

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 4, 2013 at 6:30 p.m.
At the Village Center

Mayor Doug Tisdale called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Doug Tisdale, Councilors Mark Griffin, Russell Stewart, Alex Brown, Scott Roswell, Klasina VanderWerf, and Katy Brown were present on silent roll call. Also present were City Manager John Patterson, City Attorney Linda Michow, Deputy City Manager and Public Works Director Jay Goldie, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni, Street Superintendent Ralph Mason, and City Clerk Laura Smith.

Absent: none

PLEDGE OF ALLEGIANCE

Audrey Davis, Reagan Digby, Alexandra Donovan, Caroline McInnes, Joslyn Richardson, Kendall Robinson, and Meredith Waters of the Cherry Hills Girl's Bandits Lacrosse team led the Council in the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None

**PRESENTATION OF THE MAYOR'S HIGH LINE CANAL STUDENT VIDEO
COMPETITION AWARDS TO THE MIDDLE SCHOOL WINNERS**

Mayor Tisdale explained that he had announced the Mayor's Competition last September and introduced the winners that were present. Brendan Eckerman and Spencer Smith of West Middle School were awarded an Honorable Mention and \$100 in prize money. Henry Davis and Julia Merten of West Middle School were awarded the Middle School Division First Prize and \$500 in prize money.

The Middle School Division First Prize video was viewed.

Mayor Tisdale thanked the students for participating in the competition and for attending the Council meeting.

CONSENT AGENDA

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to approve the following items on the Consent Agenda:

- a. Approval of Minutes – May 21, 2013
- b. Resolution 6, Series 2013; Reappointing Susan Struna to the Board of Adjustment and Appeals
- c. Approval of the Street Striping Contract with Roadsafe Traffic Systems Inc. and Expenditure of Funds for the 2013 Street Striping Project

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

PROPOSED PUBLIC WORKS CONSULTANT

Deputy City Manager/Director Goldie explained that Norris Design was present to share their ideas and concepts of the public input aspect of the public works facility analysis.

Diana Rael of Norris Design, 1101 Bannock Street in Denver, indicated that she was part of a large team, two other members of which were also present tonight. She noted that Norris Design was very excited at the prospect of returning to work with the City. She explained that their approach to the project would begin with outreach to City staff, elected officials, and all residents to determine what core values were most important in evaluating possible sites for the new public works facility. After gathering this information through a number of public meetings, Norris Design would rank a variety of possible sites using the core values. Ms. Rael displayed an example matrix of measureables versus sites. She indicated that Norris Design believed this would be an efficient and effective process.

Mayor Tisdale opened the public comment period at 6:51 p.m.

Brent Kline, 135 Meade Lane, asked if the site list would be restricted to those sites on the display boards Norris Design had brought to the meeting.

Ms. Rael clarified that the display boards were to provide an example and that no sites had been chosen yet.

Alice Abrams, 105 Meade Lane, asked how the criteria for ranking the sites would be determined.

Ms. Rael replied that the criteria would be the result of the public meetings with all stakeholders in the City.

Mayor Tisdale noted that Norris Design would be open to contact with the public outside of the public meetings as well.

Ms. Rael replied that was correct and added that Norris Design would be happy to provide the Council with monthly updates on the project's progress.

Mayor Tisdale asked for other public comments. Hearing none he closed the public comment period at 6:58 p.m.

Councilor K. Brown asked if there would be an opportunity for public input once the highest-ranked sites were identified, noting that neighbors of those sites might become more interested in the process at that point.

Ms. Rael replied that a second series of public meetings would be held after the sites were ranked in order to involve those neighbors and the wider public in each phase of the project.

Mayor Pro Tem Stewart indicated that the Citizen's City Center Committee (CCCC) report was a good place to start with to identify criteria for site evaluation.

Ms. Rael replied that Norris Design was familiar with the CCCC report as well as the Master Plan and would use both as guiding tools.

Councilor A. Brown asked if more than one concept was being considered for the present public works site.

Joe Levi, OZ Architecture, 3003 Larimer Street in Denver, replied that two options were being considered for the current site: maintaining the entire public works facility on the current site, and having part of the facility remain and part moved elsewhere.

Mayor Tisdale noted that the proposed resolution would allow the contract, once ready, to be approved outside of a Council meeting. He explained that the contract was not available due to the short time frame between the selection committee's decision and tonight's meeting.

Deputy City Manager/Director Goldie added that the proposed resolution would help to keep the process moving forward in a timely fashion.

Councilor A. Brown, seconded by Councilor Roswell moved to approve Resolution 7, Series 2013 and authorize the Mayor to execute a Professional Services Agreement with Norris Design on behalf of the City.

The motion carried unanimously.

UNFINISHED BUSINESS

Council Bill 4, Series 2013; Amending Article VII of the Municipal Code Concerning Personal Use and Regulation of Marijuana and Marijuana Accessories (second and final reading)

Mayor Tisdale noted that a corrected version of the proposed ordinance was on the dais.

City Attorney Michow presented Council Bill 4, Series 2013 on second and final reading. She explained that the bill would amend the City Code with regard to personal possession of marijuana and marijuana paraphernalia in order to conform to Amendment 64. She noted that second and final reading had been postponed for several months because staff had waited to see how the Colorado General Assembly would define "openly and publicly". However, the Legislature had postponed addressing this issue until the next legislative session. Ms. Michow explained that staff had chosen the definition included in the bill based on that of several other municipalities as well as the Miriam-Webster dictionary, but that several alternative options were listed in the staff memo.

Mayor Pro Tem Stewart questioned how "openly and publicly" would be enforced. He indicated that an argument could be made that eating marijuana brownies in public would be "publicly" but not "openly".

Chief Tovrea replied that this topic was complex and became more complicated when trying to give direction on enforcement to police officers. She indicated that treating this as a complaint-driven ordinance would be most helpful to police officers. In that case police officers would address the issue if it were brought forth by a neighbor complaint. This would be a similar approach to the current policy for dealing with over-use of alcohol on private property, such as during a party when neighbors complained about noise.

City Attorney Michow noted that staff might return to Council to amend this ordinance if the 2014 Legislature defined "openly and publicly". She indicated that if Council wished

to address marijuana clubs with this ordinance they could adopt the definition of “openly and publicly” as defined by the Town of Superior, which addressed clubs in their definition.

Mayor Pro Tem Stewart indicated that the City was a residential community and that the issue did not exist.

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to approve Council Bill 4, Series 2013 on second reading (as amended); amending Article VII of Chapter 10 of the Municipal Code to recognize the adoption and effect of new Article XVIII, Section 16, of the Colorado Constitution concerning personal use and regulation of marijuana and marijuana accessories by persons twenty-one years and older and to make use by persons under twenty-one and use or display in public places unlawful.

The following votes were recorded:

Katy Brown	yes
Mark Griffin	yes
Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes

Vote on the Council Bill 4-2013: 6 ayes. 0 nays. The motion carried.

Public Hearing - Council Bill 8, Series 2013; Amending Section 16-1-20 Concerning Interpretation of Minimum Zoning Requirements (second and final reading)

Director Zuccaro presented Council Bill 8, Series 2013 on second and final reading. He explained that the bill would amend Section 16-1-20 of the Code in order to clarify that the City does not interpret or implement private covenants or deed restrictions. Clarifications to the language identified by Council during first reading had been made to the bill. Notice of the public hearing was published in the May 16, 2013 edition of the Villager.

Mayor Tisdale opened the public hearing at 7:17 p.m. Hearing no comments the public hearing was closed at 7:18 p.m.

Councilor Roswell moved, seconded by Councilor VanderWerf to approve Council Bill 08, Series 2013 on second and final reading, amending Section 16-1-20 of the Municipal Code concerning the interpretation of minimum zoning standards.

The following votes were recorded:

Mark Griffin	yes
Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes
Katy Brown	yes

Vote on the Council Bill 8-2013: 6 ayes. 0 nays. The motion carried.

Council Bill 9, Series 2013; Amending Provisions of the Municipal Code to Increase the Maximum Fine for Municipal Ordinance Violations to the Amount Authorized by Section 13-10-113, C.R.S., as Amended (second and final reading)

Director Proctor presented Council Bill 9, Series 2013 on second and final reading. She noted that the two changes to the Whereas clauses of the bill identified by Councilor Roswell during first reading had been made.

Mayor Pro Tem Stewart asked if Director Proctor could estimate the financial impact that this bill would have for the City.

Director Proctor replied that she did not have a good estimate as the Municipal Judge had never assessed the maximum fine.

Councilor Roswell moved, seconded by Councilor VanderWerf to approve Council Bill 9, Series 2013 on second reading, amending provisions of the Municipal Code which would increase the maximum fine for municipal ordinance violations.

The following votes were recorded:

Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes
Katy Brown	yes
Mark Griffin	yes

Vote on the Council Bill 9-2013: 6 ayes. 0 nays. The motion carried.

NEW BUSINESS

REPORTS

Mayor's Report

Mayor Tisdale reported that he had attended the Mizel Institute Dinner honoring distinguished resident Pat Bowlen. He also attended the Craig Hospital expansion ground breaking. He was pleased that the middle school winners of the Mayor's video competition had been present tonight and noted that he had presented prizes to the grand prize winners, first place high school winners, and other honorable mention winners at St. Mary's Academy last week. He again thanked Councilor VanderWerf and Villager reporter Jan Wondra for participating in the judging. He noted that the Council mini-retreat on Saturday had been a positive and helpful experience for Council and staff. He passed out City pins to the Council in recognition of and appreciation for their service.

Members of City Council

Councilor A. Brown had no report.

Councilor VanderWerf reminded Council of the upcoming Public Art Commission fundraiser.

Councilor Roswell had no report.

Mayor Pro Tem Stewart apologized for missing the Saturday mini-retreat.

Councilor Griffin commented on a research report on the housing market that he passed out to the Council.

Councilor K. Brown had no report.

Members of City Boards and Commissions

There were no reports.

Mayor Tisdale thanked the board and commission members who had attended Council meetings in the past and encouraged them to continue.

City Manager & Staff

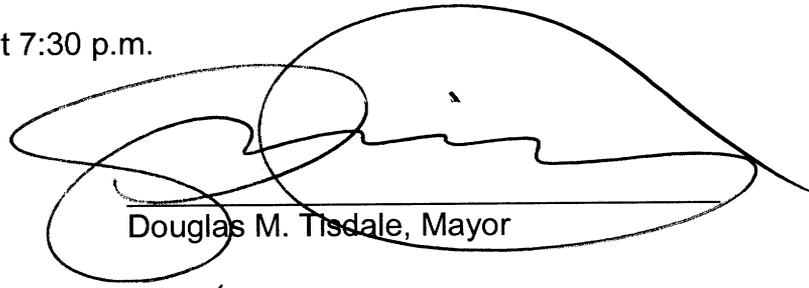
City Manager Patterson had no report.

City Attorney

City Attorney Michow had no report.

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Douglas M. Tisdale, Mayor

A handwritten signature in black ink, appearing to read 'Laura Smith', written in a cursive style above a horizontal line.

Laura Smith, City Clerk