



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, May 10, 2016

1:00 PM

Council Chambers

1. Call to Order

- Present:** 8 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, and Councilmember Tom Strand
- Excused:** 1 - Councilmember Andy Pico

2. Invocation and Pledge of Allegiance

The Invocation was led by Ken Davis, Church for All Nations.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Council President Bennett requested Council proceed directly to Mayor's business. Consensus of Council agreed to this agenda change.

Councilmember Knight requested agenda item 4.B.C. be pulled off 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.** [16-244](#) Ordinance No. 16-51 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a supplemental appropriation to the Pikes Peak - America's Mountain Fund in the amount of \$150,000 for the Pikes Peak Summit Complex Project

Presenter:

Jack Glavan, Pikes Peak - America's Mountain Manager - Parks,
Recreation and Cultural Services Department

Res/Ord Number: 16-51

This Ordinance was finally passed on the Consent Calendar.

4A.B. [16-277](#)

Ordinance No. 16-52 amending Section 105 (Additional Standards For Specific Land Uses Allowed In Residential Zones) of Part 1 (Residential 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 Personal Cultivation of Marijuana and Medical Marijuana.

Presenter:

Peter Wysocki, Director of Planning and Community Development

Res/Ord Number: 16-52

This Ordinance was finally passed on the Consent Calendar.

4A.C. [16-291](#)

Ordinance No. 16-53 amending Section 302 (Definitions Of Use Types) of Part 3 (Land Use Types And Classifications) of Article 2 (Basic Provisions, Definitions And Land Use Types And Classifications) and Sections 203 (Permitted, Conditional And Accessory Uses) and 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 Medical Marijuana Facilities.

Presenter:

Peter Wysocki, Director of Planning and Community Development

Res/Ord Number: 16-53

This Ordinance was finally passed on the Consent Calendar.

4A.D. [16-275](#)

Ordinance No. 16-54 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 Medical Marijuana Centers.

Presenter:

Peter Wysocki, Director of Planning and Community Development

Res/Ord Number: 16-54

This Ordinance was finally passed on the Consent Calendar.

- 4A.E. [16-276](#)** Ordinance No. 16-55 creating a new Section 210 (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 personal cultivation of medical marijuana

Presenter:
Larry Bagley, Council Member
Res/Ord Number: 16-55

This Ordinance was finally passed on the Consent Calendar.

- 4A.F. [16-278](#)** Ordinance No. 16-56 amending Section 107 (Application Investigation; Decision), Section 108 (Suspension or Revocation; Hearings; Decision), and Section 109 (Unlawful Acts) of Part 1 (Medical Marijuana License Code) of Article 2 (Marijuana) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana License Code

Presenter:
Councilmember Larry Bagley
City Clerk Sarah Johnson
Res/Ord Number: 16-56

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [16-367](#)** City Council Special Session April 20, 2016

Presenter: Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

- 4B.B. [16-366](#)** City Council Meeting Minutes April 26, 2016

Presenter: Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

- 4B.D. [16-324](#)** A Resolution Authorizing The Acquisition Of Property Owned By Mark T. Elliott And Jodene M. Elliott Pursuant To The Federal Emergency

Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP)

Presenter:

Tim Mitros, Engineering Program Manager, Office of Emergency Management

Res/Ord Number: 45-16

The resolution was adopted on the Consent Calendar.

4B.E. [16-344](#)

A resolution finding a petition for annexation of the area known as Kum & Go Store 685 Annexation consisting of 7.711 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of June 14, 2016 for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Michael Schultz, AICP, Principal Planner

Peter Wysocki, Planning and Development Director, Planning and Community Development

Res/Ord Number: 46-16

The resolution was adopted on the Consent Calendar.

4B.F. [16-280](#)

A Resolution Authorizing the Purchase of Fountain Mutual Irrigation Company Stock and Associated Water Rights Owned by Comanche Resources, LLC for Colorado Springs Utilities; and Authorizing the Execution of Closing Documents

Presenter:

Wayne Vanderschuere, General Manager, Planning, Engineering and Resource Management, Water Services Division, Colorado Springs Utilities

Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 47-16

The resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, 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.

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

Excused: 1 - Pico

5. Recognitions

5.A. [16-341](#) A Resolution of Appreciation recognizing May 15-21, 2016 as National Public Works Week

Presenter:

Travis Easton, Public Works Director

Res/Ord Number: 48-16

Travis Easton, Public Works Director, expressed appreciation for the contributions Public Works Professionals make to our community.

Councilmember Strand read the resolution and Council expressed their appreciation for these professionals.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution of Appreciation recognizing May 15-21, 2016 as National Public Works Week be adopted. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Pico

6. Citizen Discussion

Citizen Charles Barber spoke about the attributes of this City.

Citizens Missy Bonds, Steve Price, Bill Louis, Richard Skorman, Cyndy Kulp and Walter Lawson spoke in opposition of the proposed Broadmoor-Parks land exchange.

Citizen Eric Mountain thanked Council for their work.

Citizen Douglas Szklarski voiced concern about the limits imposed on marijuana plants being grown in a residence.

Citizen Terry Geiger voiced concern about representation on the marijuana task force and information sources.

7. Mayor's Business

Mayor John Suthers reminded Council of his desire to professionalize the process of selecting Judges for the City. By executive order, a

nominating committee was created to select the best talent to fill openings in the municipal Court.

7.A. [16-312](#) Nomination to appoint Kristen Hoffecker as a Municipal Court Judge.

Presenter:
Mayor John Suthers

Mayor John Suthers introduced Kristin Hoffecker and provided a summary of her qualifications for this position.

Motion by Councilmember Strand, seconded by Councilmember Murray, to confirm the appointment of Kristen Hoffecker as a Municipal Court Judge. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Pico

7.B. [16-313](#) Nomination to appoint Matthew Ramirez as a Municipal Court Judge.

Presenter:
Mayor John Suthers

Mayor John Suthers, introduced Matthew Ramirez and provided an overview of his credentials for this position.

Motion by Councilmember Strand, seconded by Councilmember Murray, to confirm the appointment of Matthew Ramirez as a Municipal Court Judge. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Pico

7.C. [16-314](#) Nomination to appoint Joseph Dirscherl as a Municipal Court Judge.

Presenter:
Mayor John Suthers

Mayor John Suthers, introduced Joseph Dirscherl and provided an overview of his credentials for this position.

Motion by Councilmember Strand, seconded by Councilmember Murray, to confirm the appointment of Joseph Dirscherl as a Municipal Court Judge effective July 1, 2016. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Pico

8. Items Called Off Consent Calendar

4B.C. [16-388](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Councilmember Knight explained he pulled this item off the consent calendar in order to allow Council consideration of the appointments to the Fire Board of Appeals and the Civil Service Commission as they are Council appointed boards.

Motion by Councilmember Bagley, seconded by Councilmember Murray, that the appointments to the Pikes Peak Regional Building Department be approved. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Pico

Motion by Councilmember Murray, seconded by Councilmember Knight, to Postpone indefinitely the appointments to the Fire Board of Appeals and the Civil Service Commission. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Pico

9. Utilities Business**9.A. [16-337](#)** Public Hearing for the Consideration of a Resolution Regarding Changes to Electric Rate Schedule, Industrial Service - Time-of-Day 1,000 kWh/day Minimum (ETL) Rates within the Service Areas of Colorado Springs Utilities

Presenter:

Sonya Thieme, Rates Manager, Colorado Springs Utilities

Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

There were no questions or comments on this agenda item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the proposed hearing date of June 14, 2016 be approved. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Pico

10. Unfinished Business**10.A. [16-329](#)** Ordinance No. 16-57 creating a twelve (12) month moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location of a currently operating medical marijuana facility within the City limits

Presenter:

Councilmember Larry Bagley

Res/Ord Number: 16-57

Citizens Joseph Carlson, Scott Hurd, Bobby Patten, Jason Warf, Kaitlyn Hecht, Charles Houghton, Jaymen Johnson and Tonya Garduno spoke in opposition to the proposed moratorium.

Citizens Clint and Rebecca Lockwood spoke in opposition to the marijuana plant limits.

Renze Wellington requested licensed marijuana facilities be allowed to relocate during the moratorium.

Citizens John Harding, Pat DeJong, Pamela Bennett, and Dave Munger, representing CONO, spoke in support of the proposed moratorium.

Councilmember King commented on some of the ideas and options to be considered for implementation during the moratorium.

Councilmember Knight spoke about allowing established Medical Marijuana facilities to relocate within the same operational standards to an approved zone during the proposed moratorium, he will support this today, with the knowledge that action will take place during the moratorium.

Councilmember Murray voiced frustration about the lack of time to resolve this item without extending the moratorium. He will support this item today because he understands the need to allow the process to continue moving forward and create the needed regulation.

Councilmember Collins stated she will not support the moratorium and endorsed including individuals from the industry in the next working group.

Motion by Councilmember Bagley, seconded by Councilmember Knight, that the Ordinance be finally passed. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Excused: 1 - Pico

11. New Business

There was not any new business.

12. Public Hearing

There was not a public hearing.

13. Added Item Agenda

There were no added agenda items.

14. Executive Session

There was not an executive session.

15. Adjourn

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

Sarah Johnson, City Clerk