

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, August 6, 2019 at 6:30 p.m.
At the Village Center

The City Council held a study session at 5:31 p.m.

Mayor Russell Stewart called the meeting to order at 6:31 p.m.

ROLL CALL

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, 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, Community Development Director Chris Cramer, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: Councilor Afshin Safavi

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

Parks, Trails and Recreation Commission Chair Robert Eber indicated that they were excited for the receipt of the grant from Arapahoe County Open Space for the John Meade Park redevelopment project. He suggested that the City could hold a groundbreaking event and take before and after pictures of the project.

CONSENT AGENDA

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

- a. Approval of Minutes – July 16, 2019
- b. Resolution 23, Series 2019; Approving an Amendment to the Agreement with Urban Drainage and Flood Control District Regarding Final Design, Right-of-Way Acquisition, and Construction of Drainage and Flood Control Improvements for Greenwood Gulch at Quincy Avenue

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Update and Discussion on Code Modernization Project

Todd Messenger, Fairfield and Woods, presented a summary of the Code Modernization project for Chapters 16, 17 and 19 of the Municipal Code. He noted that Chapter 18 would be updated when staff reviewed the most recent International Building Codes. He noted that the project recommended putting all wireless

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communications sections into a new chapter to address the increasing number and complexity of regulations that involved both the Community Development Department and the Public Works Department.

Councilor Sheldon asked about the transfer of application criteria to the appendix.

Mr. Messenger replied that the application criteria would be at the Community Development Director's discretion, including waiver of criteria.

Councilor Sheldon asked about the change in setbacks for legal nonconforming buildings such as churches and schools.

Mr. Messenger replied that the new setbacks were based on approximate measurements with the intention of making the setbacks more reasonable for the current building locations.

Mayor Pro Tem Brown asked about the removal of minimum floor area for single family residences. She noted that it did not hurt anything to leave that regulation in the Code and there was no reason to remove it.

Mr. Messenger explained that the current minimums did not address the concern of a too-small residence impacting the surrounding neighborhood.

Councilor Weil suggested that if the regulation were kept then it should be made meaningful.

Mayor Pro Tem Brown expressed concern that the change in setbacks for nonconforming buildings would allow those buildings to expand in a manner that would be troublesome for their neighbors. She asked if the regulation change for screening RVs took into consideration family visiting in an RV for a week.

Mr. Messenger replied that it did not and it only allowed RVs for 24 hours to load and unload.

Mayor Pro Tem Brown asked how parking issues were evaluated as significant or not when determining if a site plan application would be reviewed administratively.

Mr. Messenger explained that it would be at the Director's discretion, but in general restriping or rearranging parking spaces were not significant issues and could be reviewed administratively, while rerouting traffic in the parking lot was a significant issue because it would impact where headlights pointed and therefore should be reviewed by Council.

Mayor Pro Tem Brown noted that as former Councilor Hoellen would say, ambiguity leads to conflict. She indicated that regarding the expanded use permit/site plan process, she was reluctant to reduce the opportunities for public hearings. She surmised that the reason the process had been called expanded use originally was that the nonresidential uses were not a use by right but that residents had given permission for those uses under very specific conditions. She indicated that no change was inconsequential to everyone and that residents should have the opportunity to weigh in.

Mr. Messenger replied that Mayor Pro Tem Brown's point was well taken but that his philosophy was to keep as much decision making as possible at the administrative level.

City Manager Thorsen noted that the site plan process included the option for residents to appeal an administrative decision to the City Council.

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Councilor Sheldon asked how the Code Modernization changes would be voted on by Council.

Mayor Stewart replied that the changes would be considered chapter by chapter and that the motions for approval could be modified to make additional changes.

Councilor Blum suggested that the bulk plane and floor area ratio regulations should be returned to the Planning and Zoning Commission (P&Z) for review.

Mayor Stewart indicated the largest concern was in Zone District R-1.

Mayor Pro Tem Brown added that concerns had also arisen where two zone districts abut.

Councilor Gallagher agreed that the question of the consistency of extremely large homes with the semi-rural character of the City was legitimate.

Mayor Stewart suggested that issue could be included as part of the Master Plan review discussions.

Mr. Messenger noted that other cities used sliding scale floor area ratios to address that issue on very large lots. He added that three churches in the City were interested in discussing the parking requirements.

Mayor Pro Tem Brown indicated that she had concerns about the City's parking requirements for a long time, both because the City often granted exceptions and because the regulations resulted in paving of open space. She stated that part of the Code presented an opportunity for improvement.

Mr. Messenger added that the churches had requested a reduction in the required size of parking spaces from nine feet wide to eight feet wide, but indicated that he did not recommend that as the industry standard was nine. He stated that other issues the City might want to address in the future included temporary signs and lighting standards.

Mayor Stewart suggested having P&Z examine and make a recommendation to Council regarding temporary signs.

Mr. Messenger asked for Council direction on the minimum floor area ratio.

Mayor Stewart indicated that Council would think about that issue.

Mr. Messenger explained that the proposed changes to Chapters 17 and 19 were much more straightforward. He noted that Chapter 17 dealt with subdivisions which would become obsolete in the coming years as there were fewer and fewer lots in the City that could be subdivided.

Councilor Sheldon noted that Chapter 19 regarding stormwater might become more relevant in the coming years as the next phase of the High Line Canal developed.

Council Bill 4, Series 2019; Amending the Municipal Code to Decrease the Maximum Period of Incarceration and to Increase the Maximum Fine for Municipal Ordinance Violations in Conformance with State Law (second and final reading)

City Attorney Guckenberger presented Council Bill 4, Series 2019 on second and final reading. She indicated that no changes had been made since first reading.

Mayor Pro Tem Brown moved, seconded by Councilor Blum to approve Council Bill 4, Series 2019 on second and final reading, amending provisions of the Municipal Code to

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decrease the maximum period of incarceration and to increase the maximum fine for municipal ordinance violations in conformance with state law.

The following votes were recorded:

Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

Vote on the Council Bill 4-2019: 5 ayes. 0 nays. The motion carried.

NEW BUSINESS

Council Chambers Video Recording Options

City Manager Thorsen explained that staff was gathering information on another company and would return this item for Council consideration at a future meeting.

Resolution 24, Series 2019; Approving an Intergovernmental Agreement with the Board of County Commissioners of the County of Arapahoe Regarding 2019 Grant of Arapahoe County Open Space Program Funds for John Meade Park Redevelopment

Coordinator Black presented Resolution 24, Series 2019 for Council's consideration. She explained that the resolution would approve an intergovernmental agreement with the Board of County Commissioners for the \$500,000 grant that the City had received from Arapahoe County Open Space for the John Meade Park redevelopment project. She added that representatives from Arapahoe County Open Space would attend the next Council meeting to present a grant check to the City.

Councilor Gallagher moved, seconded by Councilor Blum to approve Resolution 24, Series 2019, approving an intergovernmental agreement with the Board of County Commissioners of the County of Arapahoe regarding the 2019 grant of Arapahoe County Open Space Program Funds for John Meade Park Redevelopment.

The motion passed unanimously.

Commission and Committee Member Terms

City Clerk Gillespie explained that Quincy Farm Committee (QFC) member Dale DeLeo had resigned leaving a vacancy on the QFC; P&Z Commissioner Peter Niederman had indicated he did not desire appointment to another term so there would be a vacancy on P&Z in September, and P&Z Commissioner David Wyman had indicated that he did desire reappointment to P&Z. She asked for Council's assistance in reviewing applications, conducting interviews, and making recommendations for appointments for the QFC and P&Z vacancies, and asked for Council direction on the reappointment of Commissioner Wyman.

Mayor Stewart and Councilor Gallagher volunteered for the QFC process. Councilors Blum and Weil volunteered for the P&Z process.

Councilor Blum indicated that Commissioner Wyman had a great attendance record, brought a unique perspective, and was a worthwhile addition to the P&Z. He recommended reappointment.

Mayor Pro Tem Brown stated that while she agreed Commissioner Wyman had been an outstanding member to the P&Z she knew of several residents who had expressed

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interest in serving on the P&Z and suggested that Councilors Blum and Weil consider all the applicants in addition to Commissioner Wyman for the position.

City Manager Thorsen asked if Council would like Commissioner Wyman to be interviewed along with the other applicants.

Mayor Stewart replied that Councilors Blum and Weil could make that determination.

Councilor Sheldon noted that there had been a high level of attrition on the QFC and asked if there were any concerns that needed to be addressed for that committee.

Mayor Stewart replied that he believed morale was good on the QFC and that members were invested and engaged.

City Manager Thorsen agreed and added that members were enthusiastic and attendance had improved.

Councilor Gallagher agreed that the QFC was in a good place.

Councilor Sheldon thanked P&Z Commissioner Niederman for his service.

Undergrounding of Overhead Utilities

Deputy City Manager/Director Goldie explained that the Council had discussed this issue at their July 16, 2019 study session and directed to staff to bring it back as a business item. Staff was seeking direction from Council on which section of Quincy Avenue to underground utilities using the 1% Fund. He indicated that staff recommended section 1 or section 5. He noted that the 1% Fund could only be used to underground Xcel utility lines and that undergrounding of CenturyLink lines would have to be paid out of the City's General Fund.

Councilor Weil noted that the Charlou neighborhood had recently formed a general improvement district (GID) to underground their utility lines at the homeowners' expense and expressed concern with equity.

Deputy City Manager/Director Goldie replied that the Utility Line Underground Study Committee (ULUSC) had specified that the 1% Fund should be used to underground utility lines on the major corridors, so the area covered by the Charlou Park 3rd Filing GID would not be considered for use of the 1% Funds in any case.

Councilor Gallagher noted that the vista along Quincy from Holly to Dahlia (section 4) was particularly striking and asked why staff recommended section 1 or section 5.

Deputy City Manager/Director Goldie replied that section 1 received a lot of traffic because of City Hall, the Police Department, and the Elementary School. Section 5 had a lot of trees that had been damaged by Xcel trimming over the years so undergrounding those utility lines would hopefully help keep the trees alive.

Mayor Pro Tem Brown acknowledged Councilor Gallagher's point about section 4 but expressed her support for beginning with section 5 because of the trees.

Councilor Gallagher agreed.

Councilor Sheldon agreed and added that another reason to choose section 5 was that it had been studied and recommended by the ULUSC. He indicated that he wanted to remind this Council and future Councils that funding for undergrounding utility lines beyond the 1% Fund was needed in order to proceed at a reasonable pace.

Councilor Blum agreed with beginning with section 5 due to the trees.

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Mayor Stewart noted that the ULUSC had recommended section 5 in order to establish a good cost estimate that could be extrapolated to other areas in the City.

Councilor Weil asked if undergrounding would damage the tree roots.

Deputy City Manager/Director Goldie confirmed that was a risk and noted that Xcel estimated that one in every twenty trees would not survive the process. He added that the City could replace some trees if necessary. He indicated that it was better for the trees if the utility lines were undergrounded than if Xcel continued trimming them. He added that the undergrounding was done with boring rather than trenching so that helped protect the trees to some extent.

Councilor Sheldon asked when the 1% Fund would begin to be built up again if the City used the current funds and the three year "borrow ahead" amount as allowed by Xcel.

Deputy City Manager/Director Goldie replied that this project would use funds through 2022, so the 1% Fund would not start to refill until 2023.

City Manager Thorsen noted that the project would include significant outreach to residents in section 5 as those homeowners would have to decide if they wished to underground the lines to their house as part of the process.

Councilor Sheldon noted that the City was not supposed to pay for undergrounding private lines.

City Manager Thorsen confirmed that was correct but added that Greenwood Village was working with Xcel on a program to save homeowners a significant amount of money to underground their utility lines, and that staff would be investigating the possibility of a similar program for City residents.

Councilor Sheldon asked for confirmation that the City could not mandate residents to underground their utility lines.

City Manager Thorsen replied that was correct.

Councilor Weil suggested that staff speak with residents of section 1 and section 5 before making the final choice.

Deputy City Manager/Director Goldie replied that staff would need to have a design from Xcel in order to make the conversations effective, so only one section could be completed at a time.

City Manager Thorsen noted that although the City could not require homeowners to underground their utility lines, a general improvement district such as the Charlou Park 3rd Filing GID could impose that requirement.

City Attorney Guckenberger added that there were several different types of special districts and she had not explored which ones could and could not impose that requirement.

Mayor Pro Tem Brown warned that undergrounding private utility lines was an equity issue and indicated that the City needed to tread carefully.

REPORTS

Mayor's Report

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Mayor Stewart reported that the Cherry Hills Village Art Commission (CHVAC) event on July 17th had been a success and he noted that the new sculpture-on-loan, *Really* by Wayne Salge, was in an exceptional location facing the Cherry Hills Village Elementary School. He thanked the Abrams for hosting the event at their home and commented that they were impressive artists themselves. He reported that at the recent Arapahoe County Commissioners, Mayors and Managers meeting Englewood had presented their clean up project of the South Platte River and the Commissioners had discussed the new jail project. He reported that he had attended the Colorado Municipal League (CML) Amicus Committee meeting and that there were two cases that might affect the City, one regarding standard of review and the other regarding covenant controlled land. He reported that he had attended the Arapahoe County Transportation Forum meeting on August 1st which included presentations by DRCOG, RTD and CDOT. He reported that he would attend the Metro Mayors Caucus meeting tomorrow which would also be about transportation. He reported that he had spoken at St. Gabriel's Church on Sunday about the High Line Canal underpass project and noted that the City should reach out to the other churches as well. He had received a request from a resident to add a right turn lane on Colorado to turn onto eastbound Hampden.

City Manager Thorsen noted that he believed the median on Colorado was intended to reduce cut through traffic and that the addition of a right turn lane would increase cut through traffic.

Mayor Stewart reported that he had attended the High Line Canal Governance meeting. He noted several theft reports by the Police Department. He suggested that the City hold a volunteer appreciation holiday party at the Buell Mansion.

Councilor Blum agreed that a volunteer appreciation holiday party was a great idea. He asked Mayor Stewart if CDOT had addressed the Belleview and I-25 interchange.

Mayor Stewart replied that project was on CDOT's list but that the presentation had been about future projects.

Members of City Council

Councilor Weil reported that the Board of Adjustment and Appeals had met last week and after some discussion had denied the variance application under consideration.

Mayor Pro Tem Brown congratulated the Police Department on a wonderful National Night Out event. She thanked the Abrams for graciously hosting the CHVAC event. She indicated that the CHVAC was welcoming resident input as they began the selection process for a permanent sculpture at the new City Hall. She reported that the Dahlia crosswalk had been installed.

Councilor Gallagher indicated that the asphalt in his neighborhood from the recent street improvement project looked great.

Councilor Sheldon introduced Greg McMullan who was attending the Council meeting as part of his AP Government class. He also welcomed Community Development Director Chris Cramer.

Councilor Blum congratulated City Manager Thorsen and Deputy City Manager/Director Goldie on the approval of the design for the Glenmoor traffic signal. He reported that the Centennial Airport Community Noise Roundtable would meet tomorrow night.

City Manager & Staff

City Manager Thorsen introduced Director Cramer and welcomed him to the City. He congratulated Coordinator Black and Deputy City Manager/Director Goldie on receipt of the Arapahoe County Open Space grant for John Meade Park. He reported that he was

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on a technical committee for the Belleview and I-25 interchange and would keep Council posted on the various options being considered. He reported that the design for the Glenmoor traffic signal had been approved and the project was out to bid. Staff hoped to bring a contract to Council for consideration in early September. He added that staff was working closely with Greenwood Village and CDOT on a possible alternative pole design per Greenwood Village's request, but noted that staff did not want to delay the completion of the project. He reported that the High Line Canal Governance Committee was looking at various examples from other states and countries.

Coordinator Black reported that the City's Summer Movie Night would be held on August 17th in John Meade Park and the Car Show would be held on September 8th.

Director Cramer thanked everyone for the welcome and indicated he was excited to be working at the City.

City Attorney

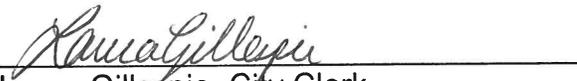
City Attorney Guckenberger welcomed Director Cramer. She reported on two Federal court cases that might impact the City, one regarding TABOR and the other regarding solicitation and panhandling.

ADJOURNMENT

The meeting adjourned at 8:23 p.m.



Russell O. Stewart, Mayor



Laura Gillespie, City Clerk