

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, April 17, 2012 at 6:30 p.m.
At the Village Center

The Council watched a CIRSA video for elected officials at 6:05 p.m.

Mayor Doug Tisdale called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Doug Tisdale, Councilors Mark Griffin, Russell Stewart, Alex Brown, Scott Roswell, Klasina VanderWerf, and Harriet LaMair were present on silent roll call. Also present were Deputy City Manager and Public Works Director Jay Goldie, Assistant City Attorney Nancy Rodgers, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Acting Police Chief Pat Weathers, Human Resource Analyst Kathryn Barlow, and City Clerk Laura Smith.

City Attorney Ken Fellman arrived at 7:10 p.m.

Absent: none

PLEDGE OF ALLEGIANCE

Mayor Tisdale led the Council, staff, and public in the Pledge of Allegiance.

INTRODUCTION OF POLICE CHIEF TOVREA

Mayor Tisdale welcomed Police Chief Michelle Tovrea. He indicated that the lion's share of the City's budget went to public safety because the lion's share of citizen's concerns had to do with public safety in the City. He stated that he was pleased and honored that the City would have a new steward and looked forward to Chief Tovrea's leadership, inspiration, and promotion of a collaborative and cooperative tone in the department and City.

Chief Tovrea replied that she appreciated the welcome from Council and staff. She indicated that she took the responsibility of the position very seriously and that she was looking forward to working in as a team member and integral cog in the amazing and solid department and City. She stated that it was a privilege and an honor to take the position of Chief of Police.

AUDIENCE PARTICIPATION PERIOD

Rose Lynch of 4242 S. Hudson Parkway requested that the Council consider changing the signage for the turn lane going from west-bound Quincy Ave onto north-bound University Blvd to be less restrictive for right turns on red lights in order to alleviate some of the traffic problem at that intersection.

Mayor Tisdale indicated he appreciated the request and explained that the initial restriction on right turns had been instated after a tragic accident at the intersection. The first restriction had not allowed right turns on red at any time. Then the restriction was adjusted to the current no turn on red from 7am to 5pm. He directed staff to work with Ms. Lynch on the possibility of adjusting the restriction.

Ms. Lynch also advised Council of an educational seminar for elected officials regarding emergencies and disaster considerations at the Englewood Civic Center on April 23rd.

CONSENT AGENDA

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

- a. Approval of Minutes – April 9, 2012

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Council Bill 6, Series 2012; Amending Section 16-8-80 Concerning R-3A Buffer Requirements (Public Hearing and second reading) – Continued from the April 9, 2012 Meeting

Mayor Pro Tem Stewart recused himself from discussion and voting on the proposed ordinance.

Director Rob Zuccaro presented Council Bill 6, Series 2012 on second and final reading. He indicated that no changes had been made to the proposed ordinance since first reading on March 6, 2012.

Mayor Tisdale opened the public hearing. Hearing no comments, the public hearing was closed.

Councilor Roswell moved, seconded by Councilor Brown to approve Council Bill 6, Series 2012 on second reading; a bill for an ordinance amending Section 16-8-80 of the Municipal Code concerning R-3A zone district buffer requirements, as outlined in Exhibit A of the April 17, 2012 staff memorandum.

The following votes were recorded:

Mark Griffin	yes
Harriet LaMair	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes

Vote on the Council Bill 6-2012: 5 ayes. 0 nays. The motion carried.

NEW BUSINESS

None

REPORTS

Mayor's Report

Mayor Tisdale reported that he had begun the process of meeting with staff to go over City matters. He had also had meetings with elected officials from Denver and Greenwood Village, and had meetings scheduled with officials from other cities.

Members of City Council

Councilor Griffin stated that the Denver Business Journal had reported strong sales in the luxury housing market for March. He also reported that he and Mayor Tisdale had visited a residence in Cherry Vale.

Councilor LaMair reported that she was receiving many calls from residents asking about the construction across the street from the Village Center and requested that a sign be erected at the construction site. She also suggested that the City organize an open house when residents could come to the Village Center to see plans for the joint public safety facility.

Councilor Brown noted he was also receiving a lot of calls from residents regarding the construction.

Councilor LaMair reported that staff from Great Outdoors Colorado (GOCO) and the High Line Canal Working Group (HLCWG) had taken a tour of sites that were featured in the HLCWG's grant application. The group used the Colorado and Hampden intersection as an example of a project that would increase accessibility and safety of the Canal. She emphasized that the City's grant application was unique because improvements to the Canal would positively impact users in many different municipalities. She noted that they should find out about the grant in mid-June, and that she would notify Council if any other opportunities like the tour came up. She also reported that the HLCWG had hired a landscape architect who had done a complete tree inventory of the Canal as well as an evaluation of user experience. She suggested that the consultant could give a presentation to Council on his findings.

Councilor VanderWerf suggested that the presentation could focus on the portion of the Canal within the City.

Councilor Griffin requested that the consultant bring visuals.

Councilor LaMair added that the City could invite the Parks, Trails and Recreation Commission and the public to attend the presentation.

Mayor Tisdale suggested that the presentation could be scheduled for 6 p.m. before a regular Council meeting to ensure sufficient time. He asked Councilor LaMair to take the lead on organizing the presentation.

Mayor Pro Tem Stewart reported that construction of Kent Place at University and Hampden was continuing but was delayed by King Soopers.

Director Zuccaro added that he was not aware of any updates.

Councilor Griffin asked about safety measures for the 10 to 15 foot drop in grade at the edge of the complex.

Mayor Pro Tem Stewart indicated that the intention of the design was to reduce the visual impact of the development.

Mayor Tisdale noted that because the complex bordered two state highways the safety of the design was likely regulated by the Colorado Department of Transportation. He

indicated that he would call the City of Englewood to inquire about Councilor Griffin's concern.

Mayor Pro Tem Stewart reported that the Cherry Hills Country Club had begun construction of the 60 foot fence approved at the April 9, 2012 Council meeting. He noted that the color scheme of the poles matched the application.

Councilor Roswell apologized for missing the April 9, 2012 Council meeting and indicated that he would have liked to express his appreciation to Mayor Wozniak for his service to the City. He reported that he had discussed vacation rentals and construction times with Director Zuccaro. He noted that he would be not be able to attend the May 15th meeting.

Mayor Tisdale asked if Councilor VanderWerf had received the Oath of Office.

Councilor VanderWerf replied that she had. She commended Public Works Director Goldie on his research regarding the GOCO grant.

Councilor Brown reported that he had attended the meeting organized by Director Zuccaro last week for builders and architects to inform them of changes to the Code. He noted that the attendees seemed very appreciative for the opportunity to receive this information and ask questions. He explained that he and Director Zuccaro had brought up the possibility of a neighborhood contextual design review meeting, and that the attendees had not been supportive of the idea. They had noted that Denver had a notification process that would be more acceptable but that they were not supportive of a meeting. Councilor Brown explained that he was working with Director Zuccaro to bring options regarding the neighborhood review to Council. One option would be simply notifying neighbors of large construction, as Denver did. A second option would be to notify neighbors and if two or more requested a meeting, then a meeting would be held. The third option would be to go forward with the Residential Development Standards Committee (RDSC) recommendation of a full neighborhood review meeting organized by staff. He noted that the meeting was not designed to give neighbors any authority with regards to the design. Rather it was designed to give neighbors the opportunity to discuss the design and to be made aware of issues such as a long construction time frame. Councilor Brown noted that the attendees had some issues with the new fire sprinkler requirement.

Director Zuccaro added that staff would be setting up an email list for builders and architects to notify them of pending ordinances and public hearings.

Mayor Tisdale asked if staff had researched neighborhood review meetings in other Denver Metro area municipalities.

Councilor Brown replied that staff had researched and presented on this issue in the past and that some municipalities had review panels that did have authority to change the design of large construction projects.

Councilor Roswell noted that the RDSC had researched cities that were similar to Cherry Hills Village throughout the country but had not looked at cities in the Denver Metro area.

Mayor Tisdale suggested that staff update the research when bringing the proposed ordinance before Council.

Councilor LaMair noted that she had been in contact with residents who were in the process of building a new home and that they had very positive comments about working with Director Zuccaro.

Councilor Brown noted that he would like Council to continue its discussion of priorities.

Mayor Tisdale agreed and suggested that Council conclude the rest of the business as outlined in the agenda and then continue with the discussion of priorities in a study session in order to allow most of the staff to leave.

Councilor Brown asked if staff would be presenting information on rules of procedure to the Council.

City Clerk Smith replied that it was on the draft agenda for the May 1st meeting.

Councilor Griffin asked staff when the trees for the City's tree program would be available.

Director Goldie replied that they would be available this week.

Members of City Boards and Commissions

Mayor Tisdale noted that staff had informed Council earlier today that Planning & Zoning Commission Chair Ira Plotkin was hospitalized in ICU, and asked Council to keep him in their thoughts and prayers.

There were no reports.

City Manager & Staff

Deputy City Manager Goldie noted that departmental monthly reports and unaudited financial statements were included in Council packets and staff was available for any questions.

Undergrounding of Power Lines at the Cherry Hills Village City Center Complex

Director Goldie indicated that staff was seeking direction from Council on undergrounding power lines at the City Center Complex. He explained that this proposal had not been included in the joint public safety facility plan and was not part of that project. The undergrounding of power lines would be paid for entirely by the City and the City's Xcel 1% Fund if Council approved. The purpose of burying power lines would be to increase safety for the fire and police vehicles entering and exiting the new facility.

Councilor Griffin expressed concern with the large range in the cost estimate for the project.

Director Goldie explained that Xcel would not know the location and depth of utility lines until they began to dig and that this information would effect the cost of the project.

Councilor Griffin asked if the City could compare competitive bids from private contractors.

City Attorney Ken Fellman replied that Xcel would not allow the City to compare prices. He noted that many municipalities were currently in franchise negotiations with Xcel Energy and that one point of contention was the lack of clarity and commitment by Xcel to their cost estimates for these types of projects.

Mayor Pro Tem Stewart asked how much was currently in the Xcel 1% Fund and how much was added each year.

Director Goldie replied that Xcel allowed the City to use the funds for three years into the future, which would bring the available balance to approximately \$400,000. He did not have the exact yearly amount but estimated it was between \$50,000 and \$70,000.

Mayor Pro Tem Stewart indicated his support of the project and noted that undergrounding of power lines was a priority in the Master Plan.

Mayor Tisdale added that the project would help the City to be a good neighbor.

Councilor Roswell indicated his support.

Councilor VanderWerf asked if the City's policy when helping residents to underground power lines was that the 50% would come from the Xcel 1% Fund and the residents would pay 50%.

Director Goldie replied that the City had no current policy, but that the typical approach was for the cost of undergrounding the main line to come from the Xcel 1% Fund and for residents to pay to underground the individual lines going to their properties.

Councilor VanderWerf suggested that if the City went forward with this project that neighboring homeowners should be notified and given the opportunity to include their power lines in the project.

Mayor Tisdale agreed that the project should involve neighbors and be a collaborative process.

Councilor Brown indicated he was in favor of the project. He asked if the project would deplete the \$400,000 fund balance, and suggested that if it would that the City might consider paying half of the cost from the Capital Fund instead.

Mayor Tisdale noted that given City Attorney Fellman's comments about quoted costs versus actual costs of these types of projects, it could very well deplete the fund and that examining alternatives was a good idea.

Mayor Pro Tem Stewart noted that it was important to develop a policy for undergrounding of power lines, as directed by the Master Plan, that would include a prioritization of power lines most critical to underground, and would outline how the City would allocate the Xcel 1% Fund.

Mayor Tisdale noted that staff had identified the Master Plan in the memo.

Councilor Griffin endorsed the project and agreed with Councilor Brown's point. He emphasized that it was difficult to control costs when dealing with Xcel and that the City should make every effort to mitigate exposure.

Mayor Tisdale noted that after the \$10,000 engineering was completed that Xcel may be able to provide a more accurate cost estimate.

City Attorney Fellman assured Council that he would work closely with Director Goldie to ensure that the City received as accurate an estimate as possible and that protections were included in the agreement with Xcel for the project cost.

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Councilor Roswell asked how long it would be until the City's franchise agreement with Xcel was up for renewal.

Director Goldie replied that the City had renewed its agreement in the last couple years and that the agreement would not be up for renewal for another 20 years.

Mayor Tisdale asked Director Goldie for an update on the sign for the new facility.

Director Goldie replied that the sign was on-site and that staff would make sure it was posted soon.

City Attorney

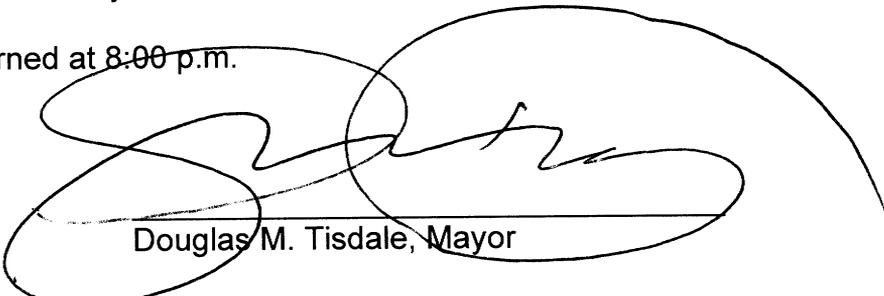
City Attorney Fellman reported that there was a bill in the general assembly that would create a new lottery scratch game whose funds would go towards veteran's affairs. It was determined that this would not increase net lottery sales but would rather take away from current lottery sales that currently funded GOCO. CML had spoken in opposition to the bill and it had passed 3 to 2 and was now in appropriations.

He also reported that the US Supreme Court had overturned a decision from the 9th Circuit Court of Appeals regarding outside contractors for governments, such as attorneys and auditors, being covered by government immunity. The decision meant that these contractors can be covered.

ADJOURNMENT

The meeting adjourned into study session at 7:28 p.m.

The study session adjourned at 8:00 p.m.



Douglas M. Tisdale, Mayor



Laura Smith, City Clerk