

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 5, 2012 at 6:30 p.m.
At the Village Center

Mayor Doug Tisdale called the meeting to order at 6:00 p.m.

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to proceed into Executive Session pursuant to C.R.S. 24-6-402 (4)(b) and (e) for conferences with attorneys for the City for the purposes of receiving legal advice on specific legal questions, and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

The following votes were recorded:

Alex Brown	yes
Klasina VanderWerf	yes
Russell Stewart	yes
Mark Griffin	yes

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

The executive session began at 6:00 p.m.

The executive session adjourned at 6:35 p.m.

The regular meeting began at 6:38 p.m.

ROLL CALL

Mayor Doug Tisdale, Councilors Mark Griffin, Russell Stewart, Alex Brown, and Klasina VanderWerf 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, Crew Chief Ralph Mason, and City Clerk Laura Smith.

Absent: Scott Roswell, Harriet LaMair

AUDIENCE PARTICIPATION PERIOD

Mr. Kent Bagley of 1467 W. Briarwood Ave. in Littleton introduced himself to Council as the Regional Transportation District (RTD) Director for District H. He presented background about himself, a summary of current RTD projects, and indicated that he would be up for re-election in November 2012.

Mayor Tisdale indicated that Council appreciated Mr. Bagley's service and the opportunity to hear from him.

Councilor Brown asked Mr. Bagley for a summary of sales tax revenues.

Mr. Bagley responded that sales tax had been up in the first quarter of 2012 between 7 and 8% above the same quarter in 2011, and that the forecast for 2012 showed sales tax up 3% from 2011.

Mr. Rick Watkins of 15 Vista Road explained that he lived in the City and had been a home builder in the City for 25 years. He opposed the pre-application neighborhood input meeting proposed by Council Bill 8, Series 2012. He believes that the proposed bill would create disagreements and animosity between neighbors and that it would blur the lines between opinions and rules. He also warned that the new building rules imposed by Council resulted in significant additional costs to homeowners. He warned against adding new rules before the City had time to evaluate the effectiveness of those rules recently passed. He noted that the City of Denver had been through a similar process and had settled on sending letters to neighbors to notify them of new construction, but did not invite opinions from neighbors or HOAs.

CONSENT AGENDA

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

- a. Approval of Minutes – May 15, 2012

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED 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 for second and final reading. He explained that the proposed bill would provide the opportunity for adjacent property owners to request a pre-application review meeting for new homes, major additions, and second-story additions. If the meeting were requested the applicant would need to hold a meeting to review construction staging and scheduling, building setbacks, footprints, bulk plane and height. The design elements of the building, 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 noted that several changes had been made to the bill since first reading on May 15, 2012. The bill had been changed so that a meeting is not required unless requested by an affected property owner or HOA. If requested, the applicant would then need to provide the review materials and send out a second notice for the actual meeting. The term "affected property owner" had been clarified to include property owners contiguous to the applicant's property and across the street from any portions of the applicant's property. The site plan submittal requirements to show the location of easements and encumbrances and the location of 100-year floodplain boundaries had been deleted. The building permit application must be submitted within 180 days of the input meeting date or within 180 days of completing the notice requirements if no meeting is required. Director Zuccaro added that a pro of the amended bill might be that applicants may be proactive and inform their neighbors of construction projects in an attempt to avoid a meeting. He noted that a con of the amended bill might be that some affected property owners may be hesitant to request a meeting.

Councilor Brown commented that the bill was initiated by a recommendation from the Residential Standards Development Committee (RDSC), and that the original

recommendation had been more aggressive than the bill. The original recommendation had included a professional mediator at a mandatory meeting. He indicated that the bill was a response to community and staff input, and although there were those who might feel it unnecessary, the intent was to address a problem in the community by facilitating communication and giving neighbors the ability to know what to expect. He noted that the bill would institute a process that was mainly informative, but would provide the information prior to any construction to reduce the instances of reactive conflict. He noted that the meeting would not require any information or data from the applicant that would not otherwise be required for the permit application. He emphasized that the intent of the bill was to facilitate the flow of information, and while it would take some getting used to, it was well designed and not overly onerous on homeowners.

Mayor Pro Tem Stewart indicated that the RDSC had examined several examples of conflict between homeowners that may have benefitted from pre-construction communication. He added that the bill was addressing this problem with discussions instead of additional regulations. He noted that neighbors still may have disagreements but that the bill would likely prevent or help solve many problems. He indicated his support of the bill.

Councilor VanderWerf indicated her support of the bill. She noted that there was a case in her neighborhood that would have benefited from a pre-application meeting in order to inform neighbors of what to expect during construction. She added that neighbors may have good suggestions for applicants.

Councilor Griffin indicated his agreement, and noted that the bill had been well vetted and was proactive instead of reactive. He added that any comments made by neighbors to the applicant during the meeting were non-binding, and indicated that he was in favor of the bill.

Councilor Brown moved, seconded by Councilor VanderWerf to approve Council Bill 8, Series 2012 on second 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 June 5, 2012 staff memorandum.

The following votes were recorded:

Russell Stewart	yes
Klasina VanderWerf	yes
Alex Brown	yes
Mark Griffin	yes

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

NEW BUSINESS

None

REPORTS

Mayor's Report

Mayor Tisdale reported that Planning & Zoning Commission Chair Ira Plotkin had passed away after a long struggle with illness, and that he had attended the memorial service along with City Manager John Patterson, Community Development Director Rob

Zuccaro, and Community Development Clerk Emily Kropf. He expressed the condolences of the City to the Plotkin family.

He reported that the funeral for Officer Jeremy Bitner of Englewood had been held at Denver First Church of the Nazarene in the City last Friday. Officer Bitner had been killed in the line of duty and his funeral had been attended by thousands of police officers and other first responders from throughout the state and neighboring states. He noted that the City Police Department had provided admirable security and logistical arrangements in conjunction with the Englewood Police Department and State Patrol.

He noted that the Arapahoe County Open Space event would be this coming Friday at the Hudson Gardens and encouraged Councilmembers to attend. He noted that he and Councilor VanderWerf would attend. He reported that the Council had a successful Mini-Retreat/Study Session at the Buell Mansion this past Saturday, and thanked City Manager John Patterson, Deputy City Manager Jay Goldie, and City Clerk Laura Smith for their help with preparation and arraignments for the meeting. He noted that the Council's work had been productive.

Mayor Tisdale reported that the City's public access channel, Channel 22, would soon be moved to Channel 8. The move would facilitate sharing of programming between municipalities. He added that he had a productive meeting on May 31st with Comcast representatives who had shared his vision to improve and enhance the City's public access channel.

He indicated that there was no special news from DRCOG. He reported that he had attended a municipal court session and would be exploring revisions to the fine structure with Judge Turre. He noted that he had attended the Arapahoe County Mayor's Breakfast along with Deputy City Manager Jay Goldie, and had visited with former Cherry Hills Village City Manager Cheryl Kuechenmeister. He stated that the City would be meeting with Greenwood Village representatives and Verizon regarding recent developments in the aesthetics of wireless communications towers. He added that he and City Manager John Patterson would be attending a special South Metro Mayors & Managers meeting in Littleton to discuss a proposed IGA (Intergovernmental Agreement) regarding stray animals. He reported that he had met with the Duvalls the Sunday before Memorial Day and that they had indicated that the City was doing an excellent job of not interfering with the marketing of their property neighboring the new joint public safety facility, and that the landscape buffer between the properties was attractive. He noted that he had attended the Public Art Commission (PAC) meeting on June 4th and applauded the Commission's efforts.

Members of City Council

Councilor Griffin reported that long-time Village resident Mark Murray had passed away.

Mayor Pro Tem Stewart reported that he had been working on the draft rules of procedure for City Council along with Councilor Brown and that they would bring the draft for discussion at the June 19th meeting. He asked Director Zuccaro about the progress on a bill to allow the sale of home-grown fruits and vegetables in the City.

Director Zuccaro replied that the bill was being reviewed by Assistant City Attorney David Foster and would go to the Planning & Zoning Commission within the next several weeks.

Mayor Pro Tem Stewart indicated that he would be happy to discuss any legal concerns with the Assistant City Attorney. He also wanted to be sure that staff was continuing work on a bill to prohibit disruption of religious and funeral services as well.

Councilor VanderWerf reported that the PAC would host a Friend Raising reception on July 12th at the Warren residence. She indicated that all of Council would receive invitations. In response to a question from Councilor Brown she explained that the call for entry program being utilized by the PAC was a computer program that allowed artists to submit ideas for works of art to be displayed in the City. She clarified that the City would not be paying for the art, and that it would be on loan to the City. She noted that the attraction to an artist to participate would be to have their art on display in the City with the hope of it being purchased.

Councilor Brown reported that the chip seal project had been well managed in his neighborhood and thanked the Public Works department for their work. He asked if staff had been in contact with resident Rose Lynch about her question regarding the right turn on red from west-bound Quincy onto north-bound University.

Director Zuccaro replied that he had spoken with Ms. Lynch and explained that staff had revisited the issue about two years ago and that CDOT would not change the regulation without the elementary school's support and the elementary school was reluctant to make any changes due to concerns about safety at the intersection.

Members of City Boards and Commissions

There were no reports. Mayor Tisdale noted that he would begin to solicit attendance from the City's Boards and Commissions.

City Manager & Staff

City Manager Patterson reported that staff would be meeting to discuss the priorities that had been identified at the mini-retreat. He noted that the City Council rules of procedure were on the June 19th agenda for Council's consideration. He indicated that the joint public safety facility was on schedule and on budget. He stated that Cherry Hills Elementary School and St. Mary's Academy would be ending the school year this week. He acknowledged Public Works for their chip seal project and commended Crew Chief Ralph Mason for tightly managing the project. He noted that Cherry Hills Village was often used as an example for chip seal. He noted that Police Chief Michelle Tovrea would report on a situation at 10 Viking Drive and that City Clerk Smith would report on the November 2012 election.

Police Chief Tovrea reported that the Police Department had received two calls for service at 10 Viking Drive since January 2011, the second for a party last Saturday. She noted that this was the short term rental property that Council had previously discussed and that Director Zuccaro was working on an ordinance to regulate. She indicated that Council and all residents should always report any problems. The Police Department is eager to respond and resolve these situations. She also publically thanked the Police Department for their help with the funeral on Friday. She explained that every officer in the department had been in attendance to assist and that she was very proud of the character of the department.

Councilor Griffin asked if the Police Department had any specific plans to address traffic issues on University when school was out.

Chief Tovrea replied that traffic control was a high priority and that they would keep an eye on University.

City Clerk Laura Smith asked Council for direction on participating in the November 2012 election. She explained that there were several sections of the Charter that should

be amended in light of regular municipal elections being moved to November via the April 3, 2012 ballot issue. She indicated that staff and City Attorney Fellman believed that these amendments could be postponed until November 2014, when the City is able to include the election expenses in the budget. . Because no new Council members would be elected prior to the November 2014 election, this should not pose a problem. She noted that if Council wished to place these amendments on a ballot before November 2014, staff recommended November 2012 or 2013 to allow the election to be coordinated with Arapahoe County which would reduce costs. She estimated a coordinated election to cost the City around \$5,000.

Mayor Pro Tem Stewart indicated that he supported staff's recommendation. He asked about participation in the November 2013 election.

City Clerk Smith explained that the County coordinates an election every November and the City always has the option to place issues on the ballot. She indicated that she would be attending a meeting at the County to get more information about participating in the November 2012 election.

Councilor VanderWerf expressed concern that residents would not remember the issues if voting on them does not occur until November 2014.

Councilor Brown expressed concern that the City issues would get buried under federal, state, and county issues. He indicated that if there was no pressing reason for these Charter amendments then he was comfortable waiting to put them on the 2014 ballot.

Mayor Tisdale indicated that Council seemed to be supportive of waiting until 2013 or 2014.

Councilor Brown asked if staff was certain there would be an election in 2013.

City Clerk Smith replied that she believed the County held an election every November.

Councilor Brown noted that the City may want to put the amendments on the ballot in November 2013 so that if they are not passed there would be another opportunity in November 2014.

City Attorney Fellman agreed with staff's recommendation. He noted that if the amendments were voted down it would not stop the City from effectively functioning but would be cumbersome.

Mayor Tisdale asked City Clerk Smith to report back to Council on June 19th regarding the November 2013 election.

City Attorney

City Attorney Fellman reported that at the last Council meeting he had been asked if the City had a camping ban in light of Denver's recent decision to ban camping. He indicated that he had spoken with the member of the Denver City Attorney's office who had been most closely involved in the camping ban, and had been assured that the ban was intended to address the Occupy protestors and was not intended to affect the homeless population in Denver. Further, the homeless population was unlikely to move to other areas because the services they depended on were concentrated in Denver proper. He indicated that there were sufficient regulations in the City Code to ban camping, but that the language could be enhanced if Council desired.

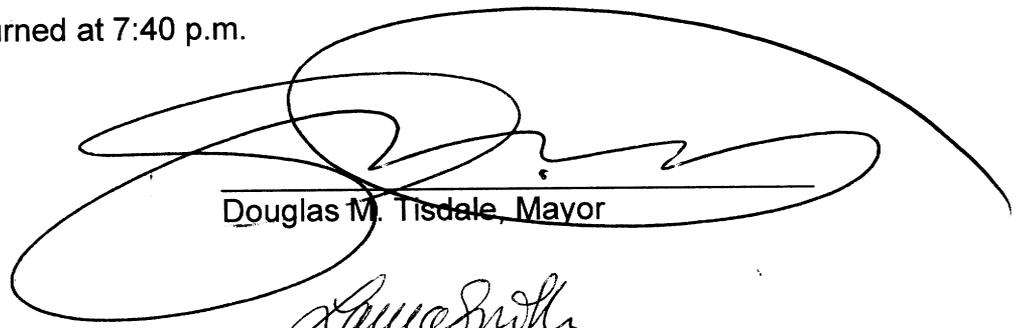
Councilor Griffin indicated that Council could worry about enhancing the language if it became an issue in the City.

ADJOURNMENT

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to adjourn.

The motion passed unanimously.

The meeting adjourned at 7:40 p.m.



Douglas M. Tisdale, Mayor



Laufa Smith, City Clerk