

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, October 4, 2016 at 6:30 p.m.
At the Village Center

The City Council held a study session on the 2017 proposed budget and capital project financing report at 6:03 p.m.

Mayor Laura Christman called the meeting to order at 6:43 p.m.

ROLL CALL

Mayor Laura Christman, Councilors Mark Griffin, Earl Hoellen, Alex Brown, Mike Gallagher, Klasina VanderWerf, and Katy Brown were present on roll call. Also present were City Manager Jim Thorsen, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Linda Michow, Finance Director Karen Proctor, Police Chief Michelle Tovrea, Community Development Director Rachel Hodgson, Human Resource Analyst Kathryn Ducharme, Parks, Trails & Recreation Administrator Ryan Berninzoni, and City Clerk Laura Smith.

Absent: none

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

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

- a. Approval of Minutes – September 20, 2016

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Council Bill 7, Series 2016; A Bill for an Ordinance Amending Section 10-5-40 of the Municipal Code Concerning Loitering (first reading)

City Attorney Michow presented Council Bill 7, Series 2016 on first reading. She explained that the ACLU had sent the City a letter, among 30 other municipalities, encouraging the City to amend its Code to remove the prohibition against loitering for the purposes of begging. She noted that this was based on a recent Federal court case

that determined that begging was protected under the First Amendment. She indicated that the proposed bill would remove the prohibition in Section 10-5-40(b)(1) against loitering for the purposes of begging. She added that the proposed bill would also modify Section 10-5-40(b)(2) to remove vague language related to gambling that was potentially constitutionally problematic.

Mayor Christman noted that other sections of the Code addressed safety issues sometimes associated with begging, such as stepping into the street.

City Attorney Michow confirmed that was correct and that other sections of the Code addressed criminal conduct sometimes associated with begging.

Councilor Griffin noted that the ACLU had threatened the City with a lawsuit if Council did not amend the Code.

City Attorney Michow added that the Police Department had not issued many citations related to Section 10-5-40(b)(1) and had no concerns with its removal from the Code.

Mayor Pro Tem A. Brown moved, seconded by Councilor VanderWerf to approve Council Bill 7, Series 2016, amending Section 10-5-40 of the Cherry Hills Village Municipal Code concerning loitering on first reading.

The following votes were recorded:

| | |
|------------|-----|
| Gallagher | yes |
| Griffin | yes |
| A. Brown | yes |
| VanderWerf | yes |
| K. Brown | yes |
| Hoellen | yes |

Vote on the Council Bill 7-2016: 6 ayes. 0 nays. The motion carried.

REPORTS

Mayor's Report

Mayor Christman reported that she had learned that in a neighboring municipality the number of students who had qualified for school lunches had increased from 500 last year to 2,500 this year. She noted that wages were not keeping up with the increase of rents. She indicated that she would like to organize a food drive in conjunction with the annual Holiday Tree Lighting Event and ask City residents to donate cases of food.

Members of City Council

Councilor Hoellen thanked staff, especially Director Proctor, for the work on the 2017 proposed budget. He congratulated staff on receipt of the Government Finance Officers Association Award again this year.

Councilor K. Brown reported that she would attend the Centennial Airport Noise Roundtable meeting tomorrow and the first CML Policy Committee meeting next Friday on behalf of the City.

Councilor VanderWerf reported that the dedication for the Emmett Culligan *Rubric* series piece would be this Thursday at 4pm at the Joint Public Safety Facility, followed

RECORD OF PROCEEDINGS

by a reception at the Finger residence. She noted there was one space left for the reception.

Mayor Pro Tem A. Brown reported that he and Councilor VanderWerf would interview applicants for the Public Art Commission vacancy tomorrow morning.

Councilor Griffin had no report.

Councilor Gallagher reported that his neighborhood had a successful Oktoberfest celebration for the 24th year.

Members of City Boards and Commissions

Quincy Farm Committee Chair Russell Stewart presented to the Council. He expressed his thanks and appreciation to staff for the key ceremony at Quincy Farm and noted that it had been well received by the family. He reported that the Quincy Farm Committee (QFC) would meet on October 18th. He agreed with Council's discussion during the study session that the funds set aside for a consultant for the QFC were not needed at this time. He noted that the QFC had determined that the pond on the property was a top priority as it provided water to the entire property. He indicated that the QFC would be working on their long-term plan.

City Manager & Staff

City Manager Thorsen reported that the City was in the process of reviewing title and survey work for the 2101 W. Quincy Avenue property; the property would be appraised tomorrow; the environmental team would be testing for Phase 1 and Phase 2 later this week; the building inspection would occur next week; and the first round of objections were due mid-October.

City Attorney

City Attorney Michow reported that she was in discussion with Deputy City Manager/Director Goldie and Director Hodgson about the construction times in the Municipal Code. She indicated that the current Code did not allow for any waivers and staff believed some waiver or variance might be appropriate in certain cases. She noted this was a policy matter entirely at Council's discretion. She explained that the issue had arisen with the drilling of wells which often could not safely be accomplished without working 24/7.

Mayor Pro Tem A. Brown noted that when he had served on the Board of Adjustment and Appeals they had reviewed a case involving a well and had been told by the engineer that there was a 100% probability of failure if work had to stop for construction hours.

Deputy City Manager/Director Goldie added that another example was the wireless communication towers recently installed on the building in the City's commercial district. He noted that staff had managed to find a solution so that the businesses did not have to shut down but it had been difficult. He indicated that staff had involved the neighbors and the City of Englewood.

Councilor Hoellen suggested that the criteria for any waiver or variance be very specific.

Deputy City Manager/Director Goldie agreed.

ADJOURNMENT

The meeting adjourned at 7:03 p.m.





Laura Christman, Mayor



Laura Smith, City Clerk