

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, May 15, 2018 at 6:30 p.m.
At the Joint Public Safety Facility

The City Council held a study session at 5:38 p.m.

Mayor Pro Tem Hoellen called the meeting to order at 6:30 p.m.

ROLL CALL

Councilors Randy Weil, Earl Hoellen, Mike Gallagher, Dan Sheldon, 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, Parks and Recreation Coordinator Emily Black and City Clerk Laura Smith.

Absent: Mayor Laura Christman, Councilor Al Blum

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Councilor Brown moved, seconded by Councilor Weil to approve the following items on the Consent Agenda:

- a. Approval of Minutes – May 1, 2018

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

John Meade Park – 95% Construction Documents

Aicha Menendez of Mundus Bishop presented the 95% construction documents to Council for consideration. She explained that the documents showed the new paths, playground, and shelter that were planned for the parks. She noted that the equestrian arena, stream crossings and southern shelter would not be changed, and the concrete culvert would be replaced like for like. She reviewed the proposed play area, northern shelter, splash area, and boardwalk.

Mayor Pro Tem Hoellen expressed concern with liability issues regarding the splash area.

Councilor Gallagher noted the splash area had been a topic of discussion at the Parks, Trails and Recreation Commission (PTRC) meeting.

Coordinator Black indicated that both South Suburban Recreation District and Urban Drainage had similar or more intensive water facilities and had no issues with liability.

Councilor Gallagher expressed concern with the cleanliness of the water and the maintenance of the feature.

Councilor Brown stated that she had heard many stories from longtime residents about playing in the High Line Canal, which was not an option any longer. She added that playing in water was very much in keeping with the character of the City and the splash area would be preserved that natural interaction in a different way.

Ms. Menendez explained that the intention of the design and the grading was to keep water moving, and included valves that allowed more or less water to move from the pond to the wetlands. She noted that the replanting of the wetlands would catch debris before it reached the splash area.

Councilor Sheldon asked if it would be possible to retrofit the splash area if the City decided later that they did not want it. He noted that the City did not have many active play areas for young children and indicated that he was supportive of keeping the splash area to see how it worked.

City Manager Thorsen agreed that the City could remove the splash area later at a reasonable cost if necessary. He noted that after the final plans were completed the City would initiate the Expanded Use process and bring that and the request for a waiver for development in the floodplain to City Council for approval before putting the project out for bid. The bid would then come to Council for approval.

Mayor Pro Tem Hoellen questioned the appropriateness of the net for children to interact with the wetlands.

Councilor Brown indicated that the City should focus on the things that made it unique and that these elements would be unique. She agreed that the City did not have enough play areas for young children or infants.

Mayor Pro Tem Hoellen expressed concern with the safety of the netting.

Councilor Sheldon indicated he was not concerned with the netting as a safety issue.

Coordinator Black stated that the park would be unique in this area in highlighting wetlands and the importance of the ecosystem.

Ms. Menendez noted that the boardwalks did not have handrails in order to maintain the open vista, but the grading was designed so that the boardwalk was never more than 30 inches from the ground.

Councilor Gallagher asked if the fishing piers were ADA compliant.

Ms. Menendez replied that they were. She noted that the fishing piers were about twelve feet long with about nine feet in the water, with a railing on one side. She added that the crusher fine path would be a maintenance item for staff.

Councilor Sheldon asked about adding a curb to the boardwalk.

Ms. Menendez replied that there was no curb in the plans currently but that it would be easy to retrofit later if needed. She added that the boardwalk would be eight feet wide.

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Councilor Gallagher noted that PTRC had discussed the possibility of adding curbs and had ultimately decided not to as they might create a tripping hazard.

Councilor Sheldon indicated that he would defer to PTRC.

Councilor Weil asked about the City's liability regarding having a curb or not.

Councilor Sheldon asked about the boardwalk material.

Ms. Menendez replied that it was a tropical hardwood that would last at least 40 years and be more durable than cedar or redwood. She noted that the wood would come from a sustainably managed plantation, and that shipping would be less expensive and more fuel efficient than using wood from inside the country.

Councilor Brown asked about using a wood alternative.

Ms. Menendez replied that Trex did not hold up over the long term and got much hotter and slippery in the heat than the natural hardwood.

City Attorney Michow noted that from a liability perspective faulty design would not create liability; rather it is operation, maintenance or dangerous conditions in a recreational facility for which the City has no governmental immunity. From a design perspective the concern is being in compliance with building codes and ADA requirements.

Councilor Brown agreed to defer to PTRC's discussion and decision on the curb, but supported leaving it as an option in the future.

Councilor Gallagher asked about solar panels on the new shelter.

Ms. Menendez replied that the solar panels would be connected to the grid. She added that space heaters would be installed in the bathrooms so that the pipes would not freeze in the winter.

Councilor Gallagher asked about lighting.

Ms. Menendez replied that the only lighting would be motion activated security lighting at the new shelter. She noted that a conduit for possible future lighting such as bollards or path lighting would be installed in Alan Hutto Memorial Commons, but that it had been determined that lighting was not needed at this time based on the uses of the park and the hours it would be open.

Councilor Sheldon asked if conduits should be added anywhere else in the park during construction, such as the southern portion of John Meade Park.

Coordinator Black replied that the special events would be shifted to the northern portion of John Meade Park in order to be near the new shelter, restrooms, and new City Hall patio. Therefore staff did not anticipate a need for electricity at the southern shelter.

Ms. Menendez noted that the stream might make running a conduit to the south challenging.

Mayor Pro Tem Hoellen indicated that the Cherryridge neighbors would not be in favor of installing power in the southern part of the park.

Councilor Weil asked about Alan Hutto Memorial Commons.

Ms. Menendez described the proposed loop trail, concrete performance area, and sloped ADA compliant seating area for 120 people.

Councilor Sheldon asked what hours the park would be open.

Coordinator Black replied that it currently had the same hours as the City's other parks, 6:00 a.m. to 11:00 p.m., but that would be the topic of a future discussion.

Councilor Gallagher asked if the park would have its own set of rules and regulations.

Coordinator Black confirmed that both John Meade Park and Alan Hutto Memorial Commons would have their own set of rules once the project was complete.

Councilor Gallagher noted resident concerns with light and noise.

Ms. Menendez replied that trees were included in the Alan Hutto Memorial Commons plan to serve as a buffer between the performance area and neighboring residents.

Councilor Brown asked if the City's annual Summer Movie Night would be held in the new performance area.

Coordinator Black replied that staff planned to keep Movie Night at John Meade Park, close to the bathroom shelter, in order to avoid having many children cross Meade Lane to use the bathroom over the course of the event.

Deputy City Manager/Director Goldie added that staff intended to keep the noise of the event in the center of the park area, since it was held at night.

Mayor Pro Tem Hoellen expressed concern with giving the public sufficient notice of the progress of plans for the park redevelopment.

Ms. Menendez noted that she had worked with staff to provide information at last year's Exotic Car Show.

City Manager Thorsen indicated that the project had been discussed at many public meetings, and that notice would be sent to neighbors as part of the Expanded Use process. Staff could also include the information in the Village Crier, on the City website, and on the City's social media pages.

Coordinator Black suggested that it be made clear that the City was beyond the point of seeking input on the design since the plans were so far along.

Council agreed.

City Manager Thorsen thanked Council for their input and explained that staff would return with final plans as part of the Expanded Use process, which would go to PTRC, the Planning and Zoning Commission, and then to Council along with the waiver request.

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Resolution 7, Series 2018; Amending Resolution No. 10, Series 2015 to Increase the Number of Voting Members from Five to Seven, Reappointing Members and Appointing New Members to the Quincy Farm Committee

City Clerk Smith presented Resolution 7, Series 2018 for Council's consideration. She explained that of the three members of the Quincy Farm Committee (QFC) whose terms ended today, two wished to be reappointed and the third did not. The two incumbents had been discussed during previous Council meetings and Council had directed staff to prepare a resolution for their reappointment. Solicitations for applications to fill the vacant position had been published in the Village Crier and on the City website. Mayor Christman and Mayor Pro Tem Hoellen interviewed the two applicants and recommended appointment of both. This would require an increase in the number of voting members on the QFC.

Mayor Pro Tem Hoellen explained that he and Mayor Christman believed both applicants would be great additions to the QFC and recommended increasing the number of members, and that City Manager Thorsen had recommended the number be increased to seven to be consistent with the City's commissions.

City Clerk Smith added that Coordinator Black had noted that an odd number of members was desirable to avoid tied votes.

Councilor Brown indicated that the original concept of the QFC was to have a small committee with longer member terms because of the time required to understand the conservation easement and history of the property.

Mayor Pro Tem Hoellen agreed but noted that the QFC had evolved and he believed the QFC would be better served with only three year terms, similar to other City boards and commissions.

Councilor Brown questioned if changing the number of members and term lengths would sufficiently address the issue.

Mayor Pro Tem Hoellen replied that he believed it would.

Councilor Brown asked about the current role of the QFC.

Coordinator Black explained that the QFC's biggest goal was to complete the ten year Master Plan, but the QFC members did not consistently respond to staff's inquiries for input.

Mayor Pro Tem Hoellen added that the institutional memory should reside with staff, and the QFC should be pushing staff, rather than the other way around. He noted that the QFC did not have the right blend of members and needed momentum.

Councilor Weil suggested that the terms be staggered.

Councilor Brown noted that the length of initial terms was not about the individual appointments but about the mechanics of the group.

Councilor Brown moved, seconded by Councilor Gallagher to approve Resolution 7, Series 2018; amending Resolution No. 10, Series 2015 to increase the number of voting members from five to seven, and to change Section 4 Terms of Office to state that all members shall be appointed to three year terms with some initial appointments allowed to stagger.

Councilor Weil noted that the terms should be maintained as staggered moving forward.

The motion passed unanimously.

Councilor Brown moved, seconded by Councilor Weil to appoint Lucinda Greene and Dale DeLeo to the Cherry Hills Village Quincy Farm Committee for a three year term of office expiring on the third Tuesday in May 2021, and to appoint Katie Agron and Klasina VanderWerf to the Cherry Hills Village Quincy Farm Committee for a one year term of office expiring on the third Tuesday in May 2019.

Councilor Sheldon expressed concern that the new members understand that their one year appointment was logistical rather than personal.

The motion passed unanimously.

NEW BUSINESS

Resolution 8, Series 2018; Approving an Intergovernmental Agreement Between the City of Cherry Hills Village, Arapahoe County and Associated Cities in Arapahoe County on a Collaborative Transportation Forum Agreement

City Manager Thorsen presented Resolution 8, Series 2018 for Council's consideration. He explained that the Denver Regional Council of Governments (DRCOG) had historically reviewed and allocated federal funding for all transportation related projects (TIP). DRCOG recently approved a new Dual Model TIP process whereby sub-regions would receive 80% of federal funds while regional projects would receive 20% of federal funds. The Arapahoe County Collaborative Transportation Forum Agreement would establish one of the eight DRCOG sub-regions. Only those agencies that signed the agreement would be eligible for the executive and technical committees that would review and recommend approval of funding for submitted projects. Each participating agency would have one member on the technical committee, which would be comprised of staff members and would be responsible for scoring each submitted project and providing a recommendation to the executive committee. The executive committee would be comprised of one elected official from each agency and would submit projects to DRCOG. He noted that the High Line Canal underpass at Hampden Avenue was currently the only project for which the City had DRCOG funding. He suggested that the Council's current liaison and alternate to DRCOG also serve as the City's member and alternate on the executive committee.

Councilor Gallagher moved, seconded by Councilor Sheldon to approve Resolution 8, Series 2018; approving an Intergovernmental Agreement between the City of Cherry Hills Village, Arapahoe County and associated cities in Arapahoe County on a collaborative transportation forum agreement.

The motion passed unanimously.

REPORTS

Mayor's Report

None

Members of City Council

Councilor Weil had no report.

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Councilor Gallagher had no report.

Mayor Pro Tem Hoellen had no report.

Councilor Brown reported that she would be absent for the June 5, 2018 meeting.

Councilor Sheldon had no report.

Members of City Boards and Commissions

None

City Manager & Staff

Deputy City Manager/Director Goldie reported that the City had received the Certificate of Occupancy for the new Public Works facility at 2101 W. Quincy Avenue. He stated that Saturday May 19, 2018 would be Spring Clean Up, Shred Day, Grand Opening and Open House at the new facility. He noted that demolition of the old City Hall would begin tomorrow.

City Manager Thorsen thanked Deputy City Manager/Director Goldie for his outstanding work on both the Public Works and City Hall projects.

City Attorney

City Attorney Michow introduced her associate Christiana McCormick.

ADJOURNMENT

Councilor Sheldon moved, seconded by Councilor Brown to move into Executive Sessions pursuant to CRS 24-6-402(4)(b) for purposes of receiving legal advice and pursuant to CRS 24-6-402(4)(e) for purposes of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding Maven Properties v. Cherry Hills Village, and to adjourn thereafter.

The following votes were recorded:

Weil	yes
Gallagher	yes
Hoellen	yes
Brown	yes
Sheldon	yes

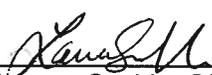
Vote on the Executive Session: 5 ayes. 0 nays. The motion carried.

The Executive Session began at 8:23 p.m.

The meeting adjourned at 8:51 p.m.



Laura Christman, Mayor



Laura Smith, City Clerk