MINUTES
CITY COUNCIL REGULAR MEETING
LOCAL LIQUOR LICENSING AUTHORITY
CITY OF GREENWOOD VILLAGE, COLORADO
AUGUST 6, 2012

Regular Meeting

The City Council of the City of Greenwood Village met in a regular session in the Community Room at Greenwood Village City Hall, 6060 South Quebec Street, Greenwood Village, County of Arapahoe, State of Colorado, at 7:06 p.m., following a Study Session in which Council held a discussion regarding the Draft 2012 Citizen Survey.

Roll Call

There being present at the call of the roll the following persons:

Councilmembers: Jeff Roemer, Denise Rose, Jerry Presley, Bette Todd, Tom Bishop, and Leslie Schluter

Absent: T.J. Gordon and Gary Kramer

Mayor Ron Rakowsky, presiding, declared a quorum present.

Also Present: City Manager Jim Sanderson, City Attorney Tonya Haas Davidson and various staff members.

Request for Executive Session to Determine Positions Relative to Matters that may be Subject to Negotiations, Develop a Strategy for Negotiations and/or Instruct Negotiators, Pursuant to C.R.S. §24-6-402(4)(e)

COUNCILMEMBER PRESLEY MOVED TO HOLD AN EXECUTIVE SESSION TO DETERMINE POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOP A STRATEGY FOR NEGOTIATIONS AND/OR INSTRUCT NEGOTIATORS, PURSUANT TO C.R.S. §24-6-402(4)(e). Councilmember Schluter seconded

Council convened into Executive Session at 6:23 p.m.

Council reconvened into Regular Session in the Council Chambers at 7:10 p.m.

Pledge of Allegiance

Boy Scout Troop 457 led the pledge of allegiance.

Mayor Rakowsky presented an old United States flag to the Troop for proper disposal.
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Mr. John Madden spoke to the Boy Scout Troop about Boy Scout camp opportunities to qualify for college scholarships.

**Approval of the Minutes – July 2, 2012 Regular Meeting**

COUNCILMEMBER TODD MOVED TO APPROVE THE MINUTES OF THE JULY 2, 2012 REGULAR MEETING, AS SUBMITTED. Councilmember Rose seconded and the motion was passed by a unanimous voice vote.

**Public Comment**

There was no public comment.

**Proclamations**

**Siemen’s Merit Foundation Scholarship Winner – Tasha Schoenstein**

Mayor Rakowsky read into the record a proclamation proclaiming August 6, 2012, as Tasha Schoenstein Day in recognition of her achievement in receiving the Siemens Award for Advanced Placement.

**Mayor’s Award for Excellence in the Arts – Quang Ho and John Madden**

Mayor Rakowsky read into the record a proclamation for the 2011 Mayor’s Award for Excellence in the Arts awarded to Mr. Quang Ho and Mr. John Madden. Greenwood Village Arts and Humanities Councilmember Adrienne Levy accepted the award on behalf of Mr. Ho, who was not in attendance. Mr. Madden accepted the award in person.

**New Business**

**Motion to Authorize the Mayor to Execute an Artwork Loan Agreement Between the Greenwood Village Arts and Humanities Council, the City of Greenwood Village and the Museum of Outdoor Arts for the Installation of the Bronze Dolphin Sculpture at the Middle Pond in Westlands Park**

COUNCILMEMBER SCHLUTER MOVED TO AUTHORIZE THE MAYOR TO EXECUTE AN ARTWORK LOAN AGREEMENT BETWEEN THE GREENWOOD VILLAGE ARTS AND HUMANITIES COUNCIL, THE CITY OF GREENWOOD VILLAGE AND THE MUSEUM OF OUTDOOR ARTS FOR THE INSTALLATION OF THE BRONZE DOLPHIN SCULPTURE AT THE MIDDLE POND IN WESTLANDS PARK. Councilmember Presley seconded the motion which passed by a unanimous voice vote.

**Public Hearings**

**Local Liquor Licensing Authority - Arts Gallery Liquor Permit – Greenwood Village Arts & Humanities Council, Curtis Arts Center, 2349 East Orchard Road, Greenwood Village, CO 80121, September 15, 2012 and October 27, 2012, 6:00 p.m. – 9:00 p.m.**
City Council, acting as the Local Liquor Licensing Authority, held a quasi-judicial public hearing at 7:35 p.m. Mayor Rakowsky presided with six Councilmembers present.

Mayor Rakowsky explained the public hearing was being held to determine whether or not the application by the Greenwood Village Arts and Humanities Council for an Arts Gallery Liquor Permit at the Curtis Arts and Humanities Center, 2349 East Orchard Road, Greenwood Village, CO 80121, for September 15, 2012 and October 27, 2012, from 6:00 p.m. to 9:00 p.m., should be granted or denied.

Mayor Rakowsky accepted into evidence Exhibit A which was a copy of the Deputy City Clerk’s preliminary report and findings and the original application and related papers.

City Attorney Haas Davidson stated the application was in proper form and order; the necessary fees had been paid, and submitted into evidence Exhibits B and C which were the Certificate of Public Notice and the Certificate of Posting.

Mayor Rakowsky accepted Exhibits B and C into evidence and made them a part of the hearing record.

COUNCILMEMBER PRESLEY MOVED TO ACCEPT THE APPLICATION AND EXHIBITS, AS SUBMITTED, WITHOUT TESTIMONY. Councilmember Rose seconded and the motion was passed by a unanimous voice vote.

COUNCILMEMBER PRESLEY MOVED TO CLOSE THE PUBLIC HEARING. Councilmember Rose seconded and the motion was passed by a unanimous voice vote.

COUNCILMEMBER ROSE MOVED TO ADOPT RESOLUTION NO. 41-12 – A RESOLUTION APPROVING THE APPLICATION FOR AN ARTS GALLERY LIQUOR PERMIT, AS REQUESTED BY THE GREENWOOD VILLAGE ARTS AND HUMANITIES COUNCIL, 2349 EAST ORCHARD ROAD, GREENWOOD VILLAGE, COLORADO 80121, ON SEPTEMBER 15, 2012 AND OCTOBER 27, 2012, FROM 6:00 P.M. – 9:00 P.M. Councilmember Presley seconded and the motion was passed by a unanimous polled vote.

Consent Agenda

Ordinance No. 29-12 – Second Reading – An Ordinance Adopting a Sixth Amended Budget for the Various Funds, Departments, Offices, and Agencies of the City of Greenwood Village, Colorado, for the 2012 Fiscal Year

Ordinance No. 30-12 – Second Reading – An Ordinance Providing for the Sixth Supplemental Appropriation of Money for the Various Funds, Departments, Offices, and Agencies of the City of Greenwood Village, Colorado, for the 2012 Fiscal Year

Resolution No. 38-12 – A Resolution Re-Appointing Joann Long to the Parks, Trails and Recreation Commission and Establishing an Expiration Date of Her Term (District 4)
Resolution No. 39-12 – A Resolution Re-Appointing Kathy McClintock to the Parks, Trails and Recreation Commission and Establishing an Expiration Date of Her Term (District 4)

Mayor Rakowsky noted all matters listed under consent are considered routine and the titles would not be read aloud. No requests were received to remove any items from the Consent Agenda.

COUNCILMEMBER PRESLEY MOVED TO APPROVE THE CONSENT AGENDA, AS SUBMITTED. Councilmember Rose seconded and the motion was passed by a unanimous polled vote.

Public Hearings - Continued
Local Liquor Licensing Authority – New Hotel & Restaurant Liquor License – DTC Kilts, LLC d/b/a Tilted Kilt Pub & Eatery, 8000 East Bellevue Avenue, Suite D-60, Greenwood Village, CO 80111

City Council, acting as the Local Liquor Licensing Authority, held a quasi-judicial public hearing at 7:40 p.m. Mayor Rakowsky presided with six Councilmembers present.

Mayor Rakowsky explained the public hearing was being held to determine whether or not the application by DTC Kilts, LLC d/b/a Tilted Kilt Pub & Eatery, for a new Hotel & Restaurant Liquor License at 8000 East Bellevue Avenue, Suite D-60, Greenwood Village, CO 80111, should be granted or denied.

Mayor Rakowsky accepted into evidence Exhibit A which was a copy of the Deputy City Clerk’s preliminary report and findings and the original application and related papers. The petitions and written affidavits were accepted into evidence as Exhibit B.

City Attorney Haas Davidson stated the application was in proper form and order; the necessary fees had been paid, and submitted into evidence Exhibits C and D which were the Certificate of Public Notice and the Certificate of Posting.

Mayor Rakowsky accepted Exhibits C and D into evidence and made them a part of the hearing record.

COUNCILMEMBER BISHOP MOVED TO ACCEPT THE APPLICATION AND EXHIBITS AS SUBMITTED. Councilmember Rose seconded. A vote was not taken on the motion.

Mr. Kevin Coates, Attorney representing the applicant, introduced Mr. Mark Voss and noted he was available for questions.

Mr. Mark Voss, managing member, 873 Wolverine [Court], Castle Rock, was sworn in.
Mr. Voss described the restaurant as a sports bar with a Celtic theme and noted this location was the second in Colorado. He gave a brief overview of the number of employees, training program, and background information.

There was a brief discussion regarding the number of employees.

COUNCILMEMBER BISHOP MOVED TO CLOSE THE PUBLIC HEARING. Councilmember Presley seconded and the motion was passed by a unanimous voice vote.

COUNCILMEMBER SCHLUTER MOVED TO ADOPT RESOLUTION NO. 40-12 – A RESOLUTION APPROVING THE APPLICATION FOR A NEW HOTEL & RESTAURANT LIQUOR LICENSE, AS REQUESTED BY DTC KILTS, LLC D/B/A TILTED KILT PUB & EATERY, 8000 EAST BELLEVIEW AVENUE, SUITE D-60, GREENWOOD VILLAGE, CO 80111. Councilmember Roemer seconded.

There was a brief discussion regarding the manager registration.

A polled vote was taken on the motion, which passed unanimously.

Mayor Rakowsky welcomed the applicant to the Village and impressed upon them the importance of proper sales and service of alcohol.

Case No. 12-035 – A City-initiated Request to Amend the Greenwood Plaza Boulevard Master Development Plan (GP MDP Amendment 2012) Containing a Total of 250.8 Acres, more or less, to Clarify the Intent, Process and Development Standards and Modify the Boundaries

Case No. 12-034 – A City-initiated Request to Rezone Westlands Park (5701 South Quebec Street) and the Greenwood Athletic Club (5801 South Quebec Street) Containing 45.9 Acres, more or less, from Town Center (TC) to Open Space (O-2)

Ordinance No. 31-12 – First Reading – An Ordinance Rezoning Certain Real Property within the City of Greenwood Village Generally Known as Westlands Park from Town Center (TC) to Open Space (O-2)

Case No. 12-033 – A City-initiated Request to Rezone the Parkside Filing 1 Subdivision (1 through 8 Mountainview Road) Containing 14 Acres, more or less, from Town Center (TC) to a Residential-1.5 Planned Unit Development (R-1.5 PUD)

Ordinance No. 32-12 – First Reading – An Ordinance Rezoning Certain Real Property Known as Parkside Filing 1 Subdivision from Town Center (TC) to Residential (R-1.5)

Case No. 12-036 – A City-initiated Request to Rezone the Property Platted as Greenwood Estates 1st Filing Tract A Block 1 (6800 East Dorado Avenue Containing 1.29 Acres, more or less, from Residential-1.5 Planned Unit Development (R-1.5 PUD) to Open Space (O-2)
Ordinance No. 33-12 – First Reading – An Ordinance Rezoning Certain Real Property Known as Greenwood Estates Filing No. 1, Tract A, Block 1 from Residential-1.5 PUD (R-1.5 PUD) to Open Space (O-2)

A quasi-judicial public hearing was held at 7:56 p.m. regarding Case No. 12-035 - A City-initiated request to amend the Greenwood Plaza Master Development Plan; Case No. 12-034 - a City-initiated request to rezone Westlands Park, along with Ordinance No. 31-12; Case No. 12-033 - a City-initiated request to rezone Parkside Filing No. 1 Subdivision 1, along with Ordinance No. 32-12; and Case No. 12-036 - a City-initiated request to rezone the property platted as Greenwood Estates 1st Filing Tract A, Block 1, along with Ordinance No. 33-12. Mayor Rakowsky presided with six Councilmembers present.

City Attorney Tonya Haas Davidson stated a notice of the date, time and place of the hearing was published in the City’s official newspaper at least 15 days preceding the hearing and offered into evidence Exhibit A, which was proof of publication from The Villager.

She stated notice of the hearing was posted on each street adjoining the property for at least 15 continuous days prior to the hearing and offered into evidence Exhibit B, which was an affidavit of posting. She also stated notice of the date, time and place of the hearing was sent by first class mail to the property owners within the corporate boundaries of the City within 2,000 feet of the subject property, to any properties outside the corporate boundaries of the City that lie immediately adjacent to the subject property, and to all neighborhood groups and homeowners’ associations within the area of notification at least 15 days prior to the hearing. She offered into evidence Exhibit C, which was an affidavit of mailing. She noted these items complied with the Greenwood Village Municipal Code and it was her opinion the Council had jurisdiction to proceed with the public hearing.

Mayor Rakowsky accepted Exhibits A, B, and C into evidence and made them part of the hearing record.

Planning Technician Judy Panton, Community Development Engineer Ann Woods and Planning Manager Joy McGee, 6060 South Quebec Street, Greenwood Village, were sworn in.

Planning Manager McGee presented the matter to Council, including:

- An overview of the history of the existing Master Development Plan (MDP), noting it was created in 1977. She provided a map of the original MDP and noted it was divided into five land use categories.
- An overview of the historical amendments to the MDP, including 1992 approval for a 5,000 square foot restaurant, 2001 Orchard Place III and IV exclusion, 2007 Marin development standards, and 2011 Plaza Colorado exclusion.
- No changes were being proposed to the standards for the MDP, including minimum open space, maximum building coverage or floor area ratio.
- An overview of past Open Space transfers, including Quebec Court I and II and a request from Marilyn Hickey ministries.
• Overview of the maximum building height which is based on a radial height plane.
• Discussed past direction given from Council in 2011 regarding the MDP.
• Overview of the changes requested, including the Intent, Process, Development Standards, and Boundary Changes.
  o Boundary changes include removing Parkside Filing No. 2, Westlands Park, and the Greenwood Athletic Club from the MDP and rezoning each of the sites, as required by the Municipal Code; and graphically removing parcels previously excluded from the MDP.
• Parks, Trails and Recreation Commission recommended approval as submitted and Planning and Zoning Commission recommended approval but with one concern regarding Light Assembly and Manufacturing as an allowed use in the MDP area.

There was a discussion regarding notification to residents and businesses. Planning Manager McGee noted that no specific concerns were expressed by the business community.

There was a brief discussion regarding the redevelopment standards for the outlying parcels not included in the MDP. Planning Manager McGee clarified they would be held to the standards of their zone district, which was B-1.

There was a discussion regarding the rezoning of the Westlands Park and Greenwood Athletic Club areas.

COUNCILMEMBER BISHOP MOVED TO CLOSE THE PUBLIC HEARING. Councilmember Todd seconded and the motion was passed by a unanimous voice vote.

COUNCILMEMBER SCHLUTER MOVED TO APPROVE CASE NO. 12-035 - A CITY-INITIATED REQUEST TO AMEND THE GREENWOOD PLAZA MASTER DEVELOPMENT PLAN (GP MDP AMENDMENT 2012) CONTAINING A TOTAL OF 250.8 ACRES, MORE OR LESS, TO CLARIFY THE INTENT, PROCESS AND DEVELOPMENT STANDARDS AND MODIFY THE BOUNDARIES. Councilmember Roemer seconded and the motion was passed by a unanimous polled vote.

COUNCILMEMBER SCHLUTER MOVED TO APPROVE ORDINANCE NO. 31-12 - AN ORDINANCE REZONING CERTAIN REAL PROPERTY WITHIN THE CITY OF GREENWOOD VILLAGE GENERALLY KNOWN AS WESTLANDS PARK, FROM TOWN CENTER (TC) TO OPEN SPACE (O-2). SHE WAIVED READING IN FULL AND MOVED TO PUBLISH IN FULL IN THE VILLAGER. Councilmember Roemer seconded and the motion was passed by a unanimous polled vote.

COUNCILMEMBER ROEMER MOVED TO APPROVE ORDINANCE NO. 32-12 - AN ORDINANCE REZONING CERTAIN REAL PROPERTY KNOWN AS PARKSIDE FILING 1 SUBDIVISION FROM TOWN CENTER (TC) TO RESIDENTIAL-1.5 (R-1.5) AND MOVE TO APPROVE THE PLANNED UNIT DEVELOPMENT. HE WAIVED READING IN FULL AND MOVED TO PUBLISH IN FULL IN THE VILLAGER. Councilmember Schluter seconded and the motion was passed by a unanimous polled vote.
COUNCILMEMBER ROEMER MOVED TO APPROVE ORDINANCE NO. 33-12 - AN ORDINANCE REZONING CERTAIN REAL PROPERTY KNOWN AS GREENWOOD ESTATES FILING NO. 1, TRACT A, BLOCK 1, FROM RESIDENTIAL-1.5 PLANNED UNIT DEVELOPMENT (R-1.5 PUD) TO OPEN SPACE (O-2). HE WAIVED READING IN FULL AND MOVED TO PUBLISH IN FULL IN THE VILLAGER. Councilmember Schluter seconded and the motion was passed by a unanimous polled vote.

Ordinances and Resolution

Ordinance No. 28-12 - First Reading - An Ordinance Amending Chapter 11 of the Greenwood Village Municipal Code to Apply Park Regulations to Open Space and Trails

COUNCILMEMBER PRESLEY MOVED TO APPROVE ORDINANCE NO. 28-12 – AN ORDINANCE AMENDING CHAPTER 11 OF THE GREENWOOD VILLAGE MUNICIPAL CODE TO APPLY PARK REGULATIONS TO OPEN SPACE AND TRAILS. HE WAIVED READING IN FULL AND MOVE TO PUBLISH IN FULL IN THE VILLAGER. Councilmember Rose seconded and the motion was passed by a unanimous polled vote.

Ordinance No. 34-12 – First Reading – An Ordinance Amending Chapter 16, Articles 2 and 24 of the Greenwood Village Municipal Code Regarding Mobile Food Service Permits

COUNCILMEMBER ROEMER MOVED TO APPROVE ORDINANCE NO. 34-12 – AN ORDINANCE AMENDING CHAPTER 16, ARTICLES 2 AND 24 OF THE GREENWOOD VILLAGE MUNICIPAL CODE REGARDING MOBILE FOOD SERVICE PERMITS. HE WAIVED READING IN FULL AND MOVED TO PUBLISH IN FULL IN THE VILLAGER. Councilmember Bishop seconded.

There was discussion regarding a means by which the Police Department could better enforce safety issues with regards to Mobile Food Service vendors, without prohibiting them in the public right of way.

A polled vote was taken on the motion which passed unanimously.

New Business – Continued


COUNCILMEMBER PRESLEY MOVED TO ACCEPT THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE VILLAGE FOR THE YEAR ENDED DECEMBER 31, 2011. Councilmember Bishop seconded and the motion as passed by a unanimous polled vote.

Case No. 12-40-AP; Amended Plat – Cherry Creek Village Amendment No. 1, Amended Plat of Lots 4 and 5, Block 3; 9171 and 9151 East Radcliff Place

COUNCILMEMBER BISHOP MOVED TO APPROVE CASE NO. 12-40-AP; AMENDED PLAT – CHERRY CREEK VILLAGE AMENDMENT NO. 1, AMENDED PLAT OF LOTS 4
AND 5, BLOCK 3; 9171 AND 9151 EAST RADCLIFF PLACE, AS SUBMITTED. Councilmember Rose seconded and the motion was passed by a unanimous polled vote.

**Motion to Authorize the Mayor to Sign an Intergovernmental Agreement with the Greenwood Athletic Club Metropolitan District to Create an Access Between the Greenwood Athletic Club and Westlands Park Access Drive**

COUNCILMEMBER ROEMER MOVED TO AUTHORIZE THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE GREENWOOD ATHLETIC CLUB METROPOLITAN DISTRICT TO CREATE AN ACCESS BETWEEN THE GREENWOOD ATHLETIC CLUB AND WESTLANDS PARK ACCESS DRIVE. Councilmember Rose seconded and the motion was passed by a unanimous polled vote.

**Reports of Officers-Boards-Committees**

**Mayor's Report**

Mayor Rakowsky reported on a successful Greenwood Village Day. City Manager Sanderson commended staff for their hard work on the event and noted they were working on rescheduling the fireworks display for September.

**Council Reports**

Councilmember Schluter reported on the Mayor and Council Forum she attended noting it was an excellent opportunity to meet Council members from other municipalities. She also reported that she completed a Police ride-along with Sgt. Tracy Thompson to gain a first-hand view of how the Police Department works.

Councilmember Rose reported on a recent meeting hosted by the City of Littleton for an Economic Development Symposium attended by Littleton, Denver, Cherry Hills Village and Englewood.

**City Manager's Report**

City Manager Sanderson discussed dates for the upcoming budget workshop. It was the consensus of Council to hold the retreat at City Hall on October 12 at 8:00 a.m.

**Adjournment**

COUNCILMEMBER SCHLUTER MOVED TO ADJOURN FROM THE REGULAR MEETING. Councilmember Rose seconded and the motion was passed by a unanimous voice vote. There being no further business to come before the Council the meeting was adjourned at 8:55 p.m.
Attest:

Susan M. Phillips MMC
City Clerk

Mayor

Ronald J. Rakowsky

City of Greenwood Village
Colorado

SEAL