



City of Colorado Springs

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

Meeting Minutes Council Work Session

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Monday, December 11, 2023

10:00 AM

Council Chambers

How to Watch the Meeting

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- Stratus IQ Channel 76 / 99 (Streaming)

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

Present 9 - Councilmember Yolanda Avila, President Pro Tem Lynette Crow-Iverson, Councilmember Dave Donelson, President Randy Helms, Councilmember Nancy Henjum, Councilmember David Leinweber, Councilmember Mike O'Malley, Councilmember Brian Risley, and Councilmember Michelle Talarico

Councilmember O'Malley attended the meeting virtually.
Councilmember Talarico left the meeting at approximately 2:36 PM.

2. Changes to Agenda

President Helms stated he will allow forty minutes of presentation time instead of the estimated twenty minutes for item 5.A.

Consensus of City Council agreed to this change on the agenda.

3. Regular Meeting Comments

Sarah B. Johnson, City Clerk, stated item 4B.N. pertaining to the first reading of a zone change has been requested to be removed from the December 12, 2023 City Council meeting Consent Calendar. Consensus of City Council agreed to this change.

4. Review of Previous Meeting Minutes

4.A. [23-647](#) City Council Work Session Meeting Minutes November 27, 2023

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [11-27-23 City Council Work Session Meeting Minutes Final](#)

The minutes of the November 27, 2023 Work Session were approved by Consensus of City Council.

5. Presentations for General Information

5.A. [23-651](#) Update on Cannabis and Opioid Use in Colorado Springs

Presenter:
Dr. Kenneth Finn, Springs Rehabilitation, PC

Attachments: [2023 Colorado Springs City Council Cannabis and Opioid Report](#)

Dr. Kenneth Finn, Springs Rehabilitation, PC provided an overview of cannabis use and public health in Colorado Springs, his background, medical marijuana registry data, reported conditions, Colorado overdose deaths by county from 2002 to 2014, medical marijuana in Colorado, medical marijuana patient growth, and the cannabis/opioid relationship. He went over the implementation of medical/recreation legalization, pregnancy/in utero exposure, confirmed child abuse/neglect fatalities by substance abuse by perpetrator, marijuana poisonings, pediatric edible cannabis exposures, recent trends in marijuana-related hospital encounters in young children/older adults, Penrose Hospital 2018 marijuana-related costs, and suicide statistics in Colorado. Dr. Finn presented a summary of nondisordered cannabis use among US adolescents, cannabis related youth use/psychosis, crime, homicides, homelessness, lobbying, driving fatalities, social inequity, environmental impacts, and action plan.

Councilmember Donelson requested additional information regarding Dr. Finn's expertise on cannabis use in Colorado Springs. Dr. Finn explained his background and extensive research on the topic.

Councilmember Donelson asked if marijuana exposure during pregnancy was being recommended by dispensaries. Dr. Finn confirmed it was during the first trimester and without any doctor supervision.

Councilmember Henjum asked how the data was collected regarding child abuse or child neglect fatalities. Dr. Finn stated the data was provided by the State Public Health Department report.

Councilmember Donelson asked which states are experiencing marijuana hyperemesis or overdose in emergency rooms. Dr. Finn stated every provider across the nation is experiencing it.

Councilmember Donelson asked what the energy consumption of marijuana grows in Colorado is. Dr. Finn stated a few years ago it was four percent of Denver's electricity consumption.

Councilmember Henjum asked how people can manage pain both mentally and physically without the use of marijuana or opioids. Dr. Finn stated his patients have identified that marijuana is not effective for pain and doctors are prescribing less opioids.

Councilmember Henjum asked if the City should have Narcan available at City Hall. Dr. Finn confirmed they should because the overdose death rate would be much worse without the availability of Narcan.

President Pro Tem Crow-Iverson asked what the difference is between medical and recreational marijuana. Dr. Finn stated there is no difference regarding the THC in it, just the regulation and tax structure concerning them.

Councilmember Leinweber asked if the use of marijuana makes people devalue life. Dr. Finn stated not all people abuse the use of marijuana, but it impacts every aspect of medicine, and he wants to make people aware of the risks of marijuana.

Councilmember Donelson asked what the difference is between the Federal Government's Drug Enforcement Agency (DEA) classification Schedule I and Schedule III, Dr. Finn stated the Control Substance Act from the 1970's put marijuana in Schedule I which means there is no medical value and there is evidence of harm, and he supports the plant remaining in Schedule I.

Councilmember Donelson asked if any states have mandatory drug testing for people who have committed violent crimes. Dr. Finn stated states are not routinely testing, but Texas is monitoring drug use in cases of child neglect, abuse, and fatality data. He stated there are toxicology reports which have showed marijuana in the systems of those who have committed violent crimes.

Councilmember Donelson asked if there are states which allow recreational marijuana but restrict home grows. Mr. Finn stated there are not.

6. Staff and Appointee Reports

6.A. [23-646](#) Agenda Planner Review

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Agenda Planner Review 12-11-23.docx](#)

There were no comments on this item.

7. Items for Introduction

There were no Items for Introduction.

8. Items Under Study

8.A. [CPC 2173](#) Presentation of the Zoning Change Process

Presenter:

Peter Wysocki, Planning Director, Planning + Neighborhood Services Department

Attachments: [12-11-23 work session - QJ ordinance adoption process presentation](#)

Peter Wysocki, Director, Planning and Neighborhood Services, provided an overview of the quasi-judicial Ordinance process, relevant Unified Development Code (UDC) Sections, old process, UDC process flow/example, titles, motions, considerations, opportunities for improvement, and options.

Councilmember Henjum asked if this information has been previously presented to this City Council. Mr. Wysocki confirmed it had.

Councilmember Donelson asked if the language for the vote for the approval on the Development Plan could be changed to state that approval of the Development Plan is contingent upon the final approval of the zone change. Ben Bolinger, Legislative Counsel, stated that is how it was previously done and if the zone change was not approved, the Development Plan was considered null and void.

Councilmember Donelson asked what the purpose of having two votes on an Ordinance is. Mr. Wysocki stated the Council established that Ordinances come before the governing body twice so that the public is aware that there is legislation coming and they have opportunity to speak at the hearing or contact their representatives.

President Helms stated he supports the setting of the public hearing date on the first reading.

Councilmember Donelson asked if the previous public notices which were mailed out notified when the hearing date would be held. Mr. Wysocki

stated the post cards had a hearing date determined by the Planning Department, not Council.

Councilmember Donelson stated he will be moving forward with proposing an Ordinance which allows the public to speak at both readings. Mr. Bolinger stated the previous process only had one hearing on the first reading of the Ordinance.

Councilmember Risley stated the public has opportunity to speak at the Planning Commission hearing as well as at City Council and supports the current methodology for projects.

Councilmember O'Malley stated he supports the current process and if it does not work out, they could go back to the old process.

Councilmember Talarico asked if Consent Calendar items could be pulled off by Council at any meeting. Mr. Wysocki confirmed they could.

Councilmember Donelson stated the difference is they use to receive a presentation and citizen comments at the first reading.

8.B. [CPC 2171](#) Downtown Colorado Springs Building Height Regulations

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning + Neighborhood Services Department

Peter Wysocki, Planning Director, Planning + Neighborhood Services Department

Attachments: [Building Height Presentation for City Council 121123](#)

Councilmember Donelson stated he brought up the topic of downtown building heights today because he believes it holds particular relevance in light of the City's current growth and the challenges that come with it. He stated while this topic has surfaced in previous discussions, he felt it deserved a dedicated conversation to foster a more informed dialogue so he requested Planning staff present a brief history and overview of downtown zoning to enhance Council's understanding and to contribute to a more comprehensive discussion. He stated at a recent Town Hall meeting he asked all the citizens in attendance if they knew that the City had no building heights limits in the downtown area and none of them were aware, but it appeared that every single one of them raised their hand regarding being in favor the City having one.

Peter Wysocki, Planning Director, Planning and Neighborhood Services Department, introduced the overview of the downtown Colorado Springs building height regulations.

Ryan Tefertiller, Urban Planning Manager, Planning and Neighborhood Services Department, provided an overview of the City's downtown zoning history, buildings built under high rise overlay, 2007 to 2009 planning and zoning changes, form-based zoning (FBZ), FBZ Sectors, Sectors and building height, and tallest buildings approved under FBZ. He went over the height considerations, urban skyline, 2016 Experience Downtown Plan, FBZ updates, and downtown building height.

Councilmember Henjum asked if the Downtown Review Board (DRB) existed when the FBZ was adopted. Mr. Tefertiller stated the DRB was formed in 2009, the same year as the adoption of the FBZ.

Councilmember Donelson asked how the success of a downtown is defined. Mr. Tefertiller stated it is the people who make a downtown successful and urban density drives economic growth, vibrancy, and sustainability.

President Helms requested additional information regarding the building type of Live/Work versus Mixed Use. Mr. Tefertiller explained that Live/Work identifies those to live above the businesses they operate below.

Councilmember Donelson stated the impacted view of the skyline would change depending on where you are standing, building height would affect that view, and citizens have indicated the view of Pikes Peak and the scenic view should be preserved. Mr. Tefertiller stated the downtown traffic grid is aligned with the tip of Pikes Peak and he is not aware of General Palmer having any recorded preference regarding the building height of downtown or the view shed for private residents, and they are many years away from being where downtown Denver is.

Councilmember Leinweber stated density is a very good thing for small businesses and is key to keeping downtown vibrant and walkable.

Councilmember Henjum asked what other cities are located as close to mountains as Colorado Springs and what their downtowns look like. Mr. Tefertiller stated Salt Lake City, UT and Albuquerque, NM have mountain-based centers and do not have strict building height codes.

Councilmember Henjum asked how the historic buildings will be preserved. Mr. Tefertiller stated the Historic Preservation Overlay could be added to key historic properties.

Councilmember Risley stated the notion of density speaks to vibrancy and

the efficiency of utilities and existing infrastructure. He stated in regard to housing affordability, it is important to factor that in, and if they want to attract primary employers there needs to be the flexibility that allows the innovation to happen. Councilmember Risley stated Colorado Springs is a dense urban core surrounded by preservation of the landscape and is an incredible, beautiful place that attracts many people to want to live here and work here. He stated a dense urban core provides all the services in one location with great walkability, great transportation networks, and public transportation networks and the City will not be able to achieve these if it continues to sprawl.

Councilmember Donelson stated there needs to be a balance and the citizens should be given a chance to weigh in before the skyline of downtown is changed and he proposed a limit matching the current tallest building at 247 feet, which is the height of the Wells Fargo building, or a different height if Council deems it feasible and put it on the ballot in November 2024.

Councilmember Leinweber stated in order to achieve density, builders must consider the cost of the land and in order to offset that cost, the height would increase. Mr. Tefertiller stated it definitely drives the building form due to all the factors involved.

9. Councilmember Reports and Open Discussion

Councilmember Avila stated she met her service dog, Puma, seven years ago in San Rafael, CA.

President Helms stated he attended the 30th Anniversary event of Global Positioning Satellites (GPS) on Saturday, December 9, 2023, at Shriever Space Force Base and the Festival of Lights Parade held downtown on Tejon Street Saturday night, December 9, 2023.

10. Executive Session

10A. Open

10A.A. [23-653](#) Brett Blackwell v. Brockman, et al., Case No. 23CV31915, El Paso County District Court

Presenter:
Wynetta Massey, City Attorney

Attachments: [23-653-2023-12-12_Council_OfficerRepresentationMemo](#)

Ben Bolinger, Legislative Counsel, City Attorney's Office, stated with the

recommendation of the Civil Action Investigation Committee, the City is requesting authorization to defend the City employee.

President Helms polled City Council regarding authorizing the City to represent the Officer. Consensus of City Council agreed.

10B. Closed

10B.A [23-654](#)

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney for the purposes of receiving legal advice on specific legal questions regarding short term rental regulations.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may conduct a Closed Executive Session. In the event any City Councilmember is participating electronically or telephonically in the Closed Executive Session, each City Councilmember participating in the Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the Closed Executive Session is present or able to hear the matters discussed as part of the Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney

Attachments: [23-654 Closed Session memo - 12-4-23](#)

Ben Bolinger, Legislative Counsel, City Attorney's Office, stated that in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed involves consultation with the City Attorney for the purposes of receiving legal advice on specific legal questions regarding short term rental regulations.

President Helms polled City Council regarding the desire to proceed with an electronic Closed Executive Session. At least two-thirds of City Council agreed to proceed in an electronic Closed Executive Session.

11. Adjourn

Upon completion of the Closed Executive Session and there being no further business to come before City Council, President Helms adjourned the meeting at 2:52 PM.

Sarah B. Johnson, City Clerk