

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
and of the Cherry Hills Village Charlou Park 3rd Filing
General Improvement District Board of Directors
Held on Tuesday, March 5, 2019 at 6:30 p.m.
At the Village Center

MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The City Council held a study session at 5:30 p.m.

Mayor Russell Stewart called the meeting to order at 6:32 p.m.

ROLL CALL

Mayor Russell Stewart, Councilors Randy Weil, Afshin Safavi, Al Blum, 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 Kathie Guckenberger, Police Chief Michelle Tovrea, Community Development Director Rachel Granrath, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: none

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve the agenda.

The motion passed unanimously.

AUDIENCE PARTICIPATION PERIOD

Earl Hoellen, 3 Vista Road, indicated that it was a pleasure to be in the new City Hall and that the new building was the culmination of a lot of work by previous Councils and of City Manager Thorsen and Deputy City Manager/Director Goldie. He stated that as a resident he was pleased with both the design and financing of the building. He noted that he appreciated the intent to streamline and clarify the Code through the Code Modernization project but warned about accumulative effects. He stated that residents loved the City's institutions but that there were limited opportunities for Council to examine the effect of development of these institutions on the City. He indicated that the impacts of new development were never less than estimated and asked Council to keep that in mind. He asked Council to be aware of past Council discussions about the proposed guard comfort station. He suggested that a sign be installed to make clear that the street was public and that vehicles would not need to stop at the guard station.

Maureen Welch, 4896 S. Clarkson Street, explained that she was a volunteer lobbyist at the state capital for Medicaid issues because her younger has Down Syndrome, and her older son was there tonight for his Boy Scout civics badge. She emphasized the importance of considering unintended consequences and transparency. She asked that Council keep in mind people with disabilities and that they consider live streaming Council meetings with closed captioning. She noted that this was also an issue to keep in mind with the microphones in the Council Chambers and to make sure everyone

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used the microphones. She indicated that it was a beautiful new building and thanked Council for serving the community.

Mayor Pro Tem Brown noted that the new Council Chambers had a system for people with audio impairments that would be available soon.

Kelley Digby, 21 Cherry Hills Farm Drive, stated that she agreed with Mr. Hoellen and that the community did not want the proposed comfort station to impede traffic. She explained that the purpose of the station had been misunderstood in 2015 and that it was simply to have a place for a bathroom and heater so that the neighborhood guard did not have to be in their car the whole time. She added that the station would also house some AV equipment. She indicated that the neighborhood had incorporated all of Council's suggestions from 2015 including having a sign on the street and not having a door facing the street. She stated that the neighborhood wanted people to come into the neighborhood and visit their parks. She noted that the HOA had some suggestions for the wording to be added to the City Code that would not conflict with the HOA covenants.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

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

- a. Approval of Minutes – February 19, 2019
- b. Resolution 12, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Approving an Agreement with Michow Cox & McAskin for City Attorney Legal Services
- c. Resolution 13, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Concerning the Appointment of a New Member to the Quincy Farm Committee

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Public Hearing – Council Bill 2, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village to Rezone 120 Meade Lane, John Meade Park and Alan Hutto Memorial Commons from R-1 (2 ½ Acre Residential District), C-1 (Community District) and O-1 (Open Space, Park and Recreation Area District) to O-2 (Open Space, Conservation and Historic Area District), to Rezone 2450 E. Quincy Avenue from C-1 to C-1 and O-2, and Amending the Zoning Map (first reading)

Councilor Gallagher indicated that as liaison to the Parks, Trails and Recreation Commission (PTRC) he had attended the PTRC meeting at which this proposal was

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presented which created a potential conflict due to ex-parte communications, but stated that he could make a fair and impartial decision.

Director Granrath presented Council Bill 2, Series 2019 on first reading. She explained that the bill would rezone John Meade Park, Alan Hutto Memorial Commons, and portions of 2450 E. Quincy Avenue to the O-2 district. She indicated that the biggest difference between the current O-1 zoning for John Meade Park and the proposed O-2 zoning for these areas was that O-1 was meant for passive parks and O-2 for active parks. She noted that City Hall, the Joint Public Safety Facility, and the parking lot would stay as C-1, and the remainder including the new Park pavilion would be rezoned to O-2.

Mayor Stewart opened the Public Comment Period of the Public Hearing at 6:55 p.m. Hearing no comments the Public Comment Period of the Public Hearing was closed at 6:56 p.m.

Councilor Sheldon commended staff on this project, noting that the O-1 and O-2 zoning had seemed complicated initially but after reading staff's memorandum and hearing staff's presentation it made sense.

Councilor Gallagher moved, seconded by Councilor Blum to approve Council Bill 2, Series 2019; a bill for an ordinance of the City of Cherry Hills Village to rezone 120 Meade Lane, John Meade Park and Alan Hutto Memorial Commons from R-1 (2 ½ acre Residential district), C-1 (Community district) and O-1 (Open space, park and recreation area district) to O-2 (Open space, conservation and historic area district), to rezone 2450 E. Quincy Avenue from C-1 to C-1 and O-2, and amending the zoning map on first reading.

The following votes were recorded:

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

Vote on the Council Bill 2-2019: 6 ayes. 0 nays. The motion carried.

Resolution 14, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Waiving the Requirement to Obtain an Additional Floodplain Permit for the Planned Improvements Located in the Floodplain at John Meade Park and Alan Hutto Memorial Commons

Director Granrath presented Resolution 14, Series 2019 for Council's consideration. She explained that in 2017 Council approved a floodplain development permit for the redevelopment of John Meade Park and Alan Hutto Memorial Commons. Final plans for the Park redevelopment were now complete and included improvements that were not considered structures by FEMA but were considered structures in the City Code, such as the boardwalk, play area, benches, fishing piers, and bridges. Because these improvements were considered structures in the City Code they required an additional floodplain development permit. Staff was requesting a floodplain permit waiver from Council as allowed by the Code when a floodplain permit was not required to protect public health, safety, convenience and general welfare. The City's engineering consultant for this project, RESPEC, determined that the proposed improvements would not affect the floodplain. The Parks, Trails and Recreation Commission (PTRC)

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reviewed the waiver application at their January 10, 2019 meeting and the Planning and Zoning Commission (P&Z) reviewed it at their January 22, 2019 meeting. Neither group was required to make a formal motion but they did not have any issues with the application. Meeting minutes from both groups were attached to the staff memorandum. The other exhibits to the staff memorandum showed the floodplain approved by Council in 2017 (Exhibit D) and the minor revisions based on updated data in 2018 (Exhibit C).

Councilor Blum asked if a Letter of Map Revision (LOMR) would be done for this project.

City Manager Thorsen replied that a LOMR would be filed with FEMA after the project was complete.

Councilor Sheldon asked if the floodplain waiver process was available for any residence or institution in the City and confirmed that the City had not received any special treatment by having the option to apply for a waiver.

City Attorney Guckenberger replied that was correct.

Mayor Stewart asked if Council should consider amending the City Code to make its restrictions regarding floodplain development more in line with FEMA's.

City Manager Thorsen agreed that the City Code was very restrictive regarding modifications in the floodplain because historically that was what Councils had preferred, but staff could add this topic to the Code Modernization project for further review.

Mayor Pro Tem Brown noted that the Master Plan directed the Council to preserve the City's floodplains and natural areas, so although she agreed that the Code was perhaps a bit too limiting she noted that the restrictions were intended to address more than just the waterflow.

Councilor Blum asked about the floodplain development permit application for a pool that P&Z and Council had considered several years ago.

Director Granrath replied that a pool was a very different structure from the improvements proposed for John Meade Park, and that after submitting applications three times the permit had eventually been approved, but that the waiver process had been available to those applicants as well.

Councilor Sheldon noted that the City's engineering consultant had done a good job on complicated work regarding the floodplain development for John Meade Park.

Mayor Pro Tem Brown moved, seconded by Councilor Blum to approve Resolution 14, Series 2019; a Resolution of the City Council of the City of Cherry Hills Village waiving the requirement to obtain an additional floodplain permit for the planned improvements located at John Meade Park and Alan Hutto Memorial Commons based on the findings in the March 5, 2019 staff report and associated attachments.

The motion passed unanimously.

RECESS OF THE CITY COUNCIL TO CONVENE AS THE GID BOARD

Councilor Blum moved, seconded by Mayor Pro Tem Brown to recess the City Council meeting and call to order the meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board.

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The motion passed unanimously.

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 7:11 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, Councilors Randy Weil, Afshin Safavi, Al Blum, Mike Gallagher, Dan Sheldon, and Katy Brown were present on roll call.

Absent: none

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, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

CONSENT AGENDA

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

- a. Approval of Minutes – February 19, 2019
- b. Resolution 4, Series 2019; A Resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors Memorializing the Designation of the Public Place for Posting Notices of GID Meetings

The motion passed unanimously.

BUSINESS

Board Bill 1, Series 2019; A Bill for an Ordinance of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, Providing for the Issuance of General Obligation Bonds of Such District, Series 2019, in an Aggregate Principal Amount Not Exceeding \$550,000, to Finance the Cost of Certain Improvements Approved at a District Election Held on November 6, 2018; Ratifying Actions Heretofore Taken; Authorizing the Execution by the District of the Bonds and Related Documents Required in Connection Therewith; and Making Determinations as to Other Matters Related to the Bonds (second and final reading)

Director Sager presented Board Bill 1, Series 2019 on second and final reading. She noted there had been no changes since first reading.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve Board Bill 1, Series 2019; A Bill for an Ordinance of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, providing for the issuance of General Obligation Bonds of such District, Series 2019, in an aggregate principal amount not exceeding \$550,000, to finance the cost of certain improvements approved at a District election held November 6, 2018; ratifying actions heretofore

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taken; authorizing the execution by the District of the Bonds and related documents required in connection therewith; and making determinations as to other matters related to the Bonds on second and final reading.

City Clerk Gillespie noted that Mayor Stewart could vote on GID matters as Chairperson of the GID Board.

The following votes were recorded:

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

Vote on the Board Bill 1-2019: 7 ayes. 0 nays. The motion carried.

ADJOURNMENT

Councilor Blum, seconded by Councilor Weil moved to adjourn the meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board.

The motion passed unanimously.

RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The meeting of the Cherry Hills Village City Council reconvened at 7:15 p.m.

REPORTS

Mayor's Report

Mayor Stewart reported that he and other mayors of municipalities in Arapahoe County had met with Senator Gardner's staff regarding Denver MetroPlex and that they expressed interest and desire in helping the Arapahoe County communities communicate with the FAA. He noted that there were three federal statutes that they might be able to use to oppose Denver MetroPlex including the National Environmental Policy Act, the National Historic Preservation Act, and the Transportation Act.

Mayor Pro Tem Brown noted that she had asked the FAA where they got their information about historic structures so that the City could check that theirs were included.

Mayor Stewart added that there was a section in the federal regulations that took into account an area being a quiet setting.

Councilor Blum asked when the FAA's environmental study for Denver MetroPlex would be released.

Mayor Pro Tem Brown noted that the government shut down had postponed the timeline.

Mayor Stewart indicated that the report was expected in May, followed by the 30 day public input period and public hearings.

Mayor Pro Tem Brown added that the biggest challenge might be that the 2012 overhaul of FAA flight plans had gone largely unchallenged and it might be difficult to show that the new plans involved significant changes.

Mayor Stewart agreed but noted that without information from the FAA on noise and flight paths, the significance of the changes were unknown. He reported that Denver Water continued the process of purchasing water rights along the High Line Canal. He indicated that a new coyote report by Stewart Breck examined urban versus rural coyotes. He stated that City Manager Thorsen had sent a letter to CDOT regarding the new striping on University and it looked promising that CDOT would agree to returning to the original striping for the neighborhoods bordering University. He reported that Colorado Municipal League director Sam Mamet was retiring after many years.

Members of City Council

Councilor Blum asked about the Belleview medians.

City Manager Thorsen replied that the topic was on the next Council agenda for discussion.

Councilor Blum welcomed Council Weil back.

Councilor Sheldon reported that former Mayor Christman was enjoying her retirement from Council and hoped to attend the Grand Opening. He indicated that the petition for renaming Swastika Acres was close to complete. He stated that the Charlou HOA was in the process of designing security cameras at the entrance and was working with staff on the necessary permits. He reported that at last week's meeting of the High Line Canal Working Group (HLCWG) they had learned that Denver Water will continue to own and maintain the High Line Canal. He indicated that this would be helpful as it would allow the HLCWG to interact with just Denver Water instead of many different owners along the Canal. He requested that staff do their presentations at the podium instead of from the staff tables so that Council could more easily see them.

City Manager Thorsen noted that if staff did not have a Power Point presentation then they could present from the podium.

Councilor Gallagher thanked City Manager Thorsen and Deputy City Manager/Director Goldie for all their work on the new building. He recognized former Councilor Earl Hoellen for his work on the financing of the capital projects.

Mayor Pro Tem Brown agreed. She reported that the last DRCOG meeting had been focused on what the Metro Denver area could do about transportation funding.

Councilor Weil indicated that the new striping on University had also negatively affected the Cherry Hills Farm neighborhood and asked that be returned to its original striping as well.

Councilor Safavi stated that he had lived in several countries, states and cities and that the City was the safest community he had lived in with the most professional Police Department. He noted that residents had been unhappy that the information about the recent incident on Happy Canyon had not been communicated more quickly by the Police Department. He suggested that Council have a community meeting to discuss safety in the Village, update residents on recent events, and discuss what Council may want to change about the process.

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City Manager & Staff

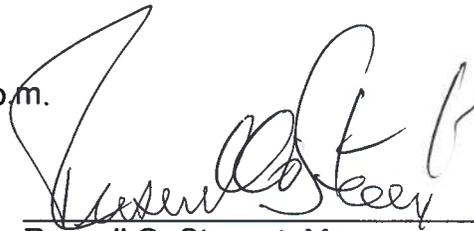
City Manager Thorsen thanked Council and previous Councils for their support of the new City Hall. He stated that it had been a lot of hard work and now that it was complete, staff would be moving forward with the redevelopment of John Meade Park and Alan Hutto Memorial Commons. He noted that two of the three capital projects were now on time and under budget. He thanked staff for their help with designing, moving and cleaning. He presented a plaque to Deputy City Manager/Director Goldie to thank him for his work on the new City Hall.

City Attorney

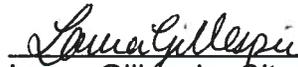
City Attorney Guckenberger had no report.

ADJOURNMENT

The meeting adjourned at 7:41 p.m.



Russell O. Stewart, Mayor



Laura Gillespie, City Clerk