



# City of Colorado Springs

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

## Meeting Minutes - Final-revised 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, September 22, 2015

1:00 PM

Council Chambers

---

### 1. Call to Order

**Present:** 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

### 2. Invocation and Pledge of Allegiance

The Invocation was led by Councilmember King.

The Pledge of Allegiance was led by Council President Bennett.

The Talent Advancement Program choral group from Colorado Springs' Siter City, Bankstown Australia, performed for City Council.

### 3. Changes to Agenda/Postponements

Eileen Gonzalez stated the item discussed in the Work Session yesterday is included in the Added Item Agenda.

Council President Bennett stated item B.4.E. will follow item 12.G. as they relate to the same topic.

Councilmember Knight requested items 4.B.A. and 4.B.D. be pulled from the Consent Calendar.

### 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.** [15-00516](#)

Ordinance No. 15-62 amending all articles of Chapter 1

(Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-62

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.B.** [15-00517](#) Ordinance No. 15-63 amending Part 3 (Facility Security) of Article 2 (City Properties) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-63

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.C.** [15-00518](#) Ordinance No. 15-64 amending Article 13 (Relocation Policy and Program) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-64

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.D.** [15-00519](#) Ordinance No. 15-65 amending Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-65

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.E.** [15-00520](#) Ordinance No. 15-66 amending Part 1 (Dangerous and Deadly Weapons) and Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-66

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.F.** [15-00521](#) Ordinance No. 15-67 repealing and reordaining Chapter 13 (Memorial Hospital) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-67

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.G.** [15-00522](#) Ordinance No. 15-68 amending Article 9 (Initiated Ordinance Pertaining to Enterprises) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-68

**This Ordinance was finally passed on the Consent Calendar.**

**4B. First Presentation:**

- 4B.B.** [15-00598](#) Boards and Commissions

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

- 4B.C.** [15-00538](#) Ordinance No. 15-72 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for the purchase of replacement fire apparatus.

Res/Ord Number: 15-72

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

- 4B.F.** [15-00579](#) Ordinance No. 15-73 amending the zoning map of the City of Colorado Springs pertaining to a 7.2 acre property located at 1301, 1353, and 1355 S. 8th Street from OC and R-5 to PBC.

Quasi-Judicial

Res/Ord Number: 15-73

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

- 4B.G.** [15-00580](#) Gearonimo Concept Plan to utilize a portion of the property for indoor recreation.

Quasi-Judicial

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

**Approval of the Consent Agenda**

**Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, 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.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

## 5. Recognitions

- 5.A.**    [15-00572](#)    A Resolution of Appreciation and Gratitude to the Friends of Cheyenne Canon for Their Partnership with the Helen Hunt Falls Visitor and Nature Center

Res/Ord Number: 89-15

**Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, that the Resolution thanking the Friends of Cheyenne Canon for their gift to the City be adopted. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

### **Proclamation designating September 26, 2015 through October 4, 2015 as Creek Week.**

Council President Pro Tem Gaebler read a proclamation designating September 26, 2015 through October 4, 2015 as Creek Week in the City of Colorado Springs.

Allison Plute with the CSU Watershed Planning Group expressed appreciation for the participation in the creek clean-up projects last year and encouraged everyone to get involved this year.

## 6. Citizen Discussion

Citizens David Hopkins and Carrie Baatz spoke in opposition to the proposed "Sit/Lie" ordinance.

Citizen Douglas Bruce spoke about the Helen Collins ethics hearing.

Citizen Charles Bobbitt voiced concern about how funds from the proposed tax increase on the November ballot will be used.

## 7. Mayor's Business

Mayor Suthers introduced Jena Hausmann, CEO, Children's Hospital of Colorado. Ms. Hausmann announced plans to build a dedicated Children's Hospital located at the Memorial Hospital North Campus in Colorado Springs.

- 7.A.**    [15-00602](#)    Nomination to fill an unexpired term on the Colorado Springs Health Foundation Board of Trustees.

Mayor John Suthers presented Mira Ramirez as the nominee to fill a vacant position on the Colorado Springs Health Foundation Board of Trustees.

**Motion by Councilmember Murray, seconded by Councilmember Strand, to appoint Mira Ramirez to fill the unexpired term of Phil Lane on the Colorado Springs Health Foundation Board of Trustees for a term expiring 3/12/2018. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

## 8. Items Called Off Consent Calendar

### 4B.A. [15-00599](#) City Council Meeting Minutes, September 8, 2015

Councilmember Knight stated he pulled this item off the Consent Calendar because he would like to have his comments regarding the Bates Student Housing project stated more clearly.

**Motion by Councilmember Bagley that the Minutes of the September 8, 2015 City Council meeting be approved as amended. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

### 4B.D. [15-00482](#) A resolution authorizing the partial abandonment of the North Nevada Corridor - Fillmore to Austin Bluffs project in the amount of \$264,677 and transferring \$100,000 to the Cascade Bridge over Cheyenne Creek Bridge Replacement Project and \$164,677 to the Verde Drive over Spring Creek Bridge Replacement Project

Res/Ord Number: 90-15

Councilmember Knight stated he pulled this item off the Consent Calendar to request confirmation that the traffic study recommended prior to completion of the North Nevada Corridor will be done.

Kathleen Kraeger, Transportation Manager, stated this traffic study is in-progress.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, 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.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

## 9. Utilities Business

### 9.A. [15-00570](#) Request to Establish a Public Hearing Date for the Consideration of Resolutions Regarding Certain Changes to Utilities Rules and Regulations and Setting Electric, Natural Gas and Water Rates Within the Service Areas of Colorado Springs Utilities

Sonya Thieme, Planning and Rates Manager, CSU, introduced this request to establish a public hearing date and provided a brief overview of the proposed changes to the utility rates.

**Motion by Councilmember Pico, seconded by Councilmember Murray, to approve the proposed hearing date of November 24, 2015. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 9.B.** [15-00569](#) A Resolution Approving the Naming of the New Southern Delivery System Water Treatment Facility, The "Edward W. Bailey Water Treatment Plant"

Res/Ord Number: 91-15

Jerry Forte, CEO CSU, provided an overview of this resolution and introduced Mr. Edward W. Bailey. Mr. Bailey thanked the City for this honor.

**Motion by Councilmember Bagley, seconded by Councilmember Strand, that the resolution be adopted. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 9.C.** [15-00571](#) A resolution granting the City of Colorado Springs approval to enter into the Intergovernmental Agreement - restoration of yield cost sharing among the City of Aurora, the Southeastern Colorado Water Conservancy District, the City of Fountain, the City of Colorado Springs, the Board of Water Works of Pueblo, Colorado, and the Pueblo West Metropolitan District

Res/Ord Number: 92-15

Jerry Forte, CEO CSU, introduced this item.

There were no Councilmember questions or comments on this item.

**Motion by Councilmember Murray, seconded by Councilmember Pico, that the resolution to accept the Intergovernmental Agreement to Effectuate Cost Sharing of Planning Studies for the Pueblo Flow Management Restoration of Yield Program be adopted. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

## 10. Unfinished Business

- 10.A.** [15-00515](#) Ordinance No. 15-69 Excluding Certain Property from the Interquest South Business Improvement District (Quasi-Judicial)

Res/Ord Number: 15-69

There were no questions or comments on this item.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the ordinance excluding certain property from the boundaries of the Interquest South Business Improvement District be finally passed. The motion passed by a vote of 7-2-0.**

**Aye:** 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

**No:** 2 - Collins, and Murray

- 10.B.** [15-00523](#) Ordinance No. 15-70 Including Certain Property into the Interquest South Business Improvement District (Quasi-Judicial).

Res/Ord Number: 15-70

There were no questions or comments on this item.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the ordinance including certain properties in the boundaries of the Interquest South Business Improvement District be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

- 10.C.** [15-00525](#) Ordinance No. 15-71 Amending Ordinance 04-238 to Allow City Council to Fill Vacancies on the Board of Directors of the Interquest South Business Improvement District by Appointment. (Legislative)

Res/Ord Number: 15-71

Councilmember Collins stated she does not support improvement districts and urged constituents to research the improvements districts in the City.

**Motion by Councilmember Strand, seconded by Councilmember Bagley, that the ordinance amending Ordinance No. 04-238 to allow City Council to fill vacancies on the Board of Directors of the Interquest South Business Improvement District by Appointment be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

## 11. New Business

- 11.A.** [15-00561](#) A Resolution Appointing Two Members to the Interquest South Business Improvement District Board of Directors

Res/Ord Number: 93-15

Carl Schueler, Comprehensive Planner, Land Use and Review, stated the amended version of this document has been provided to Council.

Councilmember Knight stated he believes the second reading of Ordinance 15-71, allowing City Council to appoint board members to the Interquest South Business Improvement District, should be completed before this resolution is formally adopted. The resolution was amended

to indicate these nomination will not be formally approved until the ordinance is finally passed.

**Motion by Councilmember Bagley, seconded by Councilmember Murray, that the amended resolution appointing two members to the Interquest South Business Improvement District Board of Directors be adopted. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

- 11.B.** [15-00484](#) A resolution confirming recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2016 budget

Res/Ord Number: 94-15

Councilmember Strand recognized the efforts of the LART Committee for their work on these recommended expenditures.

Councilmember Collins stated the committee carefully considered 73 applications and endorsed the decision support the organizations selected by the committee.

Aikta Marcoulier thanked City Council and the Mayor for including funds to support the Small Business Development Center.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Resolution be adopted. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

## 12. Public Hearing

- 12.A.** [15-00577](#) An appeal of the Planning Commission's denial of an appeal of an administrative approval of a non-use variance to allow a 2.3 foot side yard setback where 5 feet are required, located at 5675 Majestic Drive.

Quasi-Judicial

David Andrews, Legislative Counsel, requested this item be postponed to a date certain, the October 13, 2015 City Council Meeting, per request of the parties involved.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, to postpone the public hearing for the appeal to a date certain, the October 13, 2015 City Council Meeting. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand



- 12.B. [15-00578](#) An appeal of the Planning Commission's action to approve a minor amendment to the Colorado College Master Plan.

Quasi-Judicial

David Andrews, Legislative Counsel, requested this item be postponed to a date certain, the October 13, 2015 City Council Meeting, per request of the parties involved.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, to postpone the public hearing for the appeal to a date certain, the October 13, 2015 City Council Meeting. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 12.C. [15-00581](#) Ordinance No. 15-74 amending the zoning map of the City of Colorado Springs relating to a 9,250 square foot property located at 702 W. Colorado Avenue from C-5 to C-5/P.

Quasi-Judicial

Res/Ord Number: 15-74

Michael Turisk, Planner II, Land Use and Review, presented a summary of this brew pub and restaurant development plan including a zone change, variance and vacation of right of way.

Councilmember King requested information about the noise concerns and the proximity of the residential area to the patio area. Mr. Turisk confirmed the neighbor's concerns about noise are related to the open patio area and Council actions today will determine the distance between the patio and the nearest residence.

Councilmember Knight asked if this property is included in the Old Colorado City parking exemption overlay. Mr. Turisk stated this property is not within the area and provided details on the required parking places and the variance being requested.

Ray Hoyt with Echo Architecture, representing the applicant, presented an overview of the development plan for this infill project. Mr. Hoyt explained how the developers have adjusted the development plan in response to concerns from the Planning Commission and the neighbors.

Jerry Morris, property owner, provided additional information about the business plan.

Bonnie Olson, adjacent property owner, spoke in opposition to the

development. Ms. Olson expressed concern about the noise and lighting created by the development.

Citizens Collin Gregory and Carrie Simison spoke in support of the development.

Discussion continued between Councilmembers and the property owners regarding their desires and willingness to accept modifications to the development plan in an effort to reach a compromise agreeable to both parties.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance to approve the zone change from C-5 (intermediate business) to C-5/P (intermediate business/Planned Provisional) based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries) be approved on first reading. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 12.D.** [15-00584](#) A request by Cerberus Brewing Company for a development plan for a brew-pub and restaurant located at 702 W. Colorado Avenue.

Quasi-Judicial

Please see comments in agenda item 12.C.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the development plan for the Cerberus Brewing Company, based on the finding the plan complies with the review criteria in City Code Section 7.5.502.E (Review Criteria for Development Plans) subject to compliance with the technical modifications to the development plan as required per the Record-of-Decision from the August 20, 2015 Planning Commission meeting and with a minimum 15-foot setback from the W. Colorado property line to the patio seating area; and the applicant shall construct a solid wall that is 10-foot in height (either atop the existing retaining wall or an entirely new wall) from the W. Colorado property line to the beginning of the on-site parking area. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 12.E.** [15-00585](#) A request by Cerberus Brewing Company for a non-use variance for a liquor establishment within 200-feet of a residentially zoned/used property located at 702 W. Colorado Avenue.

Quasi-Judicial

Please see comments in agenda item 12.C.

**Motion by Councilmember Strand, seconded by Councilmember Murray, to approve the non-use variance for an on premises liquor establishment within 200 feet from any residentially-used or -zoned property, per 7.5.802.B, subject to the**

conditions of approval as specified in the Record-of-Decision from the August 20, 2015 Planning Commission meeting and including the following; hours of operation time limit of 10pm for the patio; in addition, no outdoor/patio music shall be allowed past 10pm; and all outdoor lighting must meet Code requirements. Transient lighting onto adjacent and neighboring properties shall be prohibited. The motion passed by a vote of 9-0-0.

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 12.F.** [15-00586](#) Ordinance No. 15-75 vacating a public right of way of a portion consisting of 1,227 square feet, located north and west of W. Colorado Avenue and S. 7th Street, respectively.

Legislative

Res/Ord Number: 15-75

Please see comments in agenda item 12.C.

Councilmember Knight stated he is struggling with this decision as Council is overriding the Planning Commission's decision on this.

Council President Bennett stated he supports this as this alley way is non-functional and the vacation will help with traffic flow and parking in the area.

**Motion by Councilmember King, seconded by Councilmember Bagley, to approve the vacation of the public right-of-way that bisects the subject property between McKinley Place and S 7th Street, based on the finding that the vacation meets the criteria set forth in City Code Section 7.7.402.C. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Collins, Gaebler, King, Murray, Pico, and Strand

**No:** 1 - Knight

- 4B.E.** [15-00575](#) Ordinance No. 15-77 amending the zoning map of the City of Colorado Springs, pertaining to 3.04 acres located at 2727 North Cascade Avenue from R-1 6000 (Single-Family) to PUD (Planned Unit Development).

Quasi-Judicial

Res/Ord Number: 15-77

Mr. Wysocki introduced this infill project including a zone change and concept plan.

Councilmember Knight stated some of the changes approved by the Planning Commission (including high density residential) are inconsistent with the plan to repurpose a school into a retail shopping center. Mr. Wysocki stated the inconsistencies are a compromise

between the applicant, planning staff and the Planning Commission which will allow flexibility with the development.

John Olson with EV Studio, the applicant, provided an overview of the development plan.

Citizen Paul Meyer, spoke on behalf of The Allergy Associates, in favor of the application. Councilmember Strand asked how the clinic feels about the resulting increase in traffic due to the development. Mr. Meyer stated they do not see it as a problem. Councilmember Strand asked how they feel about having a residential community developed in the space. Mr. Meyer stated they would prefer commercial use, but any use is better than having an empty building.

**Motion by Councilmember Pico, seconded by Councilmember Bagley, to approve the zone change from R-1 6000 to PUD (commercial with a maximum of 35,000 square feet, office, civic, 20 dwelling units/acre maximum density for residential, 45-foot maximum building height for residential uses, 35-foot maximum building height for all other uses), based on the finding the request complies with the review criteria in City Code Sections 7.3.602, 7.3.603 and 7.5.603.B (Establishment or Change of Zone District Boundaries). The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 12.G.** [15-00576](#) A request by EV Studio for a concept plan for the redevelopment of the Lincoln Elementary School, located at 2727 North Cascade Avenue.

Quasi-Judicial

Please see comments in agenda item 4.B.E.

**Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, to approve the concept plan for Lincoln School, based on the finding the plan complies with the review criteria in City Code Section 7.3.605 (Review Criteria for PUD Concept Plans) subject to compliance with the significant modifications and technical and/or informational modifications to the concept plan as required in the Draft Record-of-Decision from the August 20, 2015 Planning Commission meeting. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

### 13. Added Item Agenda

- 13.A.** [15-00613](#) Ordinance No. 15-76 creating a six (6) month moratorium on the establishment of any new marijuana consumption club facility within the City limits.

Res/Ord Number: 15-76

Peter Wysocki, Director of Planning and Development, provided an overview of the request to place a six month moratorium on the establishment of any new marijuana consumption clubs and processing of any land use approvals for new medical marijuana facilities. This measure will allow the City to evaluate and establish better regulations. Mr. Wysocki stated all departments involved in the approval of marijuana establishments are in support of this measure.

Councilmember Knight explained citizens are concerned about marijuana consumption clubs opening in neighborhoods. Marijuana consumption clubs are not regulated in the City. Councilmember Knight would like to find a solution that will not hinder the marijuana industry but will also not be detrimental to the neighborhoods.

Council discussed the process of establishing a marijuana related business and the effects of this moratorium on the industry. Wynetta Massey, City Attorney, explained marijuana consumption clubs are not currently regulated, and are approved under the same regulations as social clubs. Under the moratorium, currently operating clubs will be allowed to continue doing business, while clubs established after the moratorium ends will be required to comply with the regulations established in during this proposed moratorium.

Council President Pro Tem Gaebler asked how this moratorium will affect businesses currently in the application process. Ms. Massey explained this measure will prevent the Planning Department from approving new marijuana related business applications but will not hinder previously approved plans.

Councilmember Knight asked if there are any medical marijuana establishments in the approval process at this time. Lee McRae, License Enforcement Specialist, stated all applications in process prior to September 21, 2015 have received approval from the Planning Department and will be allowed to continue to establish their business. The City Clerk's Office received at least four new applications September 22, 2015 which have not been reviewed.

Citizens Jan Doran, David Hopkins, Paul Seeling, and Dave Munger spoke in support of the proposed moratorium.

Citizens Andrea Morgan, Jaymen Johnson, KC Stark, D. Aigner, Andrew Porch, John Cureton, Luther Bonow, Eddie Jackson, Joseph Fisher,

Dale Hecht, Garrett Casey, Mark Eccher, Cliff Black, Daniel Goodman, Charles Houghton, Kaitlyn Hecht, Lewis Lambert, Ian Gillespie, Ali Hillary, Jared McCasker, Reverend Patrick Partridge, Gina Stokes, Lloyd Johnson, Shan Moore, Ryan Kirk and Andrew Schmitt spoke in opposition of the proposed moratorium.

Councilmember Strand asked if bifurcating these two business types, medical marijuana facilities and consumption clubs, would be a feasible option today. Mr. Wysocki stated a moratorium on all new marijuana facilities would ensure the regulations are designed to work in conjunction with each other.

Police Chief Peter Carey stated there are at least nine marijuana consumption clubs in Colorado Springs, the lack of regulation of these clubs creates concern for officers responding to calls involving them. Fire Chief Christopher Riley reiterated the concerns presented by Chief Carey; the lack of regulation of these clubs poses potential danger to staff.

Councilmember Pico demanded this item be bifurcated to consider medical marijuana establishments and consumption clubs separately.

**Motion by Councilmember Knight, seconded by Councilmember Bagley, that the Ordinance be amended to remove all references to Medical Marijuana and be approved on first reading. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

Res/Ord Number: 15-76

**Motion by Councilmember Knight, seconded by Councilmember Bagley, to postpone the discussion of a possible moratorium for new medical marijuana establishments to a date certain, the October 13, 2015 City Council meeting. The motion passed by a vote of 7-2-0.**

**Aye:** 7 - Bagley, Bennett, Collins, Gaebler, King, Knight, and Pico

**No:** 2 - Murray, and Strand

#### 14. Executive Session

There was not an Executive Session.

#### 15. Adjourn