

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, March 19, 2013 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, Russell Stewart, Alex Brown, Scott Roswell, Klasina VanderWerf, and Katy Brown were present on roll call. Also present were City Manager John Patterson, City Attorney Linda Michow, Deputy City Manager and Public Works Director Jay Goldie, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni, Street Superintendent Ralph Mason, and City Clerk Laura Smith.

Absent: none

PLEDGE OF ALLEGIANCE

Claire van Kempen, Juliana Talbert, Carson Brooks, and Ryan Goodspeed of the Cherry Hills Elementary School Destination Imagination 3rd Grade Team led the Council in the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Mr. Joe Sloan of Denver Water advised Council of a Denver Water project at Belleview and University. He explained that the project was to fix a valve and would require pipe replacement. The project requires permits from the City and from the Colorado Department of Transportation (CDOT). Mr. Sloan noted that he had also contacted the two neighboring Home Owners Associations (HOA).

Mayor Tisdale asked when Denver Water anticipated beginning the project.

Mr. Sloan noted that Denver Water would like to begin as soon as possible in order to complete the project prior to CDOT's anticipated road project at the same intersection in May. He added that the length of the project would depend on when they were permitted to work and what lanes they would be able to close. The more access they had to the project area the faster the work would be completed. He indicated that he had sent an email to Councilor Griffin in case any District 1 residents had questions about the project.

Councilor Griffin asked how deep the trench would be.

Mr. Sloan replied it would be 24 feet deep, which is why the lanes on either side would have to be closed for safety, and the trench would have to be covered up during the day if daytime work were not permitted.

CONSENT AGENDA

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

- a. Approval of Minutes – Month Date, 2013
- b. Resolution 3, Series 2013; Approving the Acquisition of 120 Meade Lane (Old Fire Station 38 Property)
- c. Resolution 4. Series 2013; Conveying a Utility Easement to Public Service Company of Colorado
- d. City Manager Employment Agreement
- e. Engagement of a Public Information Officer

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Public Hearing – Request by Denver First Church of the Nazarene to Allow and Expansion; an Off-Street Parking Reduction; and Variances to Minimum Yard Requirements, Floor Area Ratio Requirements, and Fence Height Requirements

Director Zuccaro indicated that the applicant had not yet submitted the letter from the City of Denver allowing the additional drainage onto the Wellshire Golf Course and that the applicant had agreed to a continuance to the April 2, 2013 meeting. He noted that Items 7a and 7b required motions for continuance but Item 7c did not since it was conditional on approval of Item 7a.

Councilor Roswell asked if public notice of the continuance would be given. He noted that this was a contentious issue and asked how long the continuances could go on.

Director Zuccaro replied that the procedure followed by the City was to give public notice for the first scheduled public hearing but not for continuances, since any member of the public interested in the issue would be present at the Council meeting at which the continuance was announced. He noted that he was personally providing updates on the status of the public hearings to the Covington HOA and to another resident who had expressed interest in the issue. He added that at some point Council would take action, which might be to reject the application if there were still outstanding issues, in which case the applicant would have to re-apply and a new public hearing would be established.

Councilor Roswell indicated he was not comfortable with that process and felt that Council had sufficient information to make a decision now rather than continuing the issue to the April 2nd meeting.

Director Zuccaro replied that the Church was expecting to have the required letter by March 22nd, which would be sufficient time to be included in the April 2nd Council packet. He added that the applicant would be present at the April 2nd meeting even if the letter was not submitted and that Council would have the opportunity to approve the application conditional upon staff's receipt of any pending items.

RECORD OF PROCEEDINGS

Mayor Tisdale noted that out of respect for the applicant and staff's time Council would not address the three items separately but would wait to address them together at the April 2nd meeting.

Mayor Pro Tem Stewart asked if the applicant had requested the continuance.

Director Zuccaro replied that staff's recommendation had been for a continuance and the applicant had agreed, since staff and the City Engineer could not support the application without the letter from the City of Denver because without it the application did not meet the City's drainage code.

Mayor Pro Tem Stewart indicated that Council's general policy was to grant continuances when they were requested.

Mayor Pro Tem Stewart moved, seconded by Councilor VanderWerf to continue the public hearing for the Denver First Church of the Nazarene Expanded Use Permit request to the April 2, 2013 meeting to provide the Church additional time to address outstanding stormwater drainage requirements, also known as Agenda Item 7a.

The motion carried unanimously.

Council Bill 5, Series 2013; Rezoning Lots 1 Through 5, Block 1, Highline Meadows in Cherry Hills, From R-3A, Variable Lot Residential District to R-1, 2 ½-Acre Residential District and Amending the Zoning Map (second reading)

Mayor Pro Tem Stewart moved, seconded by Councilor Brown to continue second reading of Council Bill 5, Series 2013, rezoning Lots 1 through 5, Block 1, Highline Meadows in Cherry Hills from R-3A, Variable Lot Residential District to R-1, 2 ½-Acre Residential District and amending the zoning map to the April 2, 2013 meeting.

The motion carried unanimously.

Revocable Encroachment License to Install and Maintain a Subdivision Entry Monument in City-Owned Right of Way for Covington Subdivision in Association with the Denver First Church of the Nazarene Expanded Use Permit Request

Mayor Tisdale noted for the record that Item 7c was continued to the April 2, 2013 meeting along with Items 7a and 7b. He added that these were quasi-judicial matters and that they could not be discussed outside open meetings. He encouraged all parties to refrain from engaging in dialogue with the Council members to avoid tainting the proceedings. He incorporated into the record by reference his comments from the March 5th Council meeting related to quasi-judicial proceedings.

NEW BUSINESS

None

REPORTS**Mayor's Report**

Mayor Tisdale reported that Patxi's Pizza of Cherry Hills, located in Englewood, would hold a Cherry Hills Village Day on April 17th and would give 10% of gross proceeds to the City as prize money for the High Line Canal video competition. He noted that he and City Manager Patterson had attended the Arapahoe County Commissioners/Mayors/Manager's breakfast at DRCOG last week. He also attended

Representative Daniel Kagan's town hall last night at the Joint Public Safety Facility. He indicated the presence of Chuck Schloss at the Council meeting, representing the Cherry Hills Village Sanitation District (CHVSD). He explained that the CHVSD was established in 1974 as a Title 32 Special District, meaning it was a division of local government but not a city or a county, and was responsible for providing wastewater and sewer collection services to approximately 1,360 homes in the City. The City also contracted with the CHVSD for operation and maintenance services for approximately 151 homes in three other districts owned by the City. CHVSD had advised the City that they no longer wished to continue with this contract and the City was currently exploring alternative options. He emphasized that there would be no disruption in service for these homes.

Members of City Council

Councilor K. Brown had no report.

Councilor Griffin noted that the Police Department monthly report showed a drastic increase in thefts from motor vehicles, and suggested that a more proactive approach be taken to prevent these thefts.

Mayor Pro Tem Stewart reported that the City of Greenwood Village had a new policy to bury power lines and asked staff to research the program to see if it might be used in Cherry Hills Village. He noted that the Master Plan identified burying power lines as a priority.

Councilor Roswell had no report.

Councilor VanderWerf had no report.

Councilor A. Brown had no report.

Members of City Boards and Commissions

Parks, Trails and Recreation Commission (PTRC) Vice Chair Jeff Ferrell reported that the PTRC had formed a rotating schedule so that a member of the Commission would be present at each Council meeting. He indicated that the PTRC hoped this would increase their understanding of Council workings as well as improve communications between the two groups.

Councilor Roswell indicated his support for this policy.

Vice Chair Ferrell thanked Director Zuccaro for presenting and leading the discussion regarding recommending ordinance changes to City Council at last week's PTRC meeting. He also thanked the Parks Department, especially new Crew Chief Matt Krebsbach, who presented on the department's maintenance plans and prior year's accomplishments. He noted that the PTRC had a good relationship with the department and appreciated the opportunity to give staff their opinions.

Mayor Tisdale encouraged the other boards and commissions to follow the PTRC's example of attending Council meetings.

City Manager & Staff

City Manager Patterson noted that department monthly reports and unaudited financial statements were included in Council packets. He reported that the Police Department had conducted a successful lock-down at St. Mary's Academy to address security

concerns. He thanked Administrator Berninzoni for installing new signage in front of the Village Center and noted that a similar sign would be installed on the other side of Meade. He indicated that Analyst Barlow and Director Zuccaro were screening over 70 applications for the Community Development Clerk position. He added that Analyst Barlow was arraigning CIRSA sexual harassment training for all City employees. He reported that the Police Department was welcoming two new officers, Jeremy Gunther and Noah Rolfing. He noted that he was working with Deputy City Manager/Director Goldie and Director Zuccaro on several complex land use issues. He announced that Chief Tovrea had been selected as the President of the Colorado Association of Chiefs of Police.

Councilor A. Brown asked about the planned CDOT projects at the Colorado/Hampden intersection.

Deputy City Manager/Director Goldie replied that staff was working closely with CDOT on four planned projects that would affect the City: the Colorado/Hampden intersection, the University/Hampden intersection, the University/Bellevue intersection, and repaving of Hampden. He noted that staff was satisfied that length of the projects were balanced with disruption for motorists.

Mayor Tisdale noted that Councilor A. Brown had suggested that each City department make a presentation to Council on its activities. The first presentation would be from the Community Development Department.

Director Zuccaro thanked Council for the opportunity to present on his department and indicated he looked forward to Council's feedback. He indicated that he had used a photo in his power point taken by Tom White. He explained that the Community Development Department consisted of three divisions: building, engineering, and planning. The Building Division had contracted staff from Colorado Code Consulting (CCC) since 2002. The City primarily worked with six staff members at CCC who conducted plan reviews, building inspections, and elevator inspections. He noted that this division was the largest of the three in terms of staff and budget. The Engineering Division had contracted staff from ICON Engineering (ICON) since 2009. The City regularly worked with two staff members at ICON, including Troy Carmann who attended Planning & Zoning Commission and City Council meetings. These staff worked on development review, drainage and stormwater management, capital projects, and provided surveying services. The Planning Division was staffed by two full-time City employees, the Director and the Clerk, and consultants were brought in on occasion such as for the bulk plane/floor-area-ratio code amendment. This division ran the day-to-day operations of the department including permits, zone development and review, staffing board and commission meetings, and long range planning.

In 2012 the Building Division issued 870 total building permits, conducted 263 plan reviews, and conducted 5,202 inspections. The permits issued without a plan review were those that could be issued over the counter or only required zoning review. The Building Division saw a sharp decrease in revenues from 2009 to 2011, but 2012 revenues were in line with the 10-15 year average for the division. Building Division projects for 2013 included Council's consideration of the 2012 International Code Series; a Green Building Code, which staff would present concurrently with the International Code update; and a code update related to Amendment 64 and ensuring safe home grow operations.

In 2012 the Engineering Division completed 40 total task orders, reviewed 8 stormwater permits, and reviewed 15 drainage reports. Engineering Division projects for 2013 included assisting with Quincy Farm planning efforts and updating the City's floodplain

regulations to conform to Colorado Water Conservation Board revised rules and regulations.

In 2012 the Planning Division processed 13 development proposals, including subdivisions, wireless facilities, floodplain development, expanded use, and a major event permit. The division also processed 5 zoning ordinance amendments and conducted 407 zoning inspections.

In 2012 the Community Development Department transitioned from DRCOG to City-provided elevator inspection services; assisted in the planning and building of the Joint Public Safety Facility; completed an RFP process for building code services and updated the City's agreement with Colorado Code Consulting; completed an RFP and interview process for City Engineer services; provided City representation on the Colorado Communications and Utility Alliance which promoted municipal interests related to telecommunication and right-of-way issues.

Department Projects for 2013 included conducting a annual Master Plan evaluation with the Planning & Zoning Commission; conducting an annual National Flood Insurance Program/Community Rating System verification; working on possible code amendments including the building permit expiration timeframe, exterior lighting, sight triangles, and wireless television broadcasts; creating standards to evaluate the Bulk Plane/FAR regulations; process the major event permit for the 2014 BMW Golf Championship; develop a customer satisfaction survey; develop department performance measures; and hire a new Community Development Clerk (since current Clerk Emily Kropf had been hired as the City's new Special Projects Coordinator).

The department's medium and long-term goals included completing a comprehensive update to the Village Master Plan; utilize new technology to provide cost savings and improve department efficiency and customer service; explore new ways to improve wireless reception in the City; and explore the possibility of structural modernization of the City's land development codes. The department budget for 2013 was \$429,403. The department's strengths include recent successes in implementing code updates to better reflect community goals and character through implementation of the RDSC recommendations; providing revenue neutral and in some cases revenue generating services; a good understanding of the City by staff and consultants. The department's challenges include catching up with new technology and becoming more proactive and less reactive.

Councilor A. Brown asked if contracting building inspections was the most effective method.

Director Zuccaro replied that it was and that Colorado Code Consulting provided the most cost effective fee schedule. He noted that the fees CCC charged the City for services were passed through to residents through plan review and permit fees.

Councilor A. Brown asked if there were any inspection costs that were not passed through.

Director Zuccaro replied that everything was covered.

Councilor VanderWerf indicated she was impressed at how much the department accomplished with such a small staff. She noted she was pleased to see the Green Building Code in the department's 2013 goals.

Councilor Roswell indicated he was impressed with Director Zuccaro's accomplishments and appreciated that he was a part of the City.

Mayor Pro Tem Stewart indicated that the transition between Community Development Clerks had been seamless over the years. He asked if the City code required that the Master Plan be reviewed on a regular basis.

Director Zuccaro replied that he believed the code suggested regular review but did not require a particular time frame.

Councilor Griffin underscored the previous comments of Director Zuccaro's excellent job and report. He questioned that there were no new house permits for 2013 shown in the department monthly report.

Director Zuccaro noted that it was typical for new home permits to slow down in the winter and pick back up in the spring. He stated that there were about four new homes in the process of being issued permits currently.

Councilor K. Brown indicated that she appreciated Director Zuccaro's work and report and was amazed at what he accomplished with his staff.

Mayor Tisdale indicated that Director Zuccaro had set the bar high for these department annual reports and encouraged the other departments to follow his lead with their reports.

City Attorney

City Attorney Michow reported that the Amendment 64 Task Force Report was available and she would review it with City staff. She indicated that she would give her legislative update at the next meeting, but noted that the bill regarding the Governmental Immunity Act had passed and that the City might see its insurance premiums increase as a result.

Mayor Tisdale added that he and Greenwood Village Mayor Ron Rakowsky would testify before the Senate committee that was discussing the bill to raise the municipal court fine limit. He noted that this bill had already passed the House.

City Attorney Michow indicated she would be out of town on vacation for the next week but that Council and staff could contact her partner Bob Widner with any issues.

ADJOURNMENT

Mayor Pro Tem Stewart moved, seconded by Councilor VanderWerf that Council proceed into Executive Session for the purpose of receiving legal advice and discussing strategy for negotiations with the City Attorney and the City's outside legal counsel, in connection with pending litigation, as authorized by C.R.S. § 24-6-402(4)(b) and (e) and immediately upon completion of the Executive Session to stand adjourned.

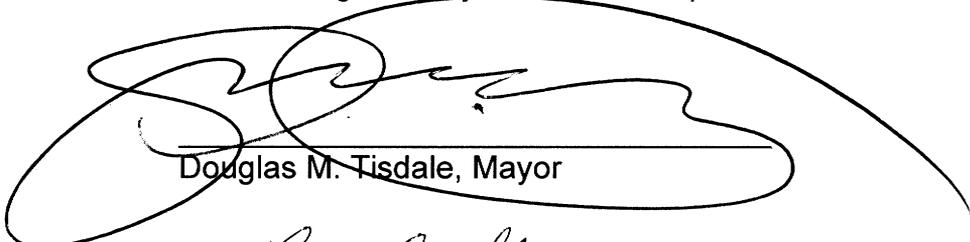
The following votes were recorded:

Mark Griffin	yes
Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes
Katy Brown	yes

Vote on the Executive Session: 6 ayes. 0 nays. The motion carried.

The meeting ended at 7:35 p.m.

The executive session ended and the meeting was adjourned at 9:00 p.m.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Douglas M. Tisdale, Mayor

A handwritten signature in black ink, appearing to read 'Laura Smith', written in a cursive style above a horizontal line.

Laura Smith, City Clerk