

CITY COUNCIL WORK SCHEDULE

As of July 15, 2021

August 3, 2021, Business Meeting

1. Fee Schedule (Ord. 1st Reading)
2. Administrative Enforcement (Ord. 1st Reading)
3. Animal Impoundments (Ord. 1st Reading)
4. Backflow (Ord. 1st Reading)
5. 2401 Sheridan Blvd. Sale Contract (2nd Reading)
6. Tobacco Code Changes (2nd Reading)

August 3, 2021, Work Session

1. 2018 Building Codes
- 2.
- 3.

August 17, 2021, Business Meeting

1. Employee 10 Anniversary Recognition (Hernandez/Mcelhany)
2. Coordinate w/Jefferson County November Election (Resolution)
3. Fee Schedule (Ord. 2nd Reading)
4. Administrative Enforcement (Ord. 1st Reading)
5. Animal Impoundments (Ord. 1st Reading)
6. Vision Discussion (General Business)

August 17, 2021, Work Session

1. City Council/ERA Joint Meeting (25th Ave. Project)
2. Mobility Plan

September 7, 2021, Business Meeting

1. 2018 Building Code (Ord. 1st Reading)
2. Backflow (Ord. 2nd Reading)

September 7, 2021, Work Session

- 1.

Upcoming Agendas

1. Civic Center Solar
2. Short Term Rentals Licensing and Enforcement
3. Evacuation Process
4. Rules of Procedures for Boards and Commissions
5. Anti-Racism Resolution (further discussion)
6. PD Staff Discussion
7. COVID 19 Status Update
8. ASK Edgewater Updates
9. Easement Agreements (Work Session)
10. Organizational Assessment – Diversity, Equity & Inclusion (Summer 2021)



**EDGEWATER CITY COUNCIL
BUSINESS MEETING and WORK SESSION
HELD IN THE CITY COUNCIL CHAMBERS
1800 HARLAN STEET
EDGEWATER, CO 80214
AND VIRTUALLY THROUGH
THE GOTO MEETING APP**

<https://global.gotomeeting.com/join/593941517>

[tel:+15713173112, 593941517#](tel:+15713173112,593941517#)

[Access Code: 593-941-517](#)

July 20, 2021

6:30 pm

Notice: City Council packets are prepared several days prior to the meeting. Please be advised that the City Council business meeting may be short and that certain items will be addressed and acted upon with little discussion. These items have usually been presented at a prior City Council workshop and may appear as part of a consent agenda.

3 or more other City Board or Commission members may attend this meeting

Public Comment: Except for comments concerning matters that are set for public hearing, members of the public are invited to be heard during the public comment portions of the meeting. Testimony on matters set for public hearing will be invited during the public hearing. General public comments will be limited to **three minutes** each unless prior arrangements have been made with the City Clerk or Mayor. City Council may or may not respond to your comments of this evening, but instead take your comments and suggestions under advisement and direct your questions to the appropriate person or department for follow-up. Except with respect to Public Hearings that have been closed, Council will also offer the public the opportunity to speak on any agenda item before a vote is taken.

ITEM 1. BUSINESS MEETING CALL TO ORDER

ITEM 2. Roll Call

ITEM 3. Pledge of Allegiance

ITEM 4. Approval of Agenda

ITEM 5. Consent Agenda

1. Minutes of June 15, 2021

ITEM 6. Communications from the City Manager, Staff and Boards and Commissions

ITEM 7. Presentations and Award

ITEM 8. Public Comment (Non-Agenda Items)

ITEM 9. Ordinance 2021-14

Discussion and Possible Action on the First and Final Reading of Ordinance 2021-14, AN EMERGENCY ORDINANCE OF THE CITY OF EDGEWATER, COLORADO, ESTABLISHING AN ECONOMIC RELIEF PROGRAM FOR LANDLORDS AND TENANTS, AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PROGRAM.

ITEM 10. Ordinance 2021-15

Discussion and Possible Action on the First Reading of Ordinance 2021-15, AN ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 2401 SHERIDAN BOULEVARD (THE PREVIOUS CITY HALL PROPERTY) TO WEST SHORE HOSPITALITY, LLC.

ITEM 11. Ordinance 2021-13

Discussion and Possible Action on the First Reading of Ordinance 2021-13, AN ORDINANCE: (1) AMENDING CHAPTER 6, ARTICLE 14, OF THE EDGEWATER MUNICIPAL CODE, CONCERNING REQUIREMENTS FOR AND LIMITATIONS ON THE SALE OF TOBACCO PRODUCTS, BY AMENDING SECTIONS 6-14-30 AND 6-14-50 TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS, AND BY AMENDING SECTION 6-14-100 CONCERNING ENFORCEMENT AND COMPLIANCE MONITORING TO REQUIRE TWICE ANNUAL COMPLIANCE CHECKS; AND (2) AMENDING CHAPTER 10, ARTICLE 7 OF THE CODE BY AMENDING SECTION 10-7-60, TO ELIMINATE THE OFFENSE OF THE PURCHASE OF TOBACCO BY MINORS.

ITEM 12. Ordinance 2021-12

Discussion and Possible Action on the Second Reading of Ordinance 2021-12, AN ORDINANCE OF THE CITY OF EDGEWATER, COLORADO, CONCERNING THE CORONAVIRUS (COVID-19) PUBLIC HEALTH EMERGENCY, PROVIDING LIMITED EMERGENCY AUTHORITY TO THE CITY MANAGER, AND REPEALING ORDINANCE NO. 2020-17.

ITEM 13. Ordinance 2021-11 (Public Hearing)

Discussion and Possible Action on the Second Reading of Ordinance 2021-11, AN ORDINANCE ADOPTING BY REFERENCE THE NATIONAL ELECTRIC CODE, 2020 EDITION; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND MAKING CONFORMING AMENDMENTS TO THE EDGEWATER MUNICIPAL CODE

ITEM 14. General Business

ITEM 15. Public Comments

ITEM 16. Mayor and Council Comments

ITEM 17. BUSINESS MEETING ADJOURNMENT

ITEM 18. WORK SESSION CALL TO ORDER

ITEM 19. Public Comment

ITEM 20. General Business

1. Backflow Discussion (Kit)

ITEM 21. Mayor and Council Comments

ITEM 22. Discussion of Upcoming Agenda

ITEM 23. Work Session Adjournment



City Council Agenda Item Form

Agenda Item #:	Item #11
Agenda Item Title:	Edgewater Tobacco Code Changes Ordinance – 1st reading
Agenda Date:	<input type="checkbox"/> City Council Workshop: _____ <input checked="" type="checkbox"/> City Council Business Meeting: May 4, 2021; June 15, 2021
Initiated By:	<input checked="" type="checkbox"/> City Council <input type="checkbox"/> Staff member: _____
Staff Contact:	Name: Thad Renaud/Jocelyn Mills Email: jmills@edgewaterco.com Phone: 720-763-3053
Type:	<input checked="" type="checkbox"/> Open Discussion for direction <input type="checkbox"/> Informational/ Presentation <input type="checkbox"/> Policy Change/ Addition/ Deletion <input type="checkbox"/> Resolution Approval <input type="checkbox"/> Contract Approval <input type="checkbox"/> Other: Ordinance – 1 st reading
Brief Topic Description:	Code change proposed to restrict the sale of favored smokeless tobacco, compliance checks and other and Discussion into legislative recommendations by Jefferson County Public Health on Tobacco policies.
Financial Impact:	None proposed
History/ Background:	<p>Edgewater City Council has received regular updates from Jefferson County Health on Tobacco policies over the past ten years. Following a presentation by Jefferson County Public Health on May 4, 2021, this workshop will focus discussion on 1. Comprehensive Flavored Tobacco Policy; 2. Strengthen Tobacco Retailer Accountability. Pricing Strategies was also discussed at the presentation but will not be included in this discussion.</p> <p>City Council discussed again at its June 15, 2021 study session, these potential changes to Edgewater’s tobacco regulations. Information regarding this ordinance and tonight’s hearing was sent out to the City’s tobacco retailers from the City Clerk’s office.</p>
Staff Information:	Staff took direction from Council’s worksessions on this topic to create this ordinance, addressing flavored tobacco and tobacco retailer accountability.

Attachments: Edgewater Tobacco Code Changes Ordinance #2021-13

CITY OF EDGEWATER
ORDINANCE NO. 2021-13
SERIES OF 2021

AN ORDINANCE: (1) AMENDING CHAPTER 6, ARTICLE 14, OF THE EDGEWATER MUNICIPAL CODE, CONCERNING REQUIREMENTS FOR AND LIMITATIONS ON THE SALE OF TOBACCO PRODUCTS, BY AMENDING SECTIONS 6-14-30 AND 6-14-50 TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS, AND BY AMENDING SECTION 6-14-100 CONCERNING ENFORCEMENT AND COMPLIANCE MONITORING TO REQUIRE TWICE ANNUAL COMPLIANCE CHECKS; AND (2) AMENDING CHAPTER 10, ARTICLE 7 OF THE CODE BY AMENDING SECTION 10-7-60, TO ELIMINATE THE OFFENSE OF THE PURCHASE OF TOBACCO BY MINORS.

WHEREAS, the City Council of the City of Edgewater finds that the use of tobacco products presents grave health risks, including but not limited to nicotine addiction; and

WHEREAS, nicotine solutions, which are consumed via electronic smoking devices such as electronic cigarettes, are frequently sold in many flavors that appeal to youth; and

WHEREAS, flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke, thereby increasing the appeal of tobacco products; and

WHEREAS, beyond the harmful effects of nicotine, vaping nicotine-free fluids or solutions can affect vascular function or result in exposure to cancer-causing, or carcinogenic, compounds, potentially leading to long-term harmful consequences; and

WHEREAS, the City of Edgewater has a substantial interest in discouraging the illegal sales of tobacco and nicotine products to minors and persons and promoting compliance with laws prohibiting the sale of tobacco products to minors; and

WHEREAS, the City Council finds that there is a financial incentive to tobacco retailers to sell tobacco products to minors and persons under the age of twenty-one years, which incentive too often results in the unlawful sale (directly and indirectly) of tobacco products to minors; and

WHEREAS, the City Council finds that the establishment herein of substantive limitations on the sale of flavored tobacco products, including nicotine-free vapor products, will protect the health, safety and welfare of the public, by encouraging responsible tobacco product retailing, reducing the sales of tobacco products to minors and persons under twenty-one years of age in Edgewater, and reducing the number of adolescents and young adults who start using e-cigarettes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1. Section 6-14-30 of the Edgewater Municipal Code, concerning the definition of terms for purposes of Article 4 of Chapter 6 of the Code, titled “Tobacco Product Retailer License and Regulations,” is hereby amended by the addition of the following definitions, to be placed in said section in their appropriate alphabetical order:

Characterizing Flavor means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include without limitation tastes or aromas relating to food or drink of any sort of fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herbs, or spices.

Constituent means any artificial or synthetic substance, chemical or compound that is added by the manufacturer of a tobacco product during the product manufacturing process, which is intended to enhance tobacco flavor, mask unpleasant odor, or otherwise alter or affect the taste, aroma or delivery characteristics of tobacco during use of tobacco.

Flavored Tobacco Product means any tobacco product that contains a constituent or imparts a characterizing flavor.

Section 2. Section 6-14-50 of the Edgewater Municipal Code, concerning limitation on tobacco product sales, is hereby amended to read in its entirety as follows:

Sec. 6-14-50. Minimum legal sales age and other limitations on tobacco product retailing.

(a) *Minimum legal sales age and requirements of positive identification.* It is unlawful to sell or distribute a tobacco product to a person under the age of twenty-one (21) years. No licensee shall sell or transfer a tobacco product without first examining the government-issued photographic identification of the recipient to confirm that the recipient is at least twenty-one (21) years of age.

(b) *Minimum age for persons selling tobacco products.* Licensees shall not allow, permit or require any person who is younger than the age of eighteen (18) years to sell a tobacco product during the course of operation of the business.

(c) *No unaccompanied minors permitted in retail tobacco businesses.* Licensee shall not allow or permit a person who is younger than twenty-one (21) years of age to be admitted or remain upon the licensed premises of a retail tobacco business, unless such person is accompanied by his or her parent or guardian. The licensee of a retail tobacco business shall post and keep at all times visible to the public in a conspicuous place on the licensed

premises, a sign to be provided by the City Clerk's office which shall read as follows:

WARNING: It is a violation of the Edgewater Municipal Code for any person under twenty-one (21) years of age to be on the premises of this business unless accompanied by their parent or guardian.

- (d) *Self-service display prohibited.* Except at a location where persons under twenty-one (21) years of age are prohibited from entry, it is unlawful for a licensee to engage in tobacco product retailing by means of a self-service display.
- (e) *Signage required.* No person shall distribute a tobacco product in the City unless a clearly visible notice is posted at the location where the tobacco product is distributed, which notice shall state, legibly printed in letters at least one-half inch in height, "No person under the age of twenty-one (21) may purchase tobacco or an electronic smoking device."
- (f) *Distribution of flavored tobacco products prohibited.* On and after November 1, 2021, it is unlawful to sell, offer for sale, or distribute a flavored tobacco product within the City.

Section 3. Section 6-14-100 of the Edgewater Municipal Code, concerning compliance monitoring of tobacco product sales, is hereby amended to read in its entirety as follows:

Sec. 6-14-100. - Compliance monitoring.

- (a) Subject to the requirements of subsection (b) below, ~~Compliance~~ monitoring of this Article shall be by the Department, as the Department deems appropriate, to allow the Department to determine if a tobacco product retailer is conducting business in a manner that complies with this Article.
- (b) The Department shall, twice annually, conduct a compliance check of each tobacco product retailer that is licensed by the City to determine if the retailer is conducting business in a manner that complies with this Article. Each compliance check shall, at a minimum, include investigation concerning whether the retailer is complying with the requirements and limitations of this Article that concern the minimum purchase age for tobacco products, and the prohibition of the sale of flavored tobacco products. ~~have the discretion to consider the previous compliance check history of a licensee in determining how frequently to conduct compliance checks of a licensee.~~

- (c) Nothing in this section shall create a right of action in any licensee or other person against the City, the Department or their agents and officers.
- (d) The Department shall not enforce any law establishing a minimum age for tobacco purchases or possession against a person who otherwise might be in violation of such law because of the person's age (hereinafter "minor operative") if the potential violation occurs when:
 - (1) The minor operative is participating in a compliance check supervised by a peace officer or a code enforcement official of the Department; or
 - (2) The minor operative is acting as an agent of a person designated by the City to monitor compliance with this Article; or
 - (3) The minor operative is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the State of Colorado or Jefferson County Department of Health and Environment or the Colorado Department of Health and Environment.
- (e) The results of Department compliance monitoring activities shall be provided by the Department to the City Clerk and the City Clerk shall maintain a database of such activities on a license-by-license basis.

Section 4. Section 10-7-60 of the Edgewater Municipal Code, concerning the selling of tobacco to minors, is hereby amended to read in its entirety as follows:

Sec. 10-7-60. Selling tobacco to persons under twenty-one (21) years of age.

(a) For purposes of this ~~Code section~~, the term ~~following words shall have the meanings ascribed hereafter:~~ "Tobacco products" has the meaning set forth in Section 6-14-30 of this Code.

(b) It is unlawful for any person to furnish to any person who is under twenty-one (21) years of age by gift, sale or any other means any tobacco products. It shall be an affirmative defense to a prosecution under this Subsection that the person furnishing the tobacco products was presented with and reasonably relied upon a valid state driver's license or other government-issued form of photographic identification which identified the person receiving the cigarettes or tobacco products as being twenty-one (21) years of age or older.

~~(c) It is unlawful for any person under the age of twenty one (21) to purchase or attempt to purchase any tobacco products as defined in Subsection (a) of this Section.~~

(d) No retailer shall sell or permit the sale of any tobacco products by use of a vending machine or other coin-operated machine except at a location where persons under twenty-one (21) years of age are prohibited from entry.

Section 5. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Effective Date. This ordinance shall become effective five (5) days after final publication.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this ____ day of _____, 2021.

Laura Keegan, Mayor

ATTEST:

Lenore Pedroza, City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this ____ day of _____, 2021.

Laura Keegan, Mayor

ATTEST:

Lenore Pedroza, City Clerk

APPROVED AS TO FORM:

Thad Renaud, City Attorney