

# RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, April 7, 2020 at 6:30 p.m.  
Virtual Meeting

Mayor Russell Stewart called the meeting to order at 6:39 p.m.

## **ROLL CALL**

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Al Blum, 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, Parks and Recreation Coordinator Emily Black, Community Development Clerk Ethen Westbrook, and City Clerk Laura Gillespie.

Absent: none

## **AUDIENCE PARTICIPATION PERIOD**

None

## **REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES**

None

## **CONSENT AGENDA**

Councilor Blum removed Items 5e and 5f from the Consent Agenda.

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

- a. Approval of Minutes – February 18, 2020
- b. Approval of Minutes – March 3, 2020
- c. Approval of Minutes – March 7, 2020
- d. Approval of Minutes – March 12, 2020
- g. Resolution 8, Series 2020; Ratifying the March 20, 2020 Disaster Declaration Declaring a Public Health Emergency Related to COVID-19

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

Vote on the Consent Agenda: 6 ayes. 0 nays. The motion carried.

## **ITEMS REMOVED FROM CONSENT AGENDA**

Item 5e. Contract for the City's Annual Concrete Project with Sunland Asphalt & Construction and Item 5f. Contract for Chip Seal Services with Vance Brothers

Councilor Blum asked Director Sager about the effect of coronavirus on the City's budget.

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Director Sager replied staff expected to see a revenue loss due to coronavirus but the full impact would not be known until at least May. She explained staff expected to see decreases in four areas – sales tax, use tax, building permit fees, and municipal court fines. She noted these four areas made up 42% of the General Fund revenue budgeted for 2020, and a 10% loss in these areas would be \$370,000. She indicated if Council delayed these capital projects then Council had the option of transferring funds from the Capital Fund to the General Fund if needed.

Councilor Blum asked about the total expenditure for the two capital projects.

Director Sager replied \$600,000 was budgeted for chip seal and \$85,000 was budgeted for concrete.

Councilor Blum noted both bids were below budget. He asked if these projects were essential now or if they could be deferred.

Deputy City Manager/Director Goldie replied Council had a number of options. He explained the City's streets were in good shape and these projects could be deferred to next year if needed. He indicated Council could delay approving the contracts to see how the City's financial situation developed over the coming months. He added the contracts gave Council 90 days to approve from the bid opening, which would be May 26<sup>th</sup> and June 13<sup>th</sup>, at which point the contractor could pull their bids without penalty. He indicated staff could negotiate with the contractors to ensure the bid beyond that timeframe.

Councilor Blum suggested the contracts be tabled until the next Council meeting.

Mayor Stewart noted the April 21, 2020 agenda was very light and so the next meeting might be May 5, 2020, which would still fulfill the Council's obligation to meet at least once a month in accordance with the Charter.

Councilor Sheldon asked what staff was seeing in revenue from the four areas mentioned.

Director Sager replied municipal court fines and building permit fees were fairly steady but might be affected in the future. She indicated sales tax and use tax were difficult to gauge because a good portion of the City's sales tax revenue came from businesses that may currently have limited services or are closed completely.

Councilor Sheldon indicated it was wise to be fiscally cautious and agreed consideration of the contracts should be postponed 60-90 days.

Councilor Gallagher agreed to postpone for a minimum of 60 days and then reevaluate.

City Manager Thorsen indicated staff would move the contracts to the May 5, 2020 agenda and negotiate with the contractors to hold the bid price with a planned award in August.

Mayor Pro Tem Brown agreed.

Councilor Weil agreed.

Councilor Safavi agreed.

Councilor Blum moved, seconded by Councilor Weil to table Items 5e and 5f to a Council meeting in May.

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Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

Vote on the motion: 6 ayes. 0 nays. The motion carried.

Councilor Sheldon suggested the City might receive a better price if the projects were re-bid in 30-90 days.

Councilor Safavi agreed.

City Manager Thorsen warned many other organizations were postponing similar projects and if they were all released at once a better price might not be available.

### **UNFINISHED BUSINESS**

Council Bill 4, Series 2020; A Bill for an Ordinance Amending Section 16-4-10 of the Municipal Code Concerning Off-Street Parking Requirements (second and final reading)

Director Cramer presented Council Bill 4, Series 2020 on second and final reading. He indicated no changes had been made since first reading.

Councilor Sheldon indicated he had voted against the council bill on first reading and would again tonight. He stated he would explain his reasons if necessary but suggested the item be tabled until the Council's next in-person meeting.

Mayor Stewart noted non-urgent business was being postponed until Council could meet in person. He asked Director Cramer if this item was urgent.

Director Cramer replied it was not urgent from a City perspective and was just one of several clean up items following the Code Modernization project.

Mayor Pro Tem Brown stated she was in favor of tabling the item to a later date in order to be respectful and ensure all opinions and aspects were being fully considered.

Councilor Gallagher indicated he was not opposed to tabling the item to a later date.

Councilor Weil asked for Mr. Ferris's perspective as a representative of the churches.

Steve Ferris stated he understood Council's desire to wait for an in-person meeting to consider the item but his group was ready to submit an application to amend a major site plan, and if the item was tabled then they would have to submit two scenarios with separate calculations. He indicated it would be very beneficial to them for the council bill to be approved in order to provide clarity. He noted they aimed to submit their application in early May.

Councilor Sheldon replied the application process took some time to reach Council and he would hope they could have had an in-person meeting by then to resolve this issue. He noted this was an inconvenient time for everyone on multiple fronts and having an application postponed may be an unfortunate repercussion of COVID-19. He stated he believed this item warranted waiting for an in-person Council meeting but if Council wanted to consider it tonight he would review his objections.

Councilor Safavi indicated he would like to consider the item now but would support postponing it to be respectful of Councilor Sheldon.

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Councilor Sheldon moved, seconded by Mayor Pro Tem Brown to table Item 7a until at the earliest the first in-person Council meeting.

The following votes were recorded:

Safavi	yes
Weil	no
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

Vote on the motion: 5 ayes. 1 nay. The motion carried.

Director Cramer indicated the Code needed to be clarified one way or the other so staff would prepare alternate language to make the parking requirement calculation for places of assembly more similar to that of clubs and schools.

Councilor Gallagher asked how staff had come to their interpretation of the Code.

Director Cramer replied the parking table in the Code identified when component parts of a land use should be considered for calculating parking requirements and when they should not. He added input from the City's consultant Todd Messenger and an analysis of other jurisdictions' parking requirements had further solidified staff's interpretation of the Code and staff's belief that Section 16-4-10 needed to be clarified.

City Manager Thorsen indicated staff would be prepared either way.

### **NEW BUSINESS**

None

### **REPORTS**

#### **Mayor's Report**

Mayor Stewart recognized the passing of Quincy Farm resident Candy Grey, a longtime resident and member of the Pony Club. He reported he had attended many telephone meetings of the Metro Mayors Caucus, CML, Arapahoe County Commissioners/Mayors/Managers, and Mayor Hancock's meetings. He explained the majority of discussion surrounded implementation of the Governor's order and economic assistance for local businesses. He noted the Chamber of Commerce was a good resource for local businesses.

#### **Members of City Council**

Councilor Blum reported the Metroplex was implemented on March 26<sup>th</sup> and noted he had not seen airplane traffic over his house since then. He wished everyone Happy Easter, Happy Passover, and to stay healthy.

Councilor Sheldon had no report.

Councilor Gallagher reported the increase in people walking outside was a silver lining.

Mayor Pro Tem Brown had no report.

Councilor Weil reported on a DRCOG working session regarding the Vision Zero plan and the transportation plan. He echoed Councilor Gallagher's comments and Councilor Blum's comments that everyone stay healthy.

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Councilor Safavi agreed and thanked residents over the history of the Village for preserving the trails so current residents could appreciate them.

### **City Manager & Staff**

City Manager Thorsen thanked staff for setting up the virtual meeting. He asked each Department director to provide an update.

Chief Tovrea reported the Department was in constant contact with the Arapahoe County Area Command Emergency Operations Center with daily briefings of the Central Division. The Department had developed temporary directives for conducting day to day business such as dealing with minor crimes and plans for cancelling paid time off and implementing 12 hour shifts if needed due to short staffing. The Department was seeing a steep increase in speeding on University, Belleview and Hampden and was patrolling to keep motorists safe. Officers were also patrolling the City trails and High Line Canal to warn people to be careful about their spacing and maintain social distancing. Several parking tickets had to be issued over the weekend at trail heads. Chief Tovrea indicated she was proud of her staff and most people were happy to see the officers on the trails.

Deputy City Manager/Director Goldie reported Streets and Parks crews had transitioned to a six day work week in order to maintain social distancing and spent a lot of time cleaning vehicles and facilities. Staff was limited in the projects they could do while maintaining social distancing so they were working on alternate projects. Crews were spending a lot of time picking up trash on City trails because of the increase in use but were unable to visit every trail every day.

Mayor Pro Tem Brown asked about the annual Spring Clean Up event.

Deputy City Manager/Director Goldie replied staff was considering postponing or cancelling that event as well as the annual Car Show.

Mayor Stewart asked about the status of the High Line Canal underpass project at Hampden.

Deputy City Manager/Director Goldie replied Denver expected to begin construction in May and the City was working on 100% construction drawings for their portion of the project.

Councilor Weil asked about the status of "do not block" pavement signs.

Deputy City Manager/Director Goldie replied staff had submitted those requests to CDOT and had not heard back yet but believed they would be approved. He added staff was bidding those projects in order to let the homeowners know the cost.

Director Cramer reported his Department's goal was to provide all their normal level of service as much as possible while providing for the safety of staff. Building permits were being processed electronically. Inspections were being performed with the option for inspectors to request an interior space be vacated, which so far was going well and residents had been appreciative. Land use cases were being accepted and reviewed. The Master Plan update project was moving forward with background work as much as possible, but staff was aware that public input was a critical part of the process and so that aspect might have to be postponed. The Planning and Zoning Commission would meet virtually next week to appoint the Citizen's Advisory Taskforce (CAT), but the CAT was large and it would be challenging for that group to meet virtually. The Master Plan consultants were continuing to do background research and demographic analysis. Code Enforcement was responding to complaints by phone, email and site visits. Stormwater inspections and construction site inspections were being performed as normal. He noted his staff were doing a great job of maintaining service levels.

Councilor Weil asked if Council needed to contact their CAT appointees.

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Director Cramer replied that was not necessary and staff would be contacting the CAT members as soon as they were appointed.

Mayor Pro Tem Brown asked about the CAT interviews.

Director Cramer replied they had been conducted by conference call. He noted they had received many good applicants and the CAT would be an impressive group.

Director Sager reported the finance, administrative and municipal court departments were operating as normal and they hoped residents were receiving the same level of service as always. To assist with the loss of revenue all non-essential expenditures were postponed, the City would delay in hiring the seasonal Parks staff as well as filling a full time position, and Parks watering would be delayed until May. Staff was tracking COVID-19 expenditures for potential reimbursement. She thanked City Clerk Gillespie and Parks Coordinator Black for all their work on Zoom procedures. Human Resources Analyst Ducharme had been monitoring all COVID-19 related updates to ensure the City was complying with the new FMLA regulations. Staff was posting daily updates to the City website and social media. Director Sager noted she had her regular Village Crier meeting with Councilor Gallagher virtually and there should be no delays in printing and mailing the May issue.

City Manager Thorsen indicated the City had a small staff and was able to be nimble in situations like this, setting up working from home and holding virtual meetings in a short period of time. He noted City Hall was closed, the Police Department was open, residents could call or email with hopefully no reduction in service levels. He credited staff and Council. He reported construction of the boardwalk was beginning at John Meade Park, and construction of the Glenmoor traffic signal was progressing.

### City Attorney

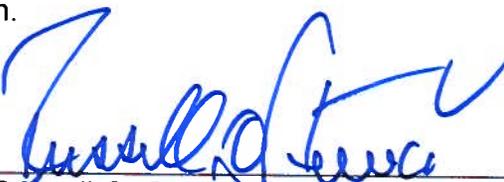
City Attorney Guckenberger noted as a contractor working for the City she could attest that working with staff during this transition had been seamless. She reported she had worked with Human Resources Analyst Ducharme on compliance with the new Families First Coronavirus Response Act (FFCRA) regulations. She noted the federal reimbursement for employee time off currently excluded local governments but the National League of Cities had requested that be amended, as well as a moratoria on shot clocks for wireless facilities. She noted the Colorado Supreme Court had ruled 4-3 that the Colorado General Assembly's early recess was constitutional. She wished everyone continued health and safety.

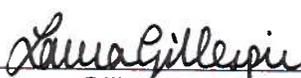
### ADJOURNMENT

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to adjourn the meeting.

The motion passed unanimously.

The meeting adjourned at 7:36 p.m.

  
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Russell O. Stewart, Mayor

  
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Laura Gillespie, City Clerk