

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, September 2, 2014 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 Russell Stewart, Alex Brown, Scott Roswell, Klasina VanderWerf, and Katy Brown were present on silent 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 and City Clerk Laura Smith.

Absent: Councilor Mark Griffin

**PLEDGE OF ALLEGIANCE**

Annisa Tunnell, daughter of current PTCO President at Cherry Hills Elementary School Deena Tunnell, led the Council in the pledge of allegiance.

**CANDIDATE LOT DRAW**

City Clerk Smith and City Attorney Michow drew lots for placement of candidates on the November 4, 2014 ballot. The following lots were drawn:

Mayor:

1. Doug Tisdale
2. Laura Christman

Council District 2:

1. Earl Hoellen
2. Maria Mendelsberg

Council District 4:

1. Mike Gallagher
2. Lisa Pinto

Council District 6:

1. Jim Turner
2. Katy Brown

**MEMBERS OF CITY BOARDS AND COMMISSIONS**

There were no reports.

**AUDIENCE PARTICIPATION PERIOD**

Kelly Pickett, 3 Carriage Brook Road, asked Council to consider working with Waste Management to have them pick up recycling every week instead of every two weeks, add a compost pickup program, and to implement a pay-as-you-go program which charges per amount of trash. She noted that both Denver and San Francisco had such programs and she believed they would be popular in the City once they were offered.

Councilor VanderWerf asked what the trash company would do with the compost they collected.

Ms. Pickett replied that in Denver the compost was available for residents to pick up for use in their gardens, while in San Francisco she was not sure of the procedure but suggested that the city might sell the compost because there was no cost to residents for the program.

**CONSENT AGENDA**

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

- a. Approval of Minutes – August 19, 2014
- b. Resolution 13, Series 2014 Approving a Ballot Question on Re-establishing the City’s Right to Provide Telecommunications Services, Advanced Services and Cable Television Services

The motion carried unanimously.

**ITEMS REMOVED FROM CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

**Council Bill 5, Series 2014; Approving a Ballot Question for the November 4, 2014 Election to Amend the Home Rule Charter to Clarify When the Organizational Meeting Will Occur Following a Regular City Election (second and final reading)**

City Clerk Smith presented Council Bill 5, Series 2014 on second and final reading. She explained that the proposed bill would place a question on the November 4, 2014 ballot to amend three sections of the City Charter to clarify that the organizational meeting for newly elected officials would be held at the first meeting in January rather than the Monday after the election as has been the case for past elections.

Councilor Roswell asked if there had been any changes since first reading.

She replied that there had been no changes since first reading.

Councilor Roswell moved, seconded by Councilor VanderWerf to approve Council Bill 4, Series 2014, approving a ballot question to be submitted to the voters at the coordinated election held November 4, 2014 to amend the Home Rule Charter to clarify when the organizational meeting will occur following a regular city election, on second and final reading.

The following votes were recorded:

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

Vote on the Council Bill 4-2014: 5 ayes. 0 nays. The motion carried.

**NEW BUSINESS****Recommendation from the Public Art Commission on Placing Public Art in the City**

Director Proctor explained that in April 2014 the Public Art Commission (PAC) launched a call for entry through the CaFE website to seek Colorado artists interested in loaning a piece of art to the City for placement in front of the Joint Public Safety Facility (JPSF). She noted that the PAC received 12 entries and evaluated three finalists at their August 25, 2014 meeting. She introduced PAC Chair Ann Polumbus and Commissioner Gay Warren to present the PAC's recommendation to Council.

Commissioner Warren presented *Colorado Loop 6* by artist Yoshitomo Saito. She explained that Mr. Saito was born in Japan, educated in the United States, and was currently represented by the Tina Goodwin Gallery in Denver. She added that Mr. Saito was a highly recognized artist. She explained that Mr. Saito had offered to loan his piece *Colorado Loop 6*, a bronze piece about 40" tall, to the City for at least two years. The PAC recommended accepting the loan and placing the piece in the Village Center campus within a landscaped area. She noted that the piece would do well in an area where landscaping could be seen around and through the piece, such as the corner of University Boulevard and Quincy Avenue. She explained that the City would pay for installation which was unlikely to cost more than \$1,000.

Councilor K. Brown indicated she thought the piece would look beautiful on that corner but expressed concern with traffic at the intersection and asked what would happen if the piece was damaged.

Director Proctor replied that the piece was covered by the City's insurance.

Chair Polumbus explained that bronze was very sturdy and the PAC would work with the Public Works Department to make sure the piece was installed securely. She added that Mr. Saito had offered to take a group of students to see his foundry which would be a unique experience. She noted that the piece had been purchased by an anonymous Village resident and that the piece would be a tremendous asset to the PAC program.

Councilor VanderWerf noted that a larger Saito piece had been placed at Denver Botanic Gardens for a time.

Chair Polumbus added that Mr. Saito's work could be found at many other institutions.

Councilor VanderWerf moved, seconded by Councilor A. Brown to approve the loan to the City for a minimum of one year and probably at least two years of Colorado artist Yoshi Saito's piece entitled *Colorado Loop 6* and placement of the piece in a garden within the Village Center Campus.

The motion carried unanimously.

**REPORTS****Mayor's Report**

Mayor Tisdale reported that he would attend the DRCOG Metro Vision Issues Committee and Executive Board meetings tomorrow to discuss the criteria that would be used to award Federal Government transportation improvement funding. He added that he was keeping in mind the project for connectivity of the High Line Canal at Hampden Avenue and Colorado Boulevard while reviewing these award criteria. He

noted that the visit to the Colorado State Fair with the Denver Rustlers group had gone well.

### **Members of City Council**

Councilor K. Brown thanked City Manager Patterson and the Police Department for their work keeping residents safe and on alert during a recent burglaries in Denver near the Cherry Hills North neighborhood. She also thanked City staff for a very successful Summer Movie Night. She reported that the Quincy Farm Visioning Committee (QFVC) report was being finalized by the Committee's consultants. She indicated that the Centennial Airport Noise Roundtable would meet tomorrow and the Data Analysis Committee would meet the following week.

Mayor Pro Tem Stewart thanked staff for their work with the BMW Championship and noted that the no parking signage looked good. He added that the Utility Line Undergrounding Study Committee would meet on Thursday morning.

Councilor Roswell reported that the no parking signage in the Old Cherry Hills neighborhood was appreciated and he thanked staff for their communication of the BMW Parking Hotline phone number.

Councilor VanderWerf thanked staff for their work on the BMW Championship.

Councilor A. Brown seconded Councilor K. Brown's thanks to the Police Department for their work on the burglaries near the Cherry Hills North neighborhood. He also thanked staff for the no parking signage. He asked if the City already had some kind of compost program that provides mulch to residents.

Deputy City Manager/Director Goldie replied that the City provided recycling of Christmas trees and offered the resulting mulch to the community. The City also accepted yard rubbish during its annual Spring Clean Up event, but did not have any kind of on-going weekly compost program. He noted that smell was a factor with compost dumpsters at the beginning of the composting process and that the City did not have a site that would be suitable for a compost dumpster.

Councilor A. Brown noted that a composting program would be a long-term enhancement for the City.

Mayor Tisdale reported that he had toured Cherry Hills Country Club with Chief Tovrea. He thanked staff for their prep work for the tournament, especially City Manager Patterson, Director Zuccaro, Deputy City Manager/Director Goldie, and Chief Tovrea. He noted that he had received unsolicited complements of Chief Tovrea while touring the facilities, including WGA Board members who had stated that they had never seen such a well-planned and implemented event. He reported that he would attend the unveiling of a sign for St. Mary's Academy's 150<sup>th</sup> anniversary tomorrow morning. He noted that St. Mary's Academy had been located in the City since 1952 but had been in existence for 150 years.

### **City Manager & Staff**

City Manager Patterson reported that Director Proctor had received the 2015 property tax projections from Arapahoe County and would give the 2015 draft budget to Council at the September 16<sup>th</sup> meeting; staff would be asking for three new positions in 2015 – a stormwater manager, a fourth sergeant, and a full time building maintenance employee in place of the current two part time janitors; a line item had been added in the 2015 draft budget for dedicated open space funds. He recognized staff for their work over the

past 2 years on the BMW Championship. He reported that the Public Works Department would have their on-site accreditation visit next week; Commander Weathers was making a slow recovery; Urban Drainage was doing an impressive job on the bank stabilization project of Little Dry Creek at Woodie Hollow Park; schools are back in session; a noise monitor from the Centennial Airport Noise Roundtable would be installed in the City later this month.

#### Bulk Plane and Floor Area Ratio Evaluation Study

Director Zuccaro explained that staff had presented a proposal at the August 19, 2014 meeting for a formal evaluation of the City's Bulk Plane and FAR ordinances. Council had asked staff to provide a breakdown of permits issued by zone district since adoption of the ordinance in September of 2011 in order to determine if there was an adequate sample size for the study. Director Zuccaro presented the breakdown and a proposed scope of service provided by Winter and Company.

Councilor A. Brown noted that Councilor Griffin had remarked that the issue of bulk plane regulations was involved in many of the recent variance applications that had come before the Board of Adjustment and Appeals. He asked if the proposed study would examine those variance requests.

Director Zuccaro replied that the scope of work did not envision an examination of variance requests. He clarified that many of the requests involved setbacks more specifically than bulk plane regulations.

Mayor Pro Tem Stewart indicated that he believed there was a good sample size and distribution. He stated that it made sense to move forward with the study.

Councilor K. Brown asked about a home currently under construction that was not included in the map of homes.

Director Zuccaro suggested that construction at that property may have begun prior to the bulk plane and FAR standards and therefore would not be included in this study. He noted that the breakdown included permits for any construction involving new square footage issued since adoption of the bulk plane and FAR ordinance.

Mayor Pro Tem Stewart asked about the timeline of the study.

Director Zuccaro replied that staff would present the contract for Council's consideration at the September 16<sup>th</sup> meeting; begin the study within a month; the study would take 3-5 months; staff would present reports to Council throughout the process and present a final report with findings after completion of the study.

Councilor Roswell noted that the bulk plane and FAR standards arose in part from issues in the R3 zone district of Old Cherry Hills. He indicated that it was a good time to evaluate the regulations and he was in favor of the study.

Mayor Tisdale directed staff to move forward with the contract with Winter and Company.

#### Outdoor Emergency Warning System Report

Special Projects Coordinator Kropf presented information on an outdoor emergency warning system for the City. She explained that the City does not currently have emergency sirens located within its boundaries to notify residents of severe weather conditions. She noted that the City had been partially covered by two warning sirens

owned and operated by the City and County of Denver but those sirens had been removed earlier this year due to system upgrades. She indicated that the City's Emergency Management Plan identifies Arapahoe County Dispatch as the primary agency responsible for public notification. However, Arapahoe County's emergency alert system was not used for severe weather because the timeliness and accuracy of such warnings cannot be guaranteed. The County recommends use of television, radio, and weather related websites instead. The City of Greenwood Village does not have an outdoor warning system. City of Englewood uses sirens for severe weather alerts and the County's alert system for other types of disasters. The City of Centennial recently studied the issue and recommended investment in public education rather than installation of an outdoor system. She explained that a new outdoor warning system would require around-the-clock supervision, which the current Police Department was unable to provide. She added that Arapahoe County and the City of Englewood would not be able to operate a new system. She noted that system activation would have to be determined as well, and that the cost of the system would depend on equipment and management.

Councilor Roswell asked about South Metro Fire Rescue (SMFR).

Coordinator Kropf replied that staff had contacted SMFR but that they were not set up to supervise sirens.

Councilor A. Brown noted that coverage of sirens was affected by topography. He indicated that it was important to both establish a public education system and examine the possibility of an outdoor warning system. He noted that sirens were a common system and that many of municipalities had them. He commented that Englewood had received a FEMA grant for their sirens. He suggested that the management of a system could be further explored and that mobile technology might be further explored. He added that the City's police officers were already contacted in case of severe weather. He commented that everyone knows what a siren means. He suggested that the City definitely proceed with a public education program and asked staff for more information about available FEMA grants and possible management of an outdoor warning system.

Mayor Tisdale asked about the cost of sirens.

Coordinator Kropf replied that four electronic sirens would cover the majority of the City and cost approximately \$120,000. She noted that this did not include operation or management costs.

Mayor Tisdale asked staff to return to Council with more information about the available FEMA grants.

Mayor Pro Tem Stewart asked if Aurora and Denver had received FEMA grants for their systems.

Coordinator Kropf replied that she believed they applied but did not receive FEMA grants.

Councilor K. Brown agreed that public education was essential and that redundancy was important as any one system, including sirens, had the potential to fail. She noted that in certain situations use of sirens was the best way to warn citizens of emergencies. She stated that a price could not be put on safety. She indicated that she was in favor of having staff gather more information to be considered by Council.

Councilor Roswell asked for more information about why Greenwood Village had no sirens. He suggested that Council would need to consider the impact of sirens on the

character of the City. He noted that sirens would impact Greenwood Village as well and suggested a joint study session or fact finding.

Councilor VanderWerf asked about false alarms or inaccurate alarms desensitizing people to sirens.

Coordinator Kropf replied that Centennial had issues with residents disregarding sirens after frequent use.

Councilor VanderWerf asked about the assessment of when to use the sirens.

Coordinator Kropf replied that in Englewood management staff monitored the National Weather Service dispatch and then made a visual assessment of local weather conditions based on standard operating procedures and training.

Mayor Tisdale directed staff to gather more information and return to Council for further discussion.

### **City Attorney**

City Attorney Michow asked Council to direct any questions regarding the Fair Campaign Practices Act (FCPA) to her. She noted that no public funds could be spent promoting or opposing ballot measures but that FCPA specifically allowed for Council to pass a resolution and provide a factual summary.

Council agreed to consider resolutions in support of the ballot questions and publication of a factual summary.

Mayor Pro Tem Stewart asked about the deadline for a factual summary.

City Clerk Smith replied she was not aware of a deadline for non-TABOR measure summaries and would research the issue.

Mayor Tisdale asked if the City Attorney's time in preparing the resolutions in support and factual summary and posting the information on the website, Channel 22, the Crier and the Villager would be allowed under FCPA.

City Attorney Michow replied that any normal action of distributing the information was allowed.

City Clerk Smith clarified that resolutions were normally posted on the city's website but not on Channel 22 or the Crier.

### **ADJOURNMENT**

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell to proceed into Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) and Section 24-6-402(4)(e) for purposes of receiving legal advice and determining positions relative to matters subject to negotiations regarding *City of Cherry Hills Village v. Cooper* currently pending in Municipal Court and further immediately upon completion of that Executive Session to stand adjourned.

The following votes were recorded:

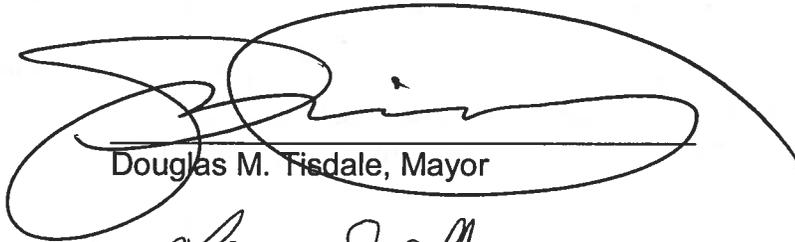
Russell Stewart	yes
Scott Roswell	yes

Klasina VanderWerf      yes  
Alex Brown                yes  
Katy Brown                yes

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

The regular meeting adjourned at 7:33 p.m.

The executive session adjourned at 7:58 p.m.



Douglas M. Tisdale, Mayor



Laura Smith, City Clerk