

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, May 15, 2012 at 6:30 p.m.
At the Village Center

The Council held a study session on green building codes at 6:00 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, Klasina VanderWerf, and Harriet LaMair were present on silent roll call. Also present were Deputy City Manager and Public Works Director Jay Goldie, City Attorney Ken Fellman, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Laura Smith.

Absent: Scott Roswell and Alex Brown

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Mayor Tisdale asked that the Approval of Minutes be removed from the Consent Agenda.

Councilor VanderWerf removed Item 5a from the Consent Agenda.

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

- b. 2011 Audited Financial Statements
- c. Public Service Company of Colorado Easement for Joint Public Safety Facility
- d. Resolution 9, Series 2012; To Reappoint Members to the Parks, Trails and Recreation Commission
- e. Resolution 10, Series 2012; Reappointing Earl Hoellen to the Board of Adjustment and Appeals
- f. Resolution 11, Series 2012; Adopting the 2013 Budget Calendar

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Mayor Tisdale noted that Councilor VanderWerf had made an amendment to page seven of the draft May 1, 2012 meeting minutes and added an amendment to page four of the draft minutes.

Mayor Pro Tem Stewart moved, seconded by Councilor VanderWerf to approve the minutes of May 1st as amended.

The motion carried unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

Council Bill 8, Series 2012; A Bill for an Ordinance Amending Chapter 18 of the Municipal Code Establishing Pre-Application Neighborhood Input Meetings

Community Development Director Rob Zuccaro presented Council Bill 8, Series 2012 on first reading. He explained that the proposed bill would establish a pre-application neighborhood input meeting, where the applicant would present the building plans to adjacent property owners for discussion. He noted that this was a recommendation from the Residential Standards Development Committee (RDSC) as part of their contextual design review process recommendation. He emphasized that the design elements of the buildings, such as colors and materials, would not be included in the review. The purpose of the meeting would be to foster dialogue between the applicant and neighbors. Comments made during the meeting would be advisory only and nonbinding to the applicant. Director Zuccaro and Councilor Brown had held two input meetings, one for Home Owners Associations (HOAs) and one for builders and architects. He noted that the HOA representatives had been generally supportive of the idea, while the builders had been generally unsupportive. The builders worried that the meetings would create unnecessary animosity. Director Zuccaro noted that pros and cons and analysis were outlined in the staff memo. He added that if the proposed bill was approved it might lead to the need for hiring additional staff in order to ensure that there is timely implementation of the regulations and that high quality customer service continues to be provided to residents and builders.

Councilor VanderWerf asked what the definition of adjacent was as used in the proposed bill.

Director Zuccaro replied that it included all property owners who shared a property boundary or a right-of-way, such as a road or a canal, with the applicant.

Councilor LaMair indicated that she appreciated staff's analysis and the outline of pros and cons in the staff memo. She suggested that the staff and Council time saved by initial mitigation of neighbors' concerns also be taken into consideration when staff does an analysis of the additional staff time that implementation of the proposed bill will require.

Mayor Pro Tem Stewart clarified that the wording in the proposed bill was "contiguous", which did not include those property owners that shared a road right-of-way, and so in the proposed bill the language specified that notice be given to all property owners "contiguous to, including across any street from, ...the applicant's property". He indicated his support of the proposed bill and its ability to mitigate issues between neighbors related to large construction projects, but asked if the costs associated with Section 18-10-80(2)(c)(3) through (5) were necessary as part of the neighborhood meeting.

Director Zuccaro replied that all of those items are required as part of the building permit application. He explained that the contours required by item (3) were most significant as they were necessary to determine the height of a structure.

Mayor Tisdale indicated that he understood the builders' concerns that having a neighborhood meeting would invite conflict, but also agreed with Councilor LaMair that the meetings would hopefully mitigate conflict. He noted that the City was not

considering any review of design elements. He asked if the meeting would be required even if there was no response from the noticed neighbors.

Director Zuccaro replied that the builders who had attended the input meeting had been supportive of requiring a meeting only if there was a response from the neighbors after the notice letters were sent.

Mayor Tisdale suggested that be considered.

Councilor LaMair agreed and noted that there should be some burden on the neighbors to become involved in order to save the City unnecessary expenditure of time and money.

Director Zuccaro noted that the City had established a similar system with the wireless communications ordinance, where "affected" property owners could request a public hearing. He asked if this would be the case for the neighborhood input meeting or if anyone would be able to trigger the meeting.

Mayor Tisdale indicated that it should be restricted to affected property owners.

Councilor Griffin indicated that the proactive approach of the proposed bill was positive. He asked if the proposed bill gave HOAs or neighbors the ability to halt the process of a new building project.

Director Zuccaro replied that it did not.

Mayor Tisdale noted that the City's practice is not to enforce HOA covenant. He referred to the language in Section 18-10-80(5) stated that neighbor comments made during the meeting are not binding. He suggested that the language might be made more obvious.

Mayor Pro Tem Stewart indicated that the notice should utilize technology as much as possible through email and the website.

Mayor Tisdale replied that posting notices on the website was a good thought.

Councilor LaMair moved, seconded by Councilor Griffin to approve Council Bill 8, Series 2012 on first reading; a bill for an ordinance amending Chapter 18 of the Municipal Code by the addition of Section 18-10-80 establishing pre-application neighborhood input meetings, as outlined in Exhibit A to the May 15, 2012 staff memorandum with the recommendations that have been discussed by the Council.

The following votes were recorded:

Mark Griffin	yes
Harriet LaMair	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on the Council Bill 8-2012: 4 ayes. 0 nays. The motion carried.

Resolution 12, Series 2012; Application for a Transfer of Ownership for a Retail Liquor Store License at 1400 E. Hampden Ave. Suite 130

City Clerk Laura Smith presented Resolution 12, Series 2012 for Council's consideration. She explained that the proposed resolution would approve a transfer of ownership application for the retail liquor store license for the wine shop at 1400 E.

Hampden Avenue. She noted that a transfer of ownership does not require a public hearing or that applicants demonstrate the needs of the neighborhood. She stated that the application and supporting documentation was reviewed by the City Clerk's office, the City Attorney's office, and the Police Department, and that staff recommended approval of the application. She noted that the applicants were present in case Council had any questions for them.

Councilor LaMair moved, seconded by Councilor VanderWerf to approve Resolution 12, Series 2012; a resolution approving the application for a transfer of ownership for a retail liquor store license as requested by Ocho Vino LLC, DBA Vino Vino at 1400 East Hampden Avenue Suite 130 in the City of Cherry Hills Village.

The motion carried unanimously.

REPORTS

Mayor's Report

Mayor Tisdale reported that Planning & Zoning Commission Chair Ira Plotkin was in very poor health and asked that everyone keep him in their thoughts and provide any support they could to his family. He noted that Commissioner Plotkin's service to the City was very much appreciated.

He also reported that the City Council mini-retreat would be held Saturday, June 2nd from 7:30am to 12:00pm at the Buell Mansion. He noted that the Council, City Manager, and Deputy City Manager would attend the mini-retreat, and that the time would be used to discuss Council rules of procedure and short term priorities for the City Manager. He requested that Council bring their calendars so that they could schedule a fall retreat to explore long-range planning.

Mayor Tisdale reported that House District #3 Representative Daniel Kagan had held a town hall meeting at the Village Center on Saturday to discuss the special session of the legislature. He noted that about a dozen residents had attended and that the presenters were impressed and pleased with the City's new free wireless internet.

He also reported that he had visited with members of Council and staff of Beverly Hills, California to discuss issues that affect both cities and pledged cooperation between the two cities. He noted that Director Zuccaro had resolved the issue of the soccer field on S. Ogden. He acknowledged the work of Chief Tovrea and Director Goldie in managing a power outage that included the University and Quincy intersection. He reported that he had met with the Littleton Mayor to discuss a possible intergovernmental agreement between municipalities regarding animal control. He noted that he had attended the US Conference of Mayors and the Colorado Prayers Luncheon on May 10th. He acknowledged Councilor LaMair and Commissioner Soderberg for their work to address resident concerns regarding Dahlia Hollow Park maintenance.

Members of City Council

Councilor VanderWerf reported that the police officers who had delivered Council packets on Friday, including recently hired Officer Lyons, had been very kind and accommodating to her 19 month old grandson.

Mayor Pro Tem Stewart asked if the responses from residents regarding Dahlia Hollow Park were being addressed.

Mayor Tisdale replied that they were.

Councilor LaMair reported that although the initial review of the City's GOCO grant application had been favorable, it now appeared that the application would not be awarded. She explained that the grant was funded through the Rivers and Corridors Program and the grant committee felt that the proposed improvements to the High Line Canal in the City's application had no direct content with the water of the canal. She noted that the City could apply for the same projects through other grant programs. She also reported that the Parks, Trails and Recreation Commission (PTRC) was in the process of conducting a thorough inventory and needs assessment on all the parks in the City. She had encouraged the PTRC to consider programmatic needs in addition to physical needs, such as youth environmental sessions. She noted that the PTRC would like to begin improvements for Meade Park and suggested that Council discuss the park at the mini-retreat.

Councilor Griffin noted that he had also had the pleasure of meeting Officer Lyons. He reported that he had received a survey from the Parks division related to the Tree Program and looked forward to the results of the survey.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Deputy City Manager Jay Goldie noted that departmental monthly reports and unaudited financial statements were in Council packets. He reported that all Council members should have received an invitation to the Arapahoe County Open Space Grant Program event on June 8th, and asked that anyone who wished to attend let him know so that he could RSVP everyone as a group.

Mayor Tisdale encouraged everyone to attend in order to show support to Arapahoe County open space programs.

Deputy City Manager Goldie reported that construction on the joint public safety facility continued to be on schedule. He noted that staff was coordinating undergrounding of power lines with Xcel Energy.

Finance Director Karen Proctor asked that Council return their copies of the 2011 Audit if they did not wish to keep them. She noted that the City did occasionally receive requests for the audit and that copies would be available at the Village Center and on the website.

Mayor Doug Tisdale acknowledged Director Proctor for her good work on the audit.

City Attorney

City Attorney Ken Fellman reported that the Senate Concurrent Resolution to redirect GOCO funds to state education for a set period had died in the Senate. He noted that a bill regarding impounded animal costs passed in an effort to limit costs for local government.

He reported that the City was indirectly involved in a lawsuit filed in Federal court against the South Metro Drug Taskforce because the City was one of the jurisdictions that formed the Taskforce. The case was being defended by Arapahoe County attorney's office, which had been contacting the parties involved to ask permission to represent the Taskforce. He noted that he would draft a confidential memo for Council

to advise of the situation and recommended that his office draft a response to Arapahoe County with specific disclaimers in order to safeguard the City.

He also reported that the City had received notice of a claim under the governmental immunity act from a resident who was claiming some damage due to street work. He indicated that he was in contact with Director Goldie, CIRSA, and the City Engineer and he would keep Council advised.

Councilor Griffin noted that last night the City of Denver had passed a camping ban and expressed concern that campers would move to neighboring municipalities such including Cherry Hills Village. He asked if the City had restrictions against camping and what recourses the City had if the campers moved into the City.

City Attorney Fellman replied that he didn't believe camping was permitted in the City but that he would confer with Director Zuccaro.

ADJOURNMENT

Mayor Tisdale asked the City Attorney and HR Analyst to stay for the executive session.

Councilor LaMair thanked staff for accommodating the interns from Kent Denver. She suggested that they could work on an announcement for Ch. 22 regarding issues such as teenage drinking laws and the graduated driver's license.

Councilor Griffin added texting while driving.

City Attorney Fellman noted that other metro area cities might already have similar programming that the City could use.

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to proceed 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 immediately upon conclusion of the executive session to be adjourned.

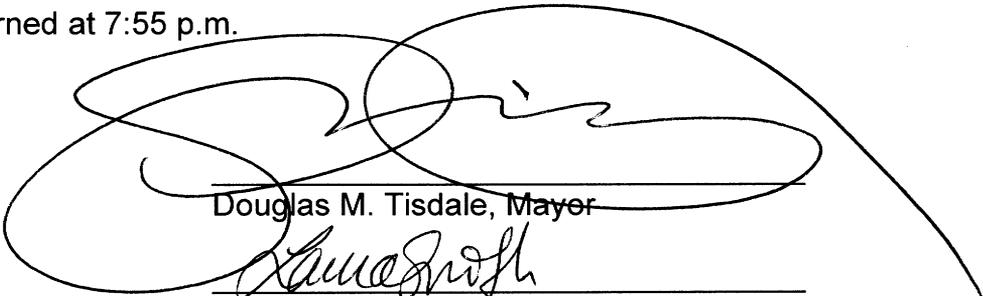
The following votes were recorded:

Harriet LaMair	yes
Russell Stewart	yes
Klasina VanderWerf	yes
Mark Griffin	yes

Vote on the Executive Session: 4 ayes. 0 nays. The motion carried.

The executive session began at 7:30 p.m.

The meeting adjourned at 7:55 p.m.



Douglas M. Tisdale, Mayor

Laura Smith, City Clerk