at 22 S. Corona Street, and the need to address the weed mitigation on Circle Drive. Mr. Meera requested City Councilmembers and the Mayor to visit their center.

Councilmember Donelson requested citizens be allowed to speak for three minutes. President Helms agreed to Councilmember Donelson's request.

Citizen Dallas Gardner spoke about illusions.

Citizen Derek Chetron spoke about Google's power to remove profiles and requested legislation regarding algorithm policing.

Citizen Dave Illsley, Murray Relf, Mariana Bailey, Shirley Dale, Steve Waskow, Sarah Falis, Dallas Greenberg, and Jeremy Greiss spoke against the noise from the Ford Amphitheater.

Citizen Dana Duggan spoke about the decorum of Councilmembers during Council meetings and about the will of the people to be able to vote for or against recreational marijuana and building heights.

15. Adjourn

Councilmember O'Malley stated he attended the International Fallen Fire Fighters Memorial Service which was very powerful and recommended everyone experience it in the future.

There being no further business to come before City Council, President Helms adjourned the meeting at 2:45 PM.

Sarah B. Johnson, City Clerk