

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 17, 2015 at 6:30 p.m.
At the Village Center

Mayor Laura Christman called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Laura Christman, Councilors Mark Griffin, Earl Hoellen, Mike Gallagher, Klasina VanderWerf, and Katy Brown were present on silent roll call. Also present were Deputy City Manager and Public Works Director Jay Goldie, City Attorney Linda Michow, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni, and City Clerk Laura Smith.

Absent: Mayor Pro Tem Alex Brown

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Councilor Hoellen removed Item 6b from the Consent Agenda.

Councilor VanderWerf moved, seconded by Councilor K. Brown to approve the following items on the Consent Agenda:

- a. Approval of Minutes – February 3, 2014

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 6b. Resolution 9, Series 2015; In Support of Legislation to Protect Public Regional Stormwater Management Activities

Deputy City Manager/Director Goldie explained that the proposed resolution would support legislation to protect publicly owned regional stormwater activities. He indicated that normally the City would pass a resolution to support current legislation and in this case there was not a current bill to support. He noted that the City was working closely with Urban Drainage who was asking all Colorado communities with stormwater programs to generally support legislation that they were trying to get started at the state level to protect municipalities' rights. He explained that this was necessary because the State Engineer had recently publicized a new interpretation regarding stormwater regulation by viewing stormwater detention as a breach of water rights. He noted that the City had received a general resolution from Urban Drainage which City Attorney Michow had adjusted to fit the City, but there was no current legislation.

Councilor Hoellen expressed concern with supporting legislation that did not yet exist and therefore the City could not be fully aware of what they were supporting.

Councilor Gallagher asked what the chances were that a bill will be passed during this legislative session.

Deputy City Manager/Director Goldie replied that there was a good chance a bill would at least be introduced if not passed.

Mayor Christman explained that the issue had started with Aspen and Pueblo, and that the Water Commission had told Pueblo that the municipality could not detain water even for only 72 hours to prevent a flood and that they had to buy the right to detain the water even if they were not using the water.

Councilor VanderWerf noted that it seemed like a money making scheme.

Mayor Christman added that every municipality and existing and future developments were in violation of the new ruling. She indicated that she thought a bill would pass and that all municipalities were in support. She noted that she had specifically asked Urban Drainage if their bill would permit City use of the High Line Canal for drainage and they had assured her it would.

Councilor Hoellen indicated that it was an important issue and he was in support of legislation but since there was nothing specific to support at this point he was uncomfortable approving the proposed resolution.

Councilor Griffin suggested that the Council could postpone the resolution until there was a specific bill to support.

Mayor Christman suggested that they could generically support the subject.

Deputy City Manager/Director Goldie noted that official support at this stage would be helpful to Urban Drainage.

City Attorney Michow advised that Council could approve an amended version of the proposed resolution.

Councilor K. Brown suggested that Section 2 of the proposed resolution be amended to read "The Council declares its support for legislation that would exempt regional stormwater management from administration and curtailment by the Colorado Division of Water Resources."

Councilor Hoellen moved, seconded by Councilor Griffin to approve Item 6b as amended.

The motion carried unanimously.

UNFINISHED BUSINESS

Public Hearing - Request by Arapahoe Tennis Club for an Expanded Use Permit to Install a Paddle Court with Lights and Paddle Hut – Request for Continuance (continued from January 20, 2015)

Director Zuccaro explained that the Arapahoe Tennis Club (ATC) was requesting an additional continuance to the March 17th Council meeting. He noted that the ATC's Expanded Use Permit request had first come to Council at the January 6th meeting and Council had chosen to continue the request to the January 20th meeting, at which point the ATC had requested an additional continuance to tonight's meeting and was now

requesting a further continuance for more time to research Council's questions and concerns.

Councilor Griffin moved, seconded by Councilor VanderWerf to continue the public hearing for the Arapahoe Tennis Club Expanded Use Permit request to construct a paddle court with lights and paddle hut to the March 17, 2015 City Council meeting at 6:30 p.m.

The motion carried unanimously.

NEW BUSINESS

Council Bill 2, Series 2015; Amending Sections 16-16-10(c) and 16-16-10(d)(2) of the Municipal Code Concerning Off-Street Parking Requirements (first reading)

Director Zuccaro presented Council Bill 2, Series 2015 on first reading. He explained that the proposed bill would increase the allowed parking reduction amount from 40% to 50% and allow overflow parking to be natural, non-hardened surfaces. He noted that this would add incentive to preserve the semi-rural character of the City. He added that the amendment would require applicants to include a mitigation plan to address limits to usage, maintaining the vegetation and mud tracking control. He gave the example of the Denver First Church which would have had sufficient parking between their paved lot and non-paved areas for their development in 2013 if the proposed amendments had been in effect, but which under the current Code had had to pave open areas to create additional parking spaces. He indicated that the Planning and Zoning Commission (P&Z) had reviewed the proposed bill on September 9, 2014 and October 14, 2014 and voted six to one in favor of the amendments.

Councilor VanderWerf expressed concern that valets are needed for parking on grass in order to use the space effectively. She asked if the Denver First Church's overflow parking was used very often.

Director Zuccaro estimated that the Denver First Church had large events that would require the overflow parking such as regional funerals no more than ten times a year.

Councilor K. Brown indicated she understood why the immediate neighbors would not want overflow parking to park in the streets but asked for confirmation that street parking was allowed around Denver First Church.

Deputy City Manager/Director Goldie confirmed it was legal to park in the streets except for Jefferson because of its width.

Councilor K. Brown asked why the City was concerned with parking in the neighborhood.

Director Zuccaro explained that from a community planning standpoint schools, churches, clubs and similar organizations should be able to manage themselves with little impact on the surrounding neighborhood.

Councilor Gallagher noted that the biggest concern would be when a large event coincided with weather that made natural areas unusable for parking.

Councilor K. Brown acknowledged the trade-off in that situation between some overflow parking on streets versus large asphalt areas that were rarely used.

Mayor Christman asked City Attorney Michow if it was appropriate for her to discuss the P&Z meetings that she had participated in regarding the proposed bill.

City Attorney Michow confirmed it was appropriate since this was a legislative issue rather than quasi-judicial.

Mayor Christman explained that the Denver First Church would have preferred using open space as overflow parking for their 2013 development but P&Z did not have that flexibility under the current Code. She indicated that the mitigation plan included in the proposed bill would take care of most issues. She noted that for large regional funerals there was a heavy Police Department presence to manage the extra traffic.

Councilor K. Brown added that Kent Denver's recent new gymnasium was another great example of a property with ample natural space and in the case of any future development it would be preferable to leave those areas natural rather than paving them. She indicated that she was more concerned with safety issues used for parking in natural areas such as lack of striping, lighting and even ground rather than the possibility of weather resulting in the occasional need for street parking.

Mayor Christman indicated that the safety issues could be solved by using valets.

Councilor VanderWerf moved, seconded by Councilor K. Brown to approve Council Bill 2, Series 2015 on first reading, amending Sections 16-16-10(c) and 16-16-10(d)(2) of the Municipal Code concerning off-street parking requirements, as drafted in Exhibit A to the February 17, 2015 staff memorandum..

The following votes were recorded:

Gallagher	yes
Griffin	yes
VanderWerf	yes
K. Brown	yes
Hoellen	yes

Vote on the Council Bill 2-2015: 5 ayes. 0 nays. The motion carried.

REPORTS

Mayor's Report

Mayor Christman reported that she was in contact with other Mayors offices in the South Metro area regarding Xcel Energy's cutting of trees and other issues.

Members of City Council

Councilor Gallagher reported that at the last John Meade Park Master Planning process meeting it was clear that the Parks, Trails and Recreation Commission (PTRC) was looking to Council for direction on issues such as 90 Meade Lane and future plans for the Village Center as important pieces to the planning of John Meade Park.

Councilor Griffin reported that a resident in his neighborhood was upset with their neighbor's construction project, but after consultation with City Manager Patterson and Director Zuccaro it was determined that the project was compliant with City rules and regulations.

Councilor VanderWerf reported that the John Meade Park Master Planning process meeting had revealed that immediate neighbors are concerned with programming at the Alan Hutto Memorial Commons amphitheater and the traffic, noise and lights it might involve. She also reported that a new fence along a trail had made her consider the possible need for an ordinance to address fences along trails to avoid a tunneling effect. She noted that different zone districts might require different regulations to account for trails adjacent to backyards in smaller lots. She suggested this would be a good topic for a study session.

Council discussed fences adjacent to trails in different areas of the City.

Councilor K. Brown reported that a resident in Mansfield Heights was concerned about speeding and had asked her to see if the speed limit could be lowered from 30 mph to 25 mph.

Deputy City Manager/Director Goldie explained that lowering a speed limit was accomplished through an engineering study.

Chief Tovrea added that the Police Department could put the speed trailer and extra patrol in the area.

Councilor Hoellen reported that PTRC was doing a good job with the John Meade Park Master Planning process, emphasized the importance of community involvement, and agreed with Councilor Gallagher that PTRC was looking for direction from Council that was important to the planning process.

Members of City Boards and Commissions

None

City Manager & Staff

Deputy City Manager/Director Goldie reported that City Manager Patterson was out of the office with a medical issue and would return later in the week. He indicated that monthly reports and unaudited financial statements were included in Council packets.

Councilor Griffin asked about the categories on the new Personnel Summary Comparison chart in the Police Department monthly report.

Chief Tovrea explained that an inquiry was when someone called and spoke to a supervisor, usually with procedural questions rather than complaints. Internal investigations were the same as internal affairs.

Councilor Griffin congratulated the Police Department on their high number of commendations over the past year.

Mayor Christman asked what MUTCD stood for in the Public Works monthly report.

Deputy City Manager/Director Goldie replied that it stood for the Manual on Uniform Traffic Control Devices and contained federal guidelines for street design.

Mayor Christman asked if the City's signs were compliant with the MUTCD.

Deputy City Manager/Director Goldie explained that the City's regulatory signs were 100% compliant and staff was working on compliance of the City's non-regulatory signs.

He added that the City's street signs would never be fully compliant because of the red color but they did meet the retro reflectivity standards.

Councilor Griffin asked about the green Quincy sign on the median on University just south of Quincy that was partially covered by a traffic island sign.

Deputy City Manager/Director Goldie replied he would investigate the sign.

Councilor Hoellen asked if the public works log sheet numbers indicated hours.

Deputy City Manager/Director Goldie replied that the top part of the log sheet was hours and the bottom part was materials.

Director Proctor reported that the 2014 audit would begin next week and the final report would be presented to Council in about a month.

City Attorney

City Attorney Michow updated Council on several bills in the state legislature. She noted that legislation regarding drone use by local law enforcement was being discussed but there was no legislation related to personal use of drones.

Mayor Christman indicated that currently operation of a private drone had to be consistent with hobby aircraft regulations.

Councilor K. Brown noted that drones were not allowed in Rocky Mountain National Park.

Councilor Griffin added that they were not allowed in Yellowstone either.

Mayor Christman reported that DRCOG would meet tomorrow night.

Councilor Griffin noted that there was no business on the draft March 3rd agenda.

Mayor Christman asked for a motion to cancel the March 3rd meeting.

Councilor Griffin moved, seconded by Councilor VanderWerf to eliminate the March 3, 2015 City Council meeting for lack of agenda items.

The motion carried unanimously.

Chief Tovrea introduced the Police Department's newest Sergeant, Sgt. Chuck Parker. She noted that the Police Department was in the process of filling four officer positions.

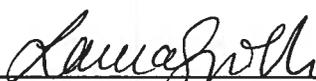
ADJOURNMENT

The meeting adjourned at 7:32 p.m.





Laura Christman, Mayor



Laura Smith, City Clerk