



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, March 8, 2016

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 Reverend Patty Walker from First United Methodist Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Council President Bennett stated, with Council's approval, Mayor's Business will be completed prior to Citizen Discussion. Consensus of Council agreed to this change.

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. [16-00129](#)

Ordinance No. 16-21 amending the zoning map of the City of Colorado Springs pertaining to 2.42 acres located southeast of Circle Drive and Monterey Road from OC (Office Complex) to PBC (Planned Business Center).Quasi-Judicial

Presenter:

Lonna Thelen, Principal Planner Land Use Review

Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-21

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [16-00134](#) Ordinance No. 16-22 amending the zoning map of the City of Colorado Springs pertaining to 8.69 acres located northwest of Powers Boulevard and Victor Place from PIP-2/AO (Planned Industrial Park with Airport Overlay) to C-6/CR/AO (General Business with Conditions of Record and Airport Overlay). Quasi-Judicial

Presenter:

Mike Schultz, Principal Planner, Land Use Review
Peter Wysocki, Planning and Development Director, Planning and Development Department

Res/Ord Number: 16-22

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [15-00719](#) Ordinance No. 16-23 amending Sections 102 (Code Adopted by Reference) and 103 (Additions and Modifications) of Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, and amending provisions of the Pikes Peak Regional Building Code, 2011 edition, formerly adopted by Ordinance 11-34, as amended by Ordinance 13-6

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Development Department
Roger Lovell, Regional Building Official

Res/Ord Number: 16-23

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [16-00066](#) Ordinance No. 16-25 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Opens Space and Parks (TOPS) Fund in the Amount of \$855,421 to Fund Three Additional Capital Projects Related to Garden of the Gods Park, Deerfield Hills Park and Community Center, and the Manitou Incline

Presenter:

Chris Lieber, Parks Development Manager/TOPS Program Manager

Res/Ord Number: 16-25

This Ordinance was finally passed on the Consent Calendar.

- 4A.E.** [16-00148](#) Ordinance No. 16-26 vacating a public right-of-way consisting of 0.877 acres located north of Dublin Boulevard and South of the intersection of Templeton Gap Road and Vickie Lane
Legislative

Presenter:

Meggan Herington, LUR/DRE Planning Manager,
Peter Wysocki, Director, Planning and Community Development
Department

Res/Ord Number: 16-26

This Ordinance was finally passed on the Consent Calendar.

- 4A.F.** [16-00151](#) Ordinance No. 16-27 amending the Zoning Map of the City of Colorado Springs relating to a .5-acre area located at 16 and 22 Spruce Street from C-6 (General Business) to PUD (Planned Unit Development) that would allow for a maximum multi-family building height of 60 feet from grade, gross density of 96 dwelling units per acre, and a parking ratio of one on-site parking stall per dwelling unit.
Quasi-Judicial

Presenter:

Michael Turisk, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development
Department

Res/Ord Number: 16-27

This Ordinance was finally passed on the Consent Calendar.

- 4A.G.** [16-00149](#) Ordinance No. 16-28 amending the zoning map of the City of Colorado Springs from R1-6000 (Single-Family Residential) to OR (Office Residential) pertaining to a 15,782 square-foot site located on the northwest corner of the intersection of South 8th Street and Cheyenne Boulevard. Quasi-Judicial

Presenter:

Conrad Olmedo, AICP, Planner I
Peter Wysocki, Planning and Development Director, Planning and
Community Development Department

Res/Ord Number: 16-28

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [16-00201](#) City Council Meeting Minutes February 23, 2016

Presenter:
Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [16-00202](#) City Council Special Session Meeting Minutes February 25, 2016

Presenter: Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

4B.C. [16-00098](#) Ordinance No. 16-29 amending Section 103 (Parking Privilege For The Disabled) and creating a new Section 108 (Disabled Parking Plate Or Placard Required) of Article 13 (Stopping, Standing or Parking Regulations Sign Required) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to disabled parking

Presenter:
Cmdr. Pat Rigdon and Lt. Scott Schwall, Colorado Springs Police Department

Res/Ord Number: 16-29

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

4B.D. [16-00063](#) Ordinance No. 16-30 amending the zoning map of the City of Colorado Springs relating to 25.615 acres located immediately south of Grand Vista Circle. Quasi-Judicial

Presenter:
Mike Schultz, Principal Planner, Land Use Review

Res/Ord Number: 16-30

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

4B.E. [16-00075](#) A concept plan for the Sentinel Ridge Senior Living facility which includes 266 independent living units, 40 memory care units, 66 assisted living units and 56 beds for skilled nursing care; the site is located south of Grand Vista Circle and Fillmore Road. Quasi-Judicial

Presenter:
Mike Schultz, Principal Planner, Land Use Review

This item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Murray, 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.

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

5. Recognitions

5.A. [16-00096](#) Recognition of MATHCOUNTS regional competition winners

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Eileen Gonzalez, City Council Administrator, introduced Mike Bartusek with the Professional Engineers of Colorado, who provided an overview of the program and recognized the regional winners.

6. Citizen Discussion

Citizen Charles Barber spoke about options for supplying water to Pueblo.

Citizen Bob Crouse spoke in support of marijuana consumption clubs.

Citizens Floyd Preston, Laura Libbe, Victoria Jeffs, Eric Pavri, Vickie Witte, Jane Scanlon, Jerry White, Ruth Barkmore, and Tom Hewitt spoke in opposition to the proposed refugee resolution.

Citizen Carl Strow spoke in opposition to the proposed land swap.

Citizen Taylor Wilson commended Councilmembers Gaebler, Pico and Collins for their opposition to the Pedestrian Access Ordinance and spoke in opposition to the proposal.

Citizen Walter Lawson requested public comment be allowed in City Council Work Session Meetings.

Citizen Gerald Miller voiced concern about citizens throwing cigarette butts in ornamental features around the public library and requested Council find a way to stop people from smoking in non-smoking areas.

Citizen Tom Hewitt requested sign language interpreters be available during City Council Meetings. Council President Bennett stated Council is happy to provide interpreters for meetings; 48 hours notice is required for this request to be fulfilled.

7. Mayor's Business

- 7.A. [16-00211](#) Presentation for Colorado Springs being named an Age Friendly Community.

Presenter:

Kim Adler, Regional Vice-President for AARP's West Region
Mayor John Suthers

Paula Paulette, Board Member, Innovations in Aging Collaborative (IIAC), introduced those in attendance associated with this presentation. Clara Anderson, Executive Director IIAC, provided an overview of the topic.

Kim Adler, Executive VP, AARP presented the certificate to Mayor John Suthers, welcoming Colorado Springs to the AARP Age Friendly Network.

- 7.B. [16-00178](#) Nomination to reappoint Kathy Boe to a three year term on the Colorado Springs Health Foundation Board of Trustees.

Presenter:

Mayor John Suthers

Mayor John Suthers introduced Miss Boe and presented a summary of her qualifications as a board member.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, to approve the reappointment of Kathy Boe to serve on the Colorado Springs Health Foundation Board of Trustees for a term expiring 3/12/2019. The motion passed by a vote of 9-0-0.

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

- 7.C. [16-00179](#) Nomination to reappoint Jon Medved to a three year term on the Colorado Springs Health Foundation Board of Trustees.

Presenter:

Mayor John Suthers

Mayor John Suthers presented a summary of Mr. Medved's qualifications as a board member.

Motion by Councilmember Murray, seconded by Councilmember Strand, to

approve the reappointment of Jon Medved to serve on the Colorado Springs Health Foundation Board of Trustees for a term expiring 3/12/2019. The motion passed by a vote of 9-0-0.

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

- 7.D. [16-00180](#) Nomination to reappoint Thayer Tutt for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Presenter:
Mayor John Suthers

Mayor John Suthers introduced Mr. Tutt and provided a summary of his experience and recommend him for re-appointment to the board.

Motion by Councilmember Murray, seconded by Councilmember Bagley, to approve the reappointment of Thayer Tutt to serve on the Colorado Springs Health Foundation Board of Trustees for a term expiring 3/12/2019. 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

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A. [16-00047](#) Ordinance No. 16-24 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Trails Open Space and Parks (TOPS) Fund in the Amount of \$980,000 for the Acquisition of Approximately 200 Acres Owned by Joanne R. Watkins for the Purpose of Public Open Space and Trails

Presenter:
Chris Lieber, Park Development Manager/TOPS Program Manager
Res/Ord Number: 16-24

Councilmember Knight stated he is not supporting this because he has not received information he requested from the Parks, Recreation and Cultural Services Department on their priorities.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (TOPS) Fund in the Amount of \$980,000 for the Acquisition of Approximately 200 Acres Owned by Joanne R. Watkins for the Purpose of Public Open Space and Trails as an Extension of Cheyenne Mountain State Park be finally passed. The motion

passed by a vote of 7-2-0.

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

No: 2 - Collins, and Knight

11. New Business

- 11.A. [16-00048](#) Ordinance No. 16-31 creating a new infill and redevelopment chapter within the existing City of Colorado Springs Comprehensive Plan in accord with Section 7.1.107.B of the Code of the City of Colorado Springs, 2001, as amended.
(Legislative)

Presenter:

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

Res/Ord Number: 16-31

Councilmember Knight stated a meeting this morning clarified some of his questions and concerns about this item; however, he would like to delay action on this item for two weeks to allow time for Council to gain a better understanding of this proposal.

Council President Pro Tem Gaebler acknowledged the work done by this committee and urged Council to pass this today, noting that changes can be made moving forward.

Councilmembers Pico and Collins expressed concern about the vagueness of the document and support the idea of waiting to gain better clarity and understand before approving this proposal.

Councilmember Knight requested his name be stricken from the acknowledgements of support on this item.

Citizens Carrie Baatz, Casey Chesmeyer, Regina DiPadova, and Marla Novak spoke in support of this proposal.

Councilmember Murray urged Council to support this item as a network for moving forward with infill and development.

Motion by Councilmember Knight, seconded by Councilmember Collins, that the item be postponed to a date certain, the March 22, 2016 City Council meeting. The motion failed by a vote of 4-5-0.

Aye: 4 - Collins, King, Knight, and Pico

No: 5 - Bagley, Bennett, Gaebler, Murray, and Strand

Res/Ord Number: 16-31

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the ordinance creating a new Infill and Redevelopment Chapter within the existing City of Colorado Springs Comprehensive Plan in accord with Section 7.1.107.B of the Code of the City of Colorado Springs, 2001, as amended be approved on first reading. The motion passed by a vote of 6-3-0.

Aye: 6 - Bagley, Bennett, Gaebler, Murray, Pico, and Strand

No: 3 - Collins, King, and Knight

- 11.B.** [16-00197](#) Ordinance No. 16-32 renaming Article 2 (Amusements) and moving under the renamed Article 2 (Marijuana) Part 1 (Medical Marijuana License Code) and all subsequent sections (101-109) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the code of the City of Colorado Springs 2001, as amended, pertaining to marijuana

Presenter:

Sarah B. Johnson, City Clerk

Res/Ord Number: 16-32

Councilmember Knight explained this first ordinance will move all marijuana licensing related items into a unified Chapter of City Code.

Motion by Councilmember Knight, seconded by Councilmember Murray, that the Ordinance 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

- 11.C.** [16-00164](#) Ordinance No. 16-33 amending Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions) and 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 marijuana consumption club facilities

Presenter:

Peter Wysocki, Planning and Community Development Director

Res/Ord Number: 16-33

Councilmember Knight explained he will be making a motion for Council to select the third zoning option presented by the Planning commission which will ban the establishment of new marijuana consumption club facilities and place a 5 year amortization on the established clubs.

Agenda items 11.C. through 11.E. were discussed together.

Marc Smith with the City Attorney's Office provided a legal explanation of the proposed action today which will ban the establishment of new marijuana consumption clubs in the City and make changes to the marijuana business licensing process. Mr. Smith provided a summary of the historical events leading to this proposal.

Councilmember Strand requested additional information on the amortization being five years. Mr. Smith provided an explanation of the amortization process and the general case law decisions supporting the recommendation to instigate the five year amortization period to allow citizens to recoup investments in existing clubs.

Council President Pro Tem Gaebler stated the ban, amortization and limited licensing option being considered will allow clubs to remain open and continue to provide marijuana illegally. Mr. Smith explained the ban will include a licensing program for existing clubs to enforce the current law and prohibit illegal distribution of marijuana.

Councilmember King asked if individuals or medical marijuana business owners can legally obtain medical marijuana in a smoking club. Sarah Johnson, City Clerk, stated a marijuana consumption club could not be organized specifically to allow the consumption of medical marijuana and read a quote from Section 12(c) of C.R.S. 25-15-106.

Peter Wysocki, Director of Planning and Development, reviewed the zoning requirements and Planning Commission decisions regarding this issue. Planning staff and Planning Commission both recommend banning consumption clubs.

Ms. Johnson, provided an overview of the proposed medical marijuana consumption club business license options and fees and reminded Council all three zoning options include a licensing component. Marijuana consumption clubs operating under the new business license will be required to have patrons provide their own marijuana for consumption. The first licensing option corresponds with option three of the zoning options which would impose a ban on the establishment of new marijuana consumption clubs. Option two of the licensing options corresponds with zoning options one and two which would allow and regulate marijuana consumption clubs.

Councilmember Strand asked how many applications for consumption clubs have been submitted and how many consumption clubs are currently licensed or legally operating. Ms. Johnson stated there are no licensed consumption clubs because a license for this type of business does not currently exist. The number of clubs in existence mentioned earlier is an estimate. Mr. Wysocki stated facilities that went through the zoning process were approved with the understanding the establishment was strictly for consumption and marijuana would not be provided to consumers by the facility. Council continued to discuss the process existing clubs followed to establish their businesses.

Councilmember Knight asked if the Planning Commission or licensing process considers lease agreements as part of the approval process. Mr. Wysocki stated the Planning Commission does not consider lease agreements. Ms. Johnson stated proof of possession of the premises, through ownership or a lease agreement, is a licensing requirement. There is a proposed "Lawfully Operating" resolution planned for discussion in the near future which will include a planning review of a lease agreement.

Brett Lacey, Fire Marshal, stated a certificate of occupancy is based on the planned use of the facility and estimated occupancy of the facility and spoke about the safety concerns these clubs pose to the fire department.

Councilmember Murray asked if a document stating the organization has been granted the right to grow marijuana for an individual is a legal document allowing an organization, such as a consumption club, to grow, store and return product to the stated individual. Michael Gendill with the City Attorney's Office, stated he has not seen this document, but in general growing marijuana is highly regulated and a club growing marijuana for an individual is not permitted under the law.

Police Chief Pete Carey spoke about the public safety concerns associated with marijuana consumption clubs.

Councilmember Strand asked if the police department will be able to enforce a ban on these facilities. Chief Carey stated the police will be able to enforce a ban if the licensing requirements are clearly defined.

Citizens Bonnie LaPorte, Tim O'Donnell, Jan Doran, Dottie Harmon, Bill Wilson, Lynette Crow-Iverson, Doug Price, Shelly Schmidt, Carl Strow, and Susan Burkel spoke in support of the ban of marijuana consumption clubs

Citizens Brandon Porter, Steve Defino, Jason Warf, David Dzurik, Christine Davidson, Aaron Stone, Wayne Wasson, Santa Garcia, Lorainne Attlswede, Kristof DeCloedt, Presence Mercier, Chris DeJesus, John Inky(Bomb), Alfred Gonzalez, Christopher Curtis, Lisa Palmer-O'Malley, Sara Griffin, Jayman Johnson, Jennifer Taylor, Matthew Kahl, Reverend Patrick Partridge, Tanner Thomason, Phoenix Ugrilla, Michael Manesko, Sara Hempster, Brandon LaMee, David Geddings, Megan Jean Robinson, Joshua Wood, Daniel Goodman, Emily Davis, Ed Stark, Joel Aigner, Bryant Tuck, Jeremy Jones, Stephen Frances Craycraft, Miranda Harris, Chris Medina, Gail Olson, Andrew Porch, Derek Burton, Mike Wise, and Bob Wyley spoke in opposition to the ban of marijuana consumption clubs.

Councilmember Murray thanked the citizens for speaking today and spoke about Councils' responsibility to protect citizens and settle disputes. Councilmember Murray urged Council to license marijuana consumption clubs and let them move forward.

Jeff Greene, Chief of Staff, stated the Mayor supports Staff's recommendation.

Council President Pro Tem Gaebler stated she supports regulation of marijuana consumption clubs under conditional use zoning with licensing regulation.

Councilmember Strand stated his concerns center around clubs providing product for consumption. This is beyond the legal limits in his opinion and should not be allowed to continue. Councilmember Strand proposed a friendly amendment to extend the amortization period from five to eight years to protect the current club owners and Councilmember Knight and Councilmember Bagley agreed to the amending of their motion.

Councilmember King expressed concern about lease agreements signed by current club owners. He is working with an attorney to limit loss through allowing a legal lease termination based on legislative

action taken today.

Motion by Councilmember Knight, seconded by Councilmember Bagley, to approve proposed Option 3, an ordinance amending Section 302 (Definition of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions) and 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 buildings) of the Code of the City of Colorado Springs 2001, as amended, to change the amortization period from five to eight years on first reading. The motion passed by a vote of 6-3-0.

Aye: 6 - Bagley, Bennett, King, Knight, Pico, and Strand

No: 3 - Collins, Gaebler, and Murray

- 11.D.** [16-00196](#) Ordinance No. 16-34 adopting Part 2 (Marijuana Consumption Clubs) 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 Marijuana Consumption Club licenses

Presenter:

Sarah B. Johnson, City Clerk

Res/Ord Number: 16-34

Please see comments in agenda item 11.C.

Motion by Councilmember Knight, seconded by Councilmember Bagley, to approve proposed Option 1, an ordinance amending Part 2 (Marijuana Consumption Clubs) 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, to change the amortization period from five to eight years, on first reading. 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

- 11.E.** [16-00198](#) Ordinance No. 16-35 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 Marijuana Consumption Club license fees

Presenter:

Sarah B. Johnson, City Clerk

Res/Ord Number: 16-35

Please see comments in agenda item 11.C.

Motion by Councilmember Knight, seconded by Councilmember Bagley, to approve the ordinance on first reading. 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

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