

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, January 7, 2020 at 6:30 p.m.
At the Village Center

The City Council held a study session at 5:32 p.m.

Mayor Russell Stewart called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Mike Gallagher, and Dan Sheldon were present on roll call. Also present were City Manager Jim Thorsen, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Community Development Director Chris Cramer and City Clerk Laura Gillespie.

Absent: Councilor Al Blum

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Laura Christman, 18 Cherry Lane Drive, stated when she was on the Planning and Zoning Commission (P&Z) a contractor had presented their application for a new wireless communications facility tower. She explained P&Z denied the application because the proposed location of the tower would have blocked a homeowner's view of Pikes Peak and significantly reduced their property value. She indicated she found out later the contractor had been able to move the new tower by adjusting the location of another tower, but had never presented that option to P&Z. She indicated her opposition to the proposed language for tower height variances in Chapter 20 discussed by Council in their study session because 70 feet was very tall and would result in unhappy residents. She suggested a provision be added to the proposed language requiring the application be reviewed by a consultant with the proper technical expertise to determine if the proposed height was necessary, and the City be reimbursed for the consultant by the applicant.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

Thomas Barry, Co-Chair of the 75th Anniversary Committee, reported the Committee had chosen the 75th Anniversary logo at its first meeting and would meet again on January 17th.

CONSENT AGENDA

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

- a. Approval of Minutes – December 11, 2019
- b. Resolution 1, Series 2020; Designating the Public Place for Posting Notices of Regular and Special Meetings
- c. Resolution 2, Series 2020; Adopting a Budget Calendar for the 2021 Budget
- d. Resolution 3, Series 2020; Appointing a New Member to the Quincy Farm Committee
- e. Highway User Tax Funds (HUTF) Mileage Certification

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The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Wireless Communication Facilities Master License Agreement – Crown Castle Fiber, LLC

Deputy City Manager/Director Goldie presented the Wireless Communication Facilities Master License Agreement with Crown Castle for Council's consideration. He indicated this agreement was the same as the agreement with Zayo approved by Council in 2019 with a few non substantive changes requested by Crown Castle. He explained the agreement had been updated to reference the new Chapter 20 of the Municipal Code; to add a list of Crown Castle's existing facilities as Exhibit D to be covered under this agreement; to adjust the insurance in coordination with CIRSA; to clarify wording in Section 3.3.1 regarding the number of poles per application; to use Crown Castle's national 24/7 emergency call line because they did not have a local contact; to clarify Section 7.2.2 regarding pole removal; and to clarify Section 9.12 to be the court of proper jurisdiction instead of Arapahoe County Court. He stated the agreement had been reviewed by City Attorney Guckenberger, Ken Fellman, and CIRSA to ensure the City's interests were protected.

Mayor Pro Tem Brown moved, seconded by Councilor Weil to approve the Wireless Facilities Master License Agreement for Crown Castle Fiber, LLC, to authorize the Mayor to execute such agreement, and delegate to the City Manager the authority to execute any future and related supplemental site permits for small cells in the City right-of-way under this Master Agreement.

Councilor Sheldon asked if Council should consider adopting a policy of having a third party consultant on standby for both towers and small cells per former Mayor Christman's suggestion.

Mayor Pro Tem Brown noted the City was very limited by federal law with small cells and P&Z would not have been able to deny the application if it had been a small cell application rather than a tower.

City Attorney Guckenberger agreed and noted that was the reason the City entered into the master license agreement.

Councilor Sheldon stated after Council approved the master license agreement applications for small cell wireless facilities would be approved administratively.

City Attorney Guckenberger confirmed that was correct.

Mayor Stewart indicated staff would have discretion to ask that facilities not be placed in a particular spot.

Deputy City Manager/Director Goldie stated the Municipal Code provided that discretion.

Mayor Stewart noted although small cells were smaller towers it was still important for the City to ensure the location of the facilities minimized adverse effects to the greatest extent possible.

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Councilor Sheldon stated the small cell towers were 35 feet tall.

Deputy City Manager/Director Goldie indicated the City currently required an escrow deposit from applicants for towers in order to pay for third party consultants when needed and would continue to do so. He noted it was a good idea as the applications were very technical.

Councilor Weil asked if the City should have a similar process for small cells.

Deputy City Manager/Director Goldie replied the City's design standards addressed those concerns as much as possible. He added the City was limited in how much it could charge applicants so he was not sure the City would be able to recoup all the costs from consultants.

Councilor Sheldon recalled Council's discussion of Greenwood Village's design standards.

Mayor Stewart noted the City's design standards gave as much latitude as Greenwood Village's did for the situations applicable to the City.

Director Cramer indicated the master license agreement provided an opportunity for the City to discuss design standards with the applicant. He added this was the most the City could do within the federal regulations.

The motion passed unanimously.

RECESS OF THE CITY COUNCIL TO CONVENE AS THE GID BOARD

Mayor Stewart recessed the City Council Meeting and called to order the Meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board.

MEETING OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT BOARD

Mayor Russell Stewart, serving ex-officio as the GID Chairperson, called the meeting to order at 6:47 p.m.

ROLL CALL OF MEMBERS

The City Council for the City of Cherry Hills Village serving ex-officio as the Board of Directors of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District: Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Mike Gallagher, and Dan Sheldon were present on roll call.

Absent: Councilor Al Blum

The administrative staff of the City serving as the administrative staff of the GID: City Manager Jim Thorsen, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Community Development Director Chris Cramer and City Clerk Laura Gillespie.

CONSENT AGENDA

Board Member Brown moved, seconded by Board Member Sheldon to approve the following items on the Consent Agenda:

- a. Approval of Minutes – December 11, 2019
- b. Resolution 1, Series 2020; Designating the Public Place for Posting Notices of Regular and Special Meetings

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- c. Resolution 2, Series 2020; Adopting a Budget Calendar for the 2021 Budget

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

The GID Board meeting adjourned.

RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The meeting of the Cherry Hills Village City Council reconvened at 6:48 p.m.

REPORTS

Mayor's Report

Mayor Stewart reported he and City Manager Thorsen had reviewed the National League of Cities' service line warranty program again and had determined it was still not valuable for the City. He thanked staff and the Parks, Trails and Recreation Commission (PTRC) for the wonderful Winter Celebration event. He stated his support for the new 75th Anniversary logo. He congratulated Officer Sack on his return to regular duty. He reported he would attend Arapahoe County Commissioner Conti's open house on Thursday and the Metro Mayors Caucus annual retreat next Saturday. He noted 17 Mile House would hold an open house next Saturday; the High Line Canal Working Group would meet in Council Chambers on January 16th; and the Arapahoe County Commissioner, Mayors and Managers would meet on January 17th.

Members of City Council

Councilor Sheldon had no report.

Councilor Gallagher thanked staff for the Winter Celebration.

Mayor Pro Tem Brown noted a recent news story about the Town of Erie falling victim to financial fraud. She reported the recent FAA environmental assessment for the Denver Metroplex had not anticipated any increase in flights in and out of Denver International Airport, but the Denver Post and Denver Business Journal reported today that United Airlines flights had increased since 2019 and were projected to continue to increase. She indicated this information invalidated the environmental assessment.

Councilor Weil reported from DRCOG that Louisville taxed themselves for historic preservation, found crosswalks and medians helpful for traffic calming, and used 100% renewable energy in their municipal buildings; Boulder was adding electric vehicles to their fleet and they had 70 charging stations around the city; and two plans that might be helpful to reference during the City's Master Plan Update were the 2050 Metro Vision Regional Transportation Plan which was planned for the first quarter of 2021, and an update to the Metro Vision which was a regional plan for growth and development. He

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noted the Cherry Hills Farm security shelter would be discussed at the next Council meeting. He thanked staff for the Winter Celebration.

Councilor Safavi reminded staff to notify Council of the dates for public meetings for the Master Plan Update as soon as possible.

City Manager & Staff

City Manager Thorsen agreed the Winter Celebration had been a success. He indicated staff was aware of the City of Erie's issue and City Attorney Guckenberger and Director Sager were prepared. He stated Congresswoman DeGette's office had contacted staff to arrange a meeting with Council. He reported the old fire station would be demolished next week.

Chief Tovrea thanked Mayor Stewart for mentioning Officer Sack and indicated the Police Department was happy to have him back on regular duty. She thanked Council for their support.

Deputy City Manager/Director Goldie thanked Council for their kind words about the Winter Celebration and indicated he would pass them onto his staff.

Director Cramer reported staff was beginning contract negotiations for the Master Plan consultant and was planning a kick-off at the February 4th Council meeting. He noted staff planned to bring the issue of the Citizen's Advisory Taskforce (CAT) format to the January 21st Council meeting for discussion, but in order to keep the process moving forward volunteer applications would be solicited in the February issue of the Village Crier.

Mayor Stewart asked Councilors to encourage residents to apply and be involved in the process.

Mayor Pro Tem Brown recalled Council had discussed the possibility of nominating members to the CAT rather than interviewing applicants.

City Manager Thorsen replied staff believed it was appropriate to solicit applications in the Crier in order to establish the CAT in a reasonable timeframe for the Master Plan Update process.

City Attorney

City Attorney Guckenberger reported she would keep Council informed of any issues pertinent to the City during the upcoming state legislative session.

EXECUTIVE SESSION AND ADJOURNMENT

Mayor Pro Tem Brown moved, seconded by Councilor Weil to move into executive session pursuant to C.R.S. § 24-6-402(4)(c) for the purpose of discussing matters required to be kept confidential by C.R.S. 24-72-204 (3)(a)(XI)(A) and C.R.S. § 24-6-402(4)(e) for the purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning the city manager position and upon completion of the executive session adjourning.

The following votes were recorded:

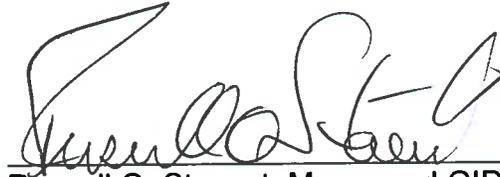
Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes

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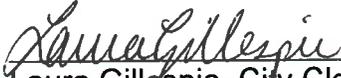
Vote on the Executive Session: 5 ayes. 0 nays. The motion carried.

The Executive Session began at 7:06 p.m.

The meeting adjourned at 7:45 p.m.



Russell O. Stewart, Mayor and GID Chairperson



Laura Gillespie, City Clerk and GID Secretary