



City of Colorado Springs

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

Meeting Minutes Council Work Session

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.

Monday, July 22, 2024

10:00 AM

Council Chambers

How to Watch the Meeting

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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** 8 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Brian Risley, and Councilmember Michelle Talarico
- Excused** 1 - Councilmember Mike O'Malley

2. Changes to Agenda

There were no Changes to Agenda.

3. Regular Meeting Comments

President Helms stated Councilmember Risley requested item 4B.D. be removed from the July 23, 2024 City Council meeting Consent Calendar. Councilmember Risley stated this item will be tabled until the exhibits are updated with the correct information.

Consensus of City Council agreed to this change.

4. Review of Previous Meeting Minutes

- 4.A. [24-389](#) City Council Work Session Meeting Minutes July 8, 2024

Presenter:

again. Ms. Johnson stated she refers to this initiative as the road tax question and it would depend on the number of ballot questions that other jurisdictions submit to El Paso County, but she will try as hard as possible to keep it as ballot question 2C.

8.C. [24-396](#)

An Ordinance Submitting A Charter Amendment To The Registered Electors Of The City Of Colorado Springs, Colorado, At The Coordinated Election Conducted By Mail Ballot To Be Held On November 5, 2024, Adding A New Section 15-130 Of The City Charter Prohibiting Retail Marijuana Establishments

Presenter:

Lynette Crow-Iverson, President Pro Tem and Councilmember At Large

Attachments: [CO Springs rec mj charter ordinance 07.17.2024.docx](#)

President Pro Tem Crow-Iverson presented the Ordinance submitting a Charter amendment to the registered electors of the City at the November 5, 2024 Coordinated Election, adding a new Section 15-130 prohibiting retail marijuana establishments. She stated the citizens have already voted against recreational marijuana in the City and this Charter amendment would prevent the issue from coming back every two to four years.

Councilmember Avila asked if this initiative would supersede the citizen initiative for recreational marijuana if both questions were passed by voters. Ben Bolinger, Assistant City Attorney, stated it is unlikely both questions would pass because they are directly contrary to one another but if it happened, a Charter provision would supersede an Ordinance.

Councilmember Avila asked if the petition currently being circulated is for a Charter amendment or an Ordinance. Sarah B. Johnson, City Clerk, stated the Petitioner's Group had a choice and chose initiated Ordinance.

President Helms asked what the impact would be to this proposed Charter amendment if the Federal government decriminalizes recreational marijuana. Mr. Bolinger stated hypothetically, they would follow State law regulation.

Councilmember Donelson asked if recreational marijuana could still be sold out of another business which is not classified as a recreational marijuana establishment such as a convenience store. Mr. Bolinger stated if a convenience store is selling recreational marijuana, it could then be considered a recreational marijuana establishment. Wynetta Massey, City Attorney, stated when they have had these prior Ordinance initiatives come forward, they have made sure that they mirror the State Constitutional law relating to retail marijuana so when they use the phrase of "retail marijuana establishment", they are also using the definition in the Colorado

Constitution which would include any entity that is selling retail marijuana. She explained that in order to change the definition of “retail marijuana establishment”, there would need to be an amendment to the Colorado Constitution which would require a vote of the people.

Councilmember Donelson asked if there are any other instances within the City in which it is illegal to sell something which is legal to be sold elsewhere. Ms. Massey confirmed there are a number of regulatory schemes on different types of products such as tobacco. Ms. Johnson stated when the State law was put into place for medical or recreational/retail marijuana, it set up a licensing structure which states legal sales of medical or retail/recreational must be done at a dispensary or a center.

Councilmember Henjum asked when the curing period for the citizen initiative will end. Ms. Johnson stated the Petitioner’s Committee has until 5:00 PM on August 9, 2024 to supplement their filing and then the City Clerk’s Office will need at least two weeks to verify if they have reached the threshold for sufficiency.

Councilmember Henjum stated Charter amendments can be very impactful and it is sometimes difficult to see the economic impacts down the road.

Councilmember Leinweber asked if this proposed Charter amendment fails if that would be a statement that there should be recreational marijuana sales within the City. President Pro Tem Crow-Iverson stated the ballot initiative in favor of recreational marijuana failed by a vote of the people two years ago and feels they need to let citizens speak again.

8.D. [24-397](#)

An Ordinance Amending Section 303 (Commercial And Industrial Uses) Of Part 3 (Use-Specific Standards) Of Article 3 (Use Regulations) Of Chapter 7 (Unified Development Code) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Recreational Marijuana Land Use Regulations

Presenter:

Lynette Crow-Iverson, President Pro Tem and Councilmember At Large

Attachments: [UDC-MMJ-CommIndustUse-2024-07-17](#)

President Pro Tem Crow-Iverson presented an Ordinance and amending Section 303 (Commercial And Industrial Uses) of Part 3 (Use-Specific Standards) of Article 3 (Use Regulations) of Chapter 7 (Unified Development Code) of the City Code pertaining to recreational marijuana land use regulations. She stated this proposed Ordinance would mandate recreational marijuana dispensaries be located at least one mile away from schools, rehabilitation centers, and children’s facilities. She stated this