



City of Colorado Springs

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

Meeting Minutes City Council

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

Tuesday, May 8, 2018

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

Councilmember Bennett was excused at approximately 5:15 PM

2. Invocation and Pledge of Allegiance

The Invocation was made by Gay Williams, Chaplain, Colorado Springs Fire Department.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Eileen Krauth, City Council Administrator, stated staff requested item 11.E. be postponed to the May 22, 2018 City Council meeting and items 12.A. and 12.B. be moved before New Business. She also requested items 5.B. and 5.C. be delayed until the law enforcement representatives arrive.

Consensus of Council agreed to these changes on the agenda.

4. Consent Calendar

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

4A. Second Presentation:

4A.A. [CPC CA
18-00014](#)

Ordinance No. 18-37 amending Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Screening and

Fencing.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director

Attachments: [Ordinance ScreeningAndFencing 4-17-18](#)

[FIGURE 1_Temporary Fences Pic Packet](#)

[Signed Ordinance 18-37](#)

This Ordinance was finally passed on the Consent Calendar.

4A.B. [CPC CA
18-00020](#)

Ordinance No. 18-38 amending Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements) 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 Utilities Charges.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director
Mike Schultz, Principal Planner

Attachments: [PlanDev-UtilityPaymentsORD-2018-04-02](#)

[Signed Ordinance 18-38](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [CPC PUZ
17-00122](#)

Ordinance No. 18-39 amending the zoning map of the City of Colorado Springs relating to 62.5 acres from A (Agriculture) to PUD (Planned Unit Development; single-family residential, 2.45 DU/AC, 35-foot maximum building height), located southwest of Hawkstone Drive and Walnut Creek Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 17-00122, CPC ZC 17-00123, CPC PUD 17-00124

Presenter:

Peter Wysocki, Director Planning and Community Development
Catherine Carleo, Principal Planner, Planning and Community

Development

Attachments: [EXHIBIT A_PUD Zone](#)
[EXHIBIT B_PUD Zone](#)
[Vicinity Map_FH #4 Palermo](#)
[ZC_Ordinance_Flying Horse #4](#)
[Signed Ordinance 18-39](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [CPC ZC 17-00123](#) Ordinance No. 18-40 amending the zoning map of the City of Colorado Springs relating to 10.2 acres from A (Agriculture) to PK (Public Parks), located southwest of Hawkstone Drive and Walnut Creek Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 17-00122, CPC ZC 17-00123, CPC PUD 17-00124

Presenter:

Peter Wysocki, Director Planning and Community Development
Catherine Carleo, Principal Planner, Planning and Community Development

Attachments: [EXHIBIT A_PK Zone](#)
[EXHIBIT B_PK Zone](#)
[ZC_Ord_PK-Flying Horse #4 Palermo](#)
[Signed Ordinance 18-40](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.E.** [18-0167](#) Ordinance No. 18-41 amending multiple sections within Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Colorado Springs Utilities

Presenter:

Ken Burgess, Division Chief-Utilities, Office of the City Attorney
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [18-0167 GovernanceCh1ORD-2018-04-17FINAL.docx](#)
[Signed Ordinance 18-41](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.F.** [18-0188](#) Ordinance No. 18-42 amending Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001,

as amended, pertaining to Colorado Springs Utilities

Presenter:

Ken Burgess, Division Chief-Utilities, Office of the City Attorney
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [18-0188 GovernanceCh12ORD-2018-04-13FINAL.docx](#)
[Signed Ordinance 18-42](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [18-0223](#) City Council Regular Meeting Minutes April 24, 2018

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [4-24-2018 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [18-0150](#) A Resolution Authorizing the Acquisition of Approximately 40 Acres of Real Property Owned by Justin Watkins and Melissa Watkins for the Purpose of Public Open Space and Trails as an Extension of Cheyenne Mountain State Park

Presenter:

Britt Haley, Design and Development Manager / TOPS Program Manager - Parks, Recreation and Cultural Services
David Deitemeyer, Senior Landscape Architect - Parks, Recreation and Cultural Services

Attachments: [04-23-18 Watkin 40 AC Acquisition - Resolution FINAL](#)
[04-23-18 - Watkins Parcel Powerpoint](#)
[Signed Resolution 40-18](#)

This Resolution was adopted on the Consent Calendar.

4B.C. [18-0152](#) Ordinance No. 18-44 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Trails, Open Space and Parks (TOPS) Fund in the amount of \$159,500 for acquisition of approximately 40 acres owned by Justin Watkins and Melissa Watkins for the purpose of public open space and trails as an extension of Cheyenne Mountain State Park

Presenter:

Britt Haley, Design and Development Manager/TOPS Program Manager

- Parks, Recreation and Cultural Services
David Deitemeyer, Senior Landscape Architect - Parks, Recreation and Cultural Services

Attachments: [050818 Watkins Property Appropriation Ordinance](#)

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

- 4B.D.** [18-0197](#) A Resolution Authorizing the Acquisition of Approximately 31.918 Acres Owned by Jacob Snell and Shantell Snell for the Purpose of Public Open Space and Trails as an Extension of Cheyenne Mountain State Park

Presenter:
Britt Haley, Design and Development Manager / TOPS Program Manager
David Deitemeyer, Senior Landscape Architect - Parks, Recreation and Cultural Services

Attachments: [4-23-18 - Snell Acquisition - Resolution Final](#)

[4-23-18 - Exhibit 2A - Snell Vicinity Map](#)

[4-23-18 - Exhibit 2B - Snell Parcel Map](#)

[04-23-18 - Snell Parcel Powerpoint](#)

[Signed Resolution 41-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.E.** [18-0196](#) Ordinance No. 18-45 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Trails, Open Space and Parks (TOPS) Fund in the amount of \$139,000 for acquisition of approximately 31.918 acres owned by Jacob Snell and Shantell Snell for the purpose of public open space and trails as an extension of Cheyenne Mountain State Park

Presenter:
Britt Haley, Design and Development Manager / TOPS Program Manager
David Deitemeyer, Senior Landscape Architect

Attachments: [4-23-18 - Snell Appropriation Ordinance - FINAL](#)

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

- 4B.F.** [18-0194](#) Ordinance No. 18-46 amending Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to bicycle-share business licensing

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Clerk-BikeShareFees-2018-04-23](#)

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

4B.G. [18-0193](#)

Ordinance No. 18-47 adopting a new Part 13 (Bicycle-Share Businesses) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to bicycle-share business licenses and providing penalties for the violation thereof

Presenter:

Jill Gaebler, District 5 City Council Member

Susan Edmonson, Downtown Partnership

Sarah B. Johnson, City Clerk

Mitch Hammes, Code Enforcement Services Manager

Attachments: [BikeShareDraftORD-4-09-18.docx](#)

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

4B.H. [18-0200](#)

Request to Establish a Public Hearing Date of June 12, 2018 for the consideration of Resolutions regarding certain changes to Colorado Springs Utilities' Tariffs

Presenter:

Sonya Thieme, Rates Manager

Attachments: [2018 Proposed Tariff Changes Filing.pdf](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

5. Recognitions

5.A. [18-0204](#)

A Resolution of Appreciation for Kelly Eliason on the occasion of her retirement from the City of Colorado Springs

Presenter:

Greg Warnke, Manager, Parking System Enterprise

Attachments: [Retiree Resolution Eliason](#)
[Signed Resolution 42-18](#)

Greg Warnke, Manager, Parking System Enterprise, presented the Resolution of Appreciation for Kelly Eliason for her twenty-eight years of service with the City of Colorado Springs.

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Resolution of appreciation for Kelly Eliason on the occasion of her retirement from the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 5.B.** [18-0195](#) A Resolution to acknowledge and endorse the achievement of accreditation by Colorado Springs Police Department, Colorado Springs Fire Department, and Colorado Springs Office of Emergency Management.

Presenter:

Bret Waters, Director, Office of Emergency Management
Ted Collas, Fire Chief, Colorado Springs Fire Department
Pete Carey, Police Chief, Colorado Springs Police Department

Attachments: [Accreditation Resolution Final.doc](#)
[Signed Resolution 43-18](#)

Bret Waters, Director, Office of Emergency Management, and Deputy Chief of Staff, presented a Resolution to acknowledge and endorse the achievement of accreditation by the Colorado Springs Police Department, Fire Department, and Office of Emergency Management. He explained the Office of Emergency Management accreditation program strives for standards of excellence and strengthens the City's commitment to support response partners, citizens, and visitors in an emergency. He identified that Colorado Springs was the only municipality accredited in the state of Colorado and one of twelve accredited in the nation. He said this was the second time the Office of Emergency Management had received the accreditation.

Police Chief Pete Carey expressed appreciation for the accreditation for the Colorado Springs Police Department and introduced Amanda Terrell-Orr, Police Planning and Compliance Administrator, and Larry

Herbert, Accreditation Program Coordinator.

Deputy Chief Randy Royal, Colorado Springs Fire Department, identified the extensive process involved in achieving accreditation and the small number of accreditations given throughout the country which emphasizes the accomplishments of the Colorado Springs Fire Department.

Councilmember Bennett read the Resolution to acknowledge and endorse the achievement of accreditation for the three departments.

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Resolution to acknowledge and endorse the achievement of accreditation by Colorado Springs Police Department, Colorado Springs Fire Department, and Colorado Springs Office of Emergency Management be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 5.C.** [18-0217](#) A Resolution recognizing May 15, 2018 as Peace Officers Memorial Day in Colorado Springs

Presenter:

Commander Dave Edmondson, Colorado Springs Police Department

Attachments: [050818 Peace Officers Memorial Day 2018 Resolution](#)
[Signed Resolution 44-18](#)

Commander Dave Edmondson, Colorado Springs Police Department, presented a Resolution recognizing May 15, 2018 as Peace Officers Memorial Day in Colorado Springs and expressed appreciation for everyone who had worked on the project. He said the Pikes Peak Region Peace Officers' Memorial will be officially dedicated on that day.

El Paso County Sheriff Bill Elder, Colorado Springs Police Chief Carey, and Andy Cain also expressed appreciation for the community involvement in the effort.

Eileen Krauth, City Council Administrator, read the Resolution.

A moment of silence was observed for the men and women who had made the ultimate sacrifice in the line of duty.

Motion by Councilmember Geislinger, seconded by Councilmember Strand, that the Resolution recognizing May 15, 2018 as Peace Officers Memorial Day in

Colorado Springs be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 5.D.** [18-0225](#) A Resolution of Appreciation designating May as Historic Preservation Month.

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Development Department

Dan Sexton, Senior Planner, Planning & Development Department

Peter Wysocki, Planning & Development Director

Attachments: [Resolution](#)

[2018 Preservation Month Presentation](#)

[Signed Resolution 45-18](#)

Hannah Van Nimwegen, Senior Planner, Planning and Development Department, presented a Resolution of appreciation designating May as Historic Preservation Month.

Carol Lopez, Historic Preservation Board, gave a brief history of the Rock Ledge Ranch Historic Site.

Andy Morris, Parks Operations Administrator, identified the number of visitors and the volunteers that work at the Rock Ledge Ranch Historic Site.

Councilmember Strand read the Resolution of appreciation.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution of Appreciation designating May as Historic Preservation Month be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 5.E.** [18-0208](#) A Proclamation proclaiming May 2018 as Older Americans Month in Colorado Springs

Presenter:

Claire Anderson, Executive Director, Innovations in Aging Collaborative

Attachments: [Older Americans Month](#)

Claire Anderson, Executive Director, Innovations in Aging Collaborative, recognized the contributions of older Americans to the community.

Councilmember Strand read a Proclamation proclaiming May 2018 as Older Americans Month in Colorado Springs.

There were no comments on this item.

6. Citizen Discussion

Several students from North Middle School requested the Martin Drake power plant to be closed by 2025 due to pollution of the environment and its unattractiveness in the City.

Citizens David Noblitt and John Roy, Colorado Springs Professional Firefighters Association, requested a collective bargaining initiative to be placed on the April 2019 municipal election ballot in regards to the concerns of the employees of the Colorado Springs Fire Department. Consensus of Council agreed to discuss this request.

Citizen Gerald Miller spoke about the power of a penny.

Citizens Priscilla Gomez-Stream, Lisa Erleman, Lisa Sheldon, Jim Lucas, and Dorothy Cain identified their concerns regarding the City's sale of the property at 4921 Templeton Gap Road to Greccio Housing.

Citizens Deborah Janke and Steven Janke spoke about potential problems with the different methods of deer control.

Citizen Kevin Bright spoke regarding the five charges filed against her and read the letter she had written to Queen Elizabeth regarding the honeybees of South Academy.

Citizen Lawrence Martinez spoke about the condition of the City's waterways and the need to protect the environment.

Citizen Ross Klinger gave a brief history of the Peacock Ranch.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

9.A. [18-0199](#) Stormwater: Proposed Utilities Rules and Regulations Changes

Presenter:

Chris Bidlack, Senior Attorney, City Attorney's Office

Attachments: [Stormwater_Council_Presentation-5-8-18.pptx](#)

[12 - Redline URR Sheet 12 Final.docx](#)

[12 - URR Sheet 12 Final.docx](#)

[24 - Redline URR Sheet 24 Restated.docx](#)

[24 - URR Sheet 24 Restated.docx](#)

[25 - Redline URR Sheet 25 Restated.docx](#)

[25 - URR Sheet 25 Restated.docx](#)

[25.1 - Redline URR Sheet 25.1 Original.docx](#)

[25.1 - URR Sheet 25.1 Original.docx](#)

[50 - Redline URR Sheet 49 Restated.docx](#)

[50 - URR Sheet 49 Restated.docx](#)

[URR Stormwater ChangesRES-2018-4-12.docx](#)

[Signed Resolution 46-18](#)

Chris Bidlack, City Attorney, Colorado Springs Utilities Division, presented the proposed Utilities Rules and Regulations and City Code changes needed in order to facilitate stormwater billing.

Councilmember Strand asked if the Finance Committee had any concerns regarding the stormwater billing. Councilmember Knight, a member of the Finance Committee, said the pro-rated calculation for stormwater for nonpayment was of concern, but there will eventually be software implemented to address that issue.

Citizen Ross Klinger asked for clarification regarding the residential versus commercial stormwater billing. Councilmember Pico explained the difference in the billing procedures.

Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Resolution regarding proposed changes to Utilities Rules and Regulations be adopted. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

9.B. [18-0215](#) Ordinance No. 18-48 amending Sections 102 (Legislative Findings), 107 (Authorities, Powers and Duties of Utilities Chief Executive Officer), and 112 (User Charges for Utility Service), and creating a new Section

120 (Stormwater Service Fee Billing) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to changes related to Stormwater billing.

Presenter:

Chris Bidlack, Senior Attorney, Colorado Springs City Attorney's Office - Utilities Division

Attachments: [CSU-StormwaterBillingCh12ORD-2018-04-23.docx](#)

Please see comments in item 9.A.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Ordinance amending Sections 102 (Legislative Findings), 107 (Authorities, Powers and Duties of Utilities Chief Executive Officer), and 112 (User Charges for Utility Service), and creating a new Section 120 (Stormwater Service Fee Billing) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to changes related to Stormwater billing be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

10. Unfinished Business

10.A. [CPC CA 17-00144](#)

Ordinance No. 18-43 amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all 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 Banning Lewis Ranch Regulations

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Development

Attachments: [BLR_RegulationsORD-2018-04-02](#)

[CPC_Minutes_BLR Code Amendment](#)

[Signed Ordinance 18-43](#)

There were no comments on this item.

Motion by Councilmember Pico, seconded by Councilmember Strand, that the Ordinance amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all 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 Banning Lewis Ranch Regulations be finally passed. The motion passed by a vote of 8-1-0-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 1 - Murray

11. New Business

- 11.A.** [18-0145](#) Ordinance No. 18-50 repealing and reordaining Part 1 (Fire Prevention Code) of Article 4 (Fire Prevention) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended, adopting the 2015 Edition of the International Fire Code with amendments and providing penalties for the violation thereof

Presenter:

Fire Marshal Brett Lacey

Attachments: [Fire-2015 IFC AmendmentsAdoptionByReferenceORD-2018-04-04](#)

Fire Marshal Brett Lacey presented an Ordinance adopting the 2015 edition of the International Fire Code with proposed amendments and identified that the public hearing notification requirements had been met.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Ordinance repealing and reordaining Part 1 (Fire Prevention Code) of Article 4 (Fire Prevention) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended, adopting the 2015 Edition of the International Fire Code with amendments and providing penalties for the violation thereof be approved on first reading. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 11.B.** [CPC CA 18-00033](#) Ordinance No. 18-51 amending Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the cultivation of marijuana and medical marijuana in violation of the Zoning Code and providing remedies for the violation thereof (Legislative)

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Attachments: [ORD_MJ_Cultivation-Non-Residential-2018-03-05](#)
[Staff Report Code Amendment - Section 7.3.205](#)
[7.2.302.C.22 DefinitionUseType MMJ Facility](#)
[7.3.105.P Personal Cultivation of MJ.MMJ](#)
[7.3.205.M Additional Standards MMJ Facility](#)
[7.5.602 Applications](#)
[7.5.603 Findings - ZC req_CA](#)
[Non-Licensed Commercial Grows Ord Package Apr232018](#)

Bret Waters, Deputy Chief of Staff, presented the Ordinances addressing unlicensed marijuana cultivations in non-residential areas and the unlawful transfer of marijuana. He explained that all three are clarifications of existing City Code and address public safety matters. He said they had been previously reviewed by the Council President's Special Marijuana Working Group.

Councilmember Murray stated that he will be voting against these items because of the penalty based aspect of them.

Citizen Tom Gallivan, a member of the Council President's Special Marijuana Working Group, spoke in favor of the proposed amendments.

Citizens Caesar Morganti, Charles Binen, Amber Oliveres, Alfred Gonzales, Bridget Seritt, Scott Anderson, Bob Wiley, Cindy Culp, Andrew Brown, and Bob Brenner, spoke in opposition of the proposed amendments.

Councilmember Strand asked if vacating the identified commercial properties had been discussed during the marijuana working group meeting. Mr. Waters said it had and that unlicensed grows in non-residential areas is illegal.

President Pro Tem Gaebler asked if there is a solution for the individuals growing in commercial areas. Mr. Water stated the solution lies with bridging the gap between the licensed dispensaries which are highly regulated and the patients or caregivers.

Commander Rafael Cintron, Colorado Springs Police Department, said a majority of the large illegal grow complaints that they respond to belong to drug trafficking organizations selling to the black market. President Skorman asked if any of the commercial growers identify that they are caregivers. Commander Cintron responded that some people are able to provide documentation and others are not.

President Pro Tem Gaebler said that this Ordinance is supporting existing

laws, but that there needs to be a balance to support patients who need cannabis.

Councilmember Geislinger said he supports the use of medical marijuana for medical needs, but not unregulated marijuana grows.

Councilmember Murray said all he sees are penalties and no solutions for patient and caregiver grows in commercial areas. President Skorman stated there needs to be a way to regulate grows in commercial spaces for patients. Mr. Waters said because the City Code already exists and this is just clarifying language for the Police and Fire Departments, that even if these items are postponed or denied, unlicensed grows are illegal. He said it would be very difficult to determine licensing for caregivers. He stated there are licensed, regulated dispensaries in place to work with patients and caregivers.

Jeff Greene, Chief of Staff, stated this is only asking for clarification of existing City Code so that police and fire employees can do their jobs. He said that postponing the items will only allow the vagueness to continue.

Councilmember Geislinger commented he does not support postponing the items and that a work session is needed in order to address these issues and come to a compromise. Mr. Waters said the Council President's Special Marijuana Working Group will continue to discuss these issues, possible solutions, and will keep Councilmembers informed of the next meeting date.

Councilmember Strand asked what impact postponing the items would have. Fire Marshal Lacey explained the risk involved with the various hazardous safety violations that inspectors are encountering at some of the illegal commercial locations.

Councilmember Strand asked if the Ordinances are passed, if operations will continue as they currently are. Fire Marshal Lacey confirmed they would and these items just clarify the language. Commander Cintron explained that it will create efficiencies in the way marijuana grows are investigated.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance amending section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the cultivation of marijuana and medical marijuana in violation of the Zoning Code and providing remedies for the violation thereof be postponed indefinitely. The motion failed by a vote of 3-6-0-0

Aye: 3 - Avila, Murray, and Strand

No: 6 - Bennett, Gaebler, Geislinger, Knight, Pico, and Skorman

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Ordinance amending section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the cultivation of marijuana and medical marijuana in violation of the Zoning Code and providing remedies for the violation thereof be approved on first reading. The motion passed by a vote of 7-2-0-0

Aye: 7 - Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 2 - Avila, and Murray

- 11.C.** [18-00033](#) Ordinance No. 18-52 amending Section 211 (Personal Cultivation of Medical Marijuana) of 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 cultivation of marijuana and providing penalties for the violation thereof

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Attachments: [MarijuanaCultivation-2018-04-10_MC_final](#)

Please see comments in Agenda item 11.B.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance amending Section 211 (Personal Cultivation of Medical Marijuana) of 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 cultivation of marijuana and providing penalties for the violation thereof be postponed indefinitely. The motion failed by a vote of 3-6-0-0

Aye: 3 - Avila, Murray, and Strand

No: 6 - Bennett, Gaebler, Geislinger, Knight, Pico, and Skorman

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Ordinance amending Section 211 (Personal Cultivation of Medical Marijuana) of 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 cultivation of marijuana and providing penalties for the violation thereof be approved on first reading. The motion passed by a vote of 7-2-0-0

Aye: 7 - Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 2 - Avila, and Murray

- 11.D.** [18-0163](#) Ordinance No. 18-53 amending Section 212 (Unlawful Transfer of Marijuana) of 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 unlawful transfer of marijuana and providing penalties for the violation thereof

Presenter:

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

Attachments: [MarijuanaDistributionORD-2018-04-10_final](#)

Please see comments in Agenda item 11.B.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Ordinance amending Section 212 (Unlawful Transfer of Marijuana) of 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 unlawful transfer of marijuana and providing penalties for the violation thereof be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 11.E.** [18-0170](#) Resolution approving an amendment to the Service Plan for the Wildgrass at Rockrimmon Metropolitan District.

Presenter:

Peter Wysocki, Director of Planning and Development
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

Attachments: [Wildgrass at Rockrimmon Metropolitan District Service Plan Amendment-5-22-18](#)
[RES_Wildgrass at Rockrimmon Metro Dist amend](#)
[Exhibit 1- Wildgrass at Rockrimmon Service Plan5-3-18](#)
[Figure 1A- Redline Service Plan5-2-18](#)
[Figure 6- Draft Buildout Budget Wildgrass at Rockrimmon](#)
[Figure 7- Wildgrass at Rockrimmon MD Proposed O M Map](#)
[Figure 8- Metropolitan Districts Operating in Lieu of an HOA presentation](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, stated the petitioner has requested this item be postponed to the May 22, 2018 City Council meeting in order

to revise the service plan. He said the Wildgrass at Rockrimmon Metropolitan District had originally requested a substantial increase in the operations and maintenance mill levy so they could perform the functions of both a homeowner's association (HOA) and metropolitan district. He said the petitioner is now recommending keeping the current mill levy in place and adding a fee for HOA functions. Mr. Schueler stated that staff recommends this combination due to the efficiencies it creates.

Elisabeth Cortese from McGeady Becher, PC, representing the district, stated she believes that this proposal will result in a cost savings and is in the best interest of the residents. She said the proposed amendment will allow the district to have authority over covenant enforcement and design review.

Councilmember Geislinger requested a copy of new proposed documents. Ms. Cortese agreed to provide that information.

Councilmember Geislinger asked if the district will serve as the HOA. Ms. Cortese confirmed it would. Councilmember Geislinger said he would like to see the HOA separate from the district. Ms. Cortese stated there is nothing in the service plan that would prohibit homeowners in the future from organizing an HOA.

Councilmember Knight said moving the cost from an operations tax to a fee removes the oversight of City Council. He stated that he is concerned about the precedent it will be setting and that he has not had enough time to review if there would be any consequences from it. Jeff Greene, Chief of Staff, stated the district will have the responsibility for governance of the district board and HOA which is the justification for the fees.

Councilmember Murray stated the budget is too high and he does not support it.

Councilmember Pico stated this will change the standards for the service plan, but is willing to consider it.

Councilmember Murray stated this problem with having the district as the HOA was created because of the size of the district being so small.

Carrie Bartow, Clifton, Larson, Allen, LLP, accountant for the district,

identified other metropolitan districts within the City that have covenant control and said the fees are justified.

Motion by Councilmember Geislinger, seconded by Councilmember Strand, that that the hearing to adopt a Resolution approving an amendment to the Service Plan for the Wildgrass at Rockrimmon Metropolitan District, increasing the maximum operational mill levy from 10 mills to 50 mills be postponed to the May 22, 2018 City Council meeting. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

Absent: 1 - Bennett

12. Public Hearing

- 12.A.** [CPC PUP 05-00078-A3 MJ18](#) A major amendment to the Victory Ridge PUD Concept Plan (previously named Colorado Crossing) illustrating future development of the 152.4 acres located at the southeast intersection of Interquest Parkway and Voyager Parkway.

(Quasi-Judicial)

Related File: CPC PUZ 18-00016

Presenter:

Peter Wysocki, Directory Planning and Community Development
Catherine Carleo, Principal Planner, Planning and Community Development

Attachments: [FIGURE 1_Victory Ridge PUP](#)

[7.5.501.E Concept Plans](#)

[7.3.605 PUD Concept Plan](#)

Catherine Carleo, Principal Planner, Planning and Community Development, presented the proposed major amendment to the Victory Ridge planned unit development (PUD) concept plan.

Councilmember Knight asked why there is only a concept plan amendment for this zone change when others require a master plan amendment. Ms. Carleo stated that per City Code, a zone change can be accompanied by either a concept plan or a master plan and when this PUD was established in 2005, it was accompanied by a concept plan.

Motion by Councilmember Murray, seconded by Councilmember Bennett, that the PUD Concept Plan for Victory Ridge based upon the findings that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) as well as criteria for PUD concept plans as set forth in City Code Section 7.3.605 be approved. The motion passed by a vote of 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 12.B.** [CPC PUZ 18-00016](#) Ordinance No. 18-49 amending the zoning map of the City of Colorado Springs pertaining to 152.4 acres located at the southeast intersection of Interquest Parkway and Voyager Parkway from PUD (Planned Unit Development; maximum density of 24.99 du/ac residential, mixed-use, commercial, office, civic and park use with a maximum height of 125-feet) zone district to a PUD (Planned Unit Development; maximum density of 24.99 du/ac residential, mixed-use, commercial, office, light industrial, civic and park use with a maximum height of 125-feet) zone district.

(Quasi-Judicial)

Related File: CPC PUP 05-00078-A3MJ18

Attachments: [Exhibit A Legal](#)
[Exhibit B Zone Change Exhibit](#)
[ZoningMap-InterquestVoyagerORD-2018-05-02](#)

Please see comments in Agenda item 12.A.

Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 152.4 acres from PUD (Planned Unit Development; maximum density of 24.99 du/ac residential, mixed-use, commercial, office, civic and park use with a maximum height of 125-feet) to PUD (Planned Unit Development; maximum density of 24.99 du/ac residential, mixed-use, commercial, office, light industrial, civic and park use with a maximum height of 125-feet), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

There being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk

