

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, May 1, 2012 at 6:30 p.m.  
At the Village Center

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

**ROLL CALL**

Mayor Doug Tisdale, Councilors Mark Griffin, Alex Brown, Scott Roswell, Klasina VanderWerf, and Harriet LaMair were present on silent roll call. Also present were City Manager John Patterson, City Attorney Ken Fellman, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Public Works Director and Deputy City Manager Jay Goldie, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni, and City Clerk Laura Smith.

Absent: Russell Stewart

**AUDIENCE PARTICIPATION PERIOD**

None

**CONSENT AGENDA**

Councilor Roswell moved, seconded by Councilor LaMair to approve the following items on the Consent Agenda:

- a. Approval of Minutes – April 17, 2012

The motion carried unanimously.

**ITEMS REMOVED FROM CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**REPORTS**

**Mayor's Report**

Mayor Tisdale commented that May 1<sup>st</sup> was Law Day. He reported that the greatest agreement among Council members for a day for the study session/mini-retreat to discuss short term goals and objectives was Saturday June 2<sup>nd</sup>. He indicated that City Manager John Patterson and Deputy City Manager and Public Works Director Jay Goldie would be asked to attend. He noted that he would be working with Council members and the City Manager to set the agenda for the mini-retreat. He added that Mayor Pro Tem Stewart had indicated that the Buell Mansion was available on June 2<sup>nd</sup>.

Mayor Tisdale reported that wireless internet was now available at the Village Center. He noted that this was only internet access and did not connect to the City's servers. The SSID is chv and the password is internetaccess.

Mayor Tisdale noted that staff would be meeting with Comcast on Friday to discuss the City's public access Channel 22.

City Attorney Ken Fellman noted that most metro area municipalities have public access Channel 8, which allowed them to do joint programming on regional issues. He suggested that the City look into switching to Channel 8 in order to take advantage of these opportunities.

Mayor Tisdale explained that when the City first set up its public access channel with Comcast, it had shared Channel 8 with two other cities and was able to broadcast for 20 minutes out of every hour. When the City asked for their own channel, Comcast had given them Channel 22. He noted that circumstances may have changed and that Channel 8 may now be available.

Mayor Tisdale welcomed Police Chief Michelle Tovrea. He reported that he would be meeting with the Mayor and a Councilmember of the City of Beverly Hills on Friday to discuss issues that the two municipalities have in common, such as building construction time-frames. He also reported that he had met with Englewood Mayor Randy Penn regarding the construction of Kent Place at University and Hampden. He explained that the current hole would be integrated into the underground parking garage. He noted that the new traffic lights would begin flashing at the end of May to get motorists accustomed to their presence before switching onto an on-demand light rotation. He added that King Soopers would be the principal anchor of the development, which would also include a bank and three dining facilities.

Mayor Tisdale reported that Andy Love had offered to assist the City in investigating and exploring the legalities and logistics of forming a special district to accomplish undergrounding of utility lines. He added that staff was working with Xcel to ensure that the timeline for undergrounding of utility lines for the Joint Public Safety Facility would complement the construction plans.

Mayor Tisdale advised Council that there would be a study session at 6pm on May 15<sup>th</sup> to discuss green building codes.

### **Members of City Council**

Councilor Griffin reported that the City's inaugural Tree Planting Program had been a great success and thanked Parks, Trails and Recreation Administrator Ryan Berninzoni and his crew.

Councilor LaMair reported that she had met with Arapahoe County Commissioner Beckman regarding funds for open space, and that the County was funding a large project to re-energize efforts for the South Platte River area. She also reported that she had met with Community Development Director Rob Zuccaro as the department liaison and commended him on his matrix concept plan for implementing the Master Plan.

Councilor Roswell reported that he would be absent from the May 15<sup>th</sup> meeting.

Councilor VanderWerf reported that the Public Art Commission (PAC) would be utilizing a computer program called CaFE, which stood for Call for Entries, in order to efficiently ask for and receive proposals for art designs from artists. She also reported that the PAC was looking into the design of a logo.

Councilor Brown had no report.

### **Members of City Boards and Commissions**

There were no reports.

### **City Manager & Staff**

City Manager Patterson indicated that he would miss the May 15<sup>th</sup> meeting. He noted that Police Chief Michelle Tovrea would be sworn in on Wednesday at 2:30pm at the Village Center. He reported that five bollards were being installed on the north side of Dahlia Hollow Park, and that street maintenance and mowing were ongoing throughout the City. He added that construction of the Joint Public Safety Facility was on schedule.

Councilor Roswell asked if staff had received any complaints from neighbors related to the construction.

City Manager Patterson replied that staff had not received any complaints and were being very conscious of the effects of construction on the residents of Meade Lane in particular.

### **Board and Commission Term Limits**

City Clerk Laura Smith asked for direction on board and commission term limits. She explained that the City did not currently have term limits and that members were permitted to be reappointed as many times as they wished. She noted that out of 83 Colorado municipalities surveyed, nine have term limits for board and commission members. She indicated that a benefit of term limits would be new membership on boards and commissions, and a downside of term limits would be difficulty filling vacancies.

Councilor LaMair indicated her support for adopting term limits because it would provide a structure for moving non-productive members off of boards and commissions.

Councilor Brown also supported adoption of term limits in order to increase variety of membership and bring in fresh points of view. He indicated that he didn't believe filling vacancies would be an issue.

Councilor Roswell indicated that he had understood there to be an unwritten rule regarding term limits for boards and commissions. He asked if there was a problem with members remaining on a board or commission.

Councilor LaMair replied that there were a few situations that she was aware of.

Councilor Roswell noted that board and commission members served at the pleasure of Council.

Mayor Tisdale indicated that there were procedures for removing members and so they did not exactly serve merely at the pleasure of Council. He noted that the City's boards and commissions had three-year terms.

Councilor Roswell expressed concern that imposing a two term limit would create a sense of entitlement among board and commission members to both terms. He noted that the City Council could always seek other applicants at the end of any member's term regardless of term limits.

Councilor LaMair indicated that the City should do what it could to maintain actively engaged members on the boards and commissions. She suggested that after every term any member wishing to be reappointed should be required to write a letter to the Mayor explaining why they wished to be reappointed. She added that this would prevent the reappointment from being an automatic act. She also noted that there should be some policy to rotate which member held the position of Chair.

Mayor Tisdale stated that the letter requirement was a good approach and that he would be comfortable with that requirement. He asked staff to research how many terms each of the current members of the boards and commissions have served.

Councilor Roswell indicated that he was not supportive of a two term limit and that there were some members who were great assets to the City who he would like to stay on their respective board or commission as long as they were willing to serve.

Councilor LaMair suggested a two term limit with the option of the board or commission to make an exception in certain circumstances.

Mayor Tisdale noted that the Board of Adjustment and Appeals (BOAA) and the Planning and Zoning Commission (P&Z) have both adopted rules of procedure that outlined the policy of appointing the Chair every year. He asked if the Parks, Trails and Recreation Commission (PTRC) or the Public Art Commission (PAC) had similar policies.

Parks, Trails and Recreation Administrator Ryan Berninzoni replied that the PTRC did not, and that the same member had been Chair of the commission for many years.

Councilor VanderWerf added that the PAC did not.

Councilor LaMair indicated that a policy would give the boards and commissions a non-awkward way to rotate the Chair position.

Mayor Tisdale asked which Councilmember would be willing to work with staff to draft language for the Council to consider.

Councilors LaMair and Roswell indicated they would work with staff.

Councilor Roswell asked if staff had contacted Earl Hoellen regarding his reappointment to the BOAA. He noted that Mr. Hoellen was a valuable asset to the City and was a prime example of why he did not necessarily support term limits.

Director Zuccaro replied that staff had waited to see what Council decided at tonight's meeting, and that Mr. Hoellen had served two terms on the BOAA.

Mayor Tisdale directed staff to place Mr. Hoellen's reappointment on the May 15<sup>th</sup> agenda.

#### City Council Rules of Procedure

City Clerk Smith asked Council for direction on adopting rules of procedure for the City Council. She explained that both the City Charter and Code gave authority to the Council to adopt rules of procedure, but that staff was not aware of any currently in use. She presented draft rules of procedure based on those from other municipalities and noted that staff had worked with Councilor Brown on the draft. Councilor Brown had made one significant change, which was to add Article 4 regarding Ordinances.

Mayor Tisdale indicated in Article 3, Section 2, that the organizational meeting would have to be adjusted due to the recent Charter amendment that moved regular municipal elections to November and that newly elected officials would be seated at the first meeting in January. He also asked about Article 3 Section 3 which stated that Council would have only one meeting in December.

Councilor Brown indicated that he believed the Council was mandated to meet at least once a month.

City Attorney Fellman confirmed that the Council was required to meet at least once a month by the City Charter, and that other than the organizational meeting the specific days of the month for regular meetings was at the Council's discretion.

Finance Director Karen Proctor added that the budget had to be passed by the 15<sup>th</sup> of December.

Councilor Brown thanked staff for the research and examples.

Councilor Roswell asked what the purpose of adopting rules of procedure was when Council's responsibilities were outlined in the City Charter and Code.

Councilor Brown replied that rules of procedure provided a more detailed and descriptive explanation of how the Council has agreed to conduct business. He added that it was a form disclosure to the public.

City Attorney Fellman added that the City Charter stated that the Council "shall" adopt rules of procedure.

Councilor LaMair indicated that rules of procedure could be very helpful to new Council members. She added that she did not feel it was overly bureaucratic.

Councilor Griffin agreed with Councilor LaMair that a template or guide would be very helpful.

Mayor Tisdale thanked staff for their work on this issue and indicated that Council would discuss the rules of procedure further during the study session/mini-retreat on June 2<sup>nd</sup>.

#### Construction of Sports Field

Community Director Rob Zuccaro explained that a property in Old Cherry Hills had been abandoned and a neighboring homeowner had bought the property and demolished the house. The new property owner was now constructing a sports field with artificial turf, with a bike track going around the edge of the property. While the sports field was within the building envelope for the property, the bike track was in the setback. Staff was in contact with the property owner to make sure that the lot improvements met City Code.

Councilor Griffin asked what kind of bike track was being constructed.

Director Zuccaro replied that the property owner had indicated it was not a BMX bike track.

Councilor VanderWerf asked what types of play structures were allowed in the setback according to City Code.

Director Zuccaro replied that playhouses were permitted in the setback, but not swing sets or other playground equipment. He explained that the Code did not have a list of structures that were allowed or not allowed, and that staff was looking into several different provisions of the Code to determine under which definition the bike track would be regulated by.

Mayor Tisdale commended staff for addressing the issue during the construction phase when any necessary changes would be less costly to the property owner.

Councilor LaMair encouraged staff to keep in mind the purpose of the requirement for setbacks, which was to maintain a buffer between neighbors, when considering this situation. She noted that it might be important for Council to address how much of a lot should be required to be natural materials.

Mayor Tisdale noted that staff was looking at the issue from several different angles.

Councilor Roswell noted that the lot under discussion was long and narrow, and that the sports field was not very different than a tennis court. He stated that as long as a homeowner met City Code including the building envelope and FAR standards, they could build whatever they wanted on their property. He indicated that Councilor LaMair's point was well-taken but that it was a slippery slope.

Councilor VanderWerf commented that when she had lived in Aurora a neighbor of hers had paved their yard with green concrete.

### **City Attorney**

City Attorney Ken Fellman reported that there was a Senate Concurrent Resolution to amend the State Constitution to direct all funds from Great Outdoors Colorado to the State Education Fund for 2013 through 2017. He indicated that the Colorado Municipal League was opposed to this resolution. He also reported that the bill to change open records provisions with regard to election ballots was being held up in the General Assembly.

### **ADJOURNMENT**

Councilor Roswell moved, seconded by Councilor Griffin to go into Executive Session pursuant to C.R.S. Sec. 24-6-402 (4)(b) and (e) for the purposes of receiving legal advice on specific legal questions and developing positions relative to matters that may be subject to negotiations in relation to an unemployment, employee and contractor claims, and thereafter to adjourn.

The following votes were recorded:

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

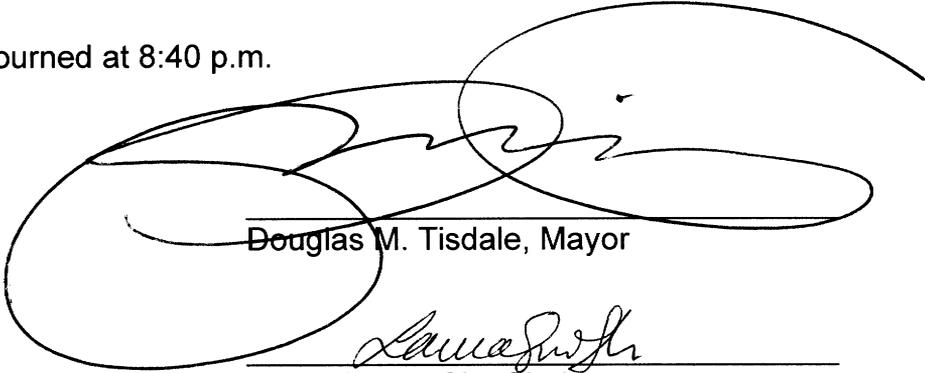
Vote on the Executive Session: 5 ayes. 0 nays. The motion carried.

The executive session began at 7:25 p.m.

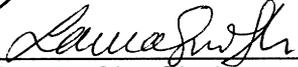
**RECORD OF PROCEEDINGS**

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The meeting adjourned at 8:40 p.m.



Douglas M. Tisdale, Mayor



Laura Smith, City Clerk