Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 2, 2015 at 6:30 p.m.
At the Village Center

The City Council held a study session at 6:03 p.m. regarding the Utility Line Undergrounding Study Committee (ULUSC) final report.

Mayor Laura Christman called the regular meeting to order at 6:33 p.m.

ROLL CALL

Mayor Laura Christman, Councilors Mark Griffin, Earl Hoellen, Alex Brown, Mike Gallagher, and Klasina VanderWerf 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, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Special Projects Coordinator Emily Kropf, Parks, Trails & Recreation Administrator Ryan Berninzoni, Public Works Project and Right-of-Way Manager Ralph Mason, and City Clerk Laura Smith.

Absent: Councilor Katy Brown

PLEDGE OF ALLEGIANCE

Cody and Trevor Bell; Isabella, Natalie, Lorenzo and Giovanni Borrego; Davyd and Nathyn McCrea; and Grace, Ellie and Grant Smith from Denver First Church of the Nazarene led the Council in the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

David Schrier, 5085 S. Fairfax St., shared an ongoing issue with a neighbor and asked Council to either allow parking on one side of Fairfax St. or to have a special permit process for parking when residents had parties or gatherings.

Mayor Pro Tem A. Brown noted that the no parking policy on Fairfax St. had been desired by the neighbors when Chenango Trail was established.

Councilor Gallagher commented that there were several other areas in the City where there was no parking allowed on streets leading up to trail heads or trail connections.

City Manager Patterson confirmed that Mayor Pro Tem A. Brown was correct about the history of the parking restriction and suggested that staff create a special permit process.

Mayor Christman advised staff to review the dedication of the trail to ensure that it did not prohibit parking on both sides of the street.

CONSENT AGENDA

Mayor Christman removed Item 5b from the Consent Agenda.

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

a. Approval of Minutes – May 5, 2015

c. Resolution 24, Series 2015; Designating the Parks, Trails and Recreation Commission as the City's Tree Board

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 5b. Master Service Agreement with Technetronic Solutions, Inc.

Mayor Christman expressed concern with the agreement because it automatically renews every year and did not include prices for service.

Councilor Hoellen indicated that the City would make payments based on individual work orders rather than the agreement.

City Manager Patterson explained that Technetronic Solutions would no longer provide IT support services but the City wished to retain them for IT development services. The City would temporarily transfer to North Star for IT support services and put out a Request for Proposals later this year.

City Attorney Michow indicated that the City had to accept each statement of work from the contractor and could terminate the agreement at any time with 30 days' notice.

Councilor Hoellen added that the amounts on the statements of work would be compared to the budget.

Mayor Pro Tem A. Brown moved, seconded by Councilor VanderWerf to approve Item 5b.

The motion passed unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

Recommendation from the Public Art Commission to Purchase a "Flying Crane"

City Clerk Smith presented the recommendation from the Public Art Commission (PAC) to purchase one of the "Flying Cranes" by artist Reven Swanson located on the corner of Quincy Avenue and Happy Canyon Road. She noted that the loan of the "Flying Cranes" terminated at the end of 2015 and the artist was not interested in extending the loan. She explained that the PAC had paid the artist $6,000 in 2013 for supplies and installation. The PAC had offered to purchase one crane for an additional $3,000 and the artist was agreeable to that offer.

Councilor Hoellen noted that a single crane would look odd.

Councilor VanderWerf explained that the PAC engaged artists to place their artwork in the City on loan. She noted that the PAC would pay materials cost or in one case paid travel costs. She indicated that the PAC tried to show their appreciation to artists by advertising that their works are for sale, and noted that there had been a potential buyer for the "Flying Cranes" that had unfortunately not worked out. She noted that the PAC wanted to support the artist and felt that purchasing one crane was a good compromise since the artist did not want to extend the loan period, but would not be too disappointed

if Council did not approve the purchase. She agreed that a single crane might look odd but that the trees often covered the others from view anyway.

Councilor Griffin asked how much it would cost to purchase all three cranes.

Councilor VanderWerf replied that the artist was asking for $9,000 per crane and the PAC did not have those funds available because they were hoping to purchase another piece of art in the near future.

Councilor Gallagher asked who would pay for the removal of the cranes.

Councilor VanderWerf replied that City staff would help.

Deputy City Manager/Director Goldie added that the artist had used a crane to install the "Flying Cranes" and would need a crane to remove them at her cost.

Mayor Christman agreed that one crane would look odd. She added that the corner of Quincy and Happy Canyon was an ideal location for public art loans but if the City purchased one crane then that location could not be used to place future loans of artwork.

Councilor Hoellen asked if the City had any obligation to purchase a crane.

Councilor VanderWerf replied that the loan contract with the artist made it clear that the City had no obligation to purchase the artwork. She added that another way the PAC helped their artists was to invite them to events and fundraisers in order to gain exposure in the community.

Mayor Pro Tem A. Brown indicated that the loan had been a nice arrangement that had run its course and he agreed that the location would be ideal for future loans of artwork.

Councilor VanderWerf agreed.

Councilor Griffin moved, seconded by Mayor Pro Tem A. Brown, to deny the expenditure of $3,000 for the purchase of one of the "Flying Cranes" by artist Reven Swanson.

The motion passed unanimously.

<u>Council Bill 3, Series 2015; Amending the Municipal Code Regarding Security Guard Businesses</u>

City Clerk Smith presented Council Bill 3, Series 2015 on first reading. She explained that the bill would amend Article 3 of Chapter 6 of the Municipal Code to clarify the requirements for obtaining a security guard license and to add a section allowing the Chief of Police to issue a provisional, temporary license while background checks were being performed for a full license.

Councilor Hoellen asked why this section of the Code did not include a timeline within which the City had to respond by either issuing or denying an application.

City Clerk Smith replied that City staff had a policy to reply as soon as possible to all applications or request for information.

Councilor Hoellen indicated that municipalities should be required to respond in a reasonable period of time.

City Attorney Michow noted that a security guard license was more of an amenity license as opposed to a business license or liquor license which were required by law.

Councilor Hoellen noted that while the City staff was very responsive he suggested that City ordinances should be written to reflect the City's philosophy.

City Manager Patterson explained that the proposed Code amendments were intended to make the security guard license process less bureaucratic.

Mayor Pro Tem A. Brown moved, seconded by Councilor Griffin to approve Council Bill 3, Series 2015 on first reading, amending Article 3 of Chapter 6 regarding security guard businesses as outlined in the June 2, 2015 staff memorandum.

The following votes were recorded:

Gallagher	yes
Griffin	yes
A. Brown	yes
VanderWerf	yes
Hoellen	yes

Vote on the Council Bill 3-2015: 5 ayes. 0 nays. The motion carried.

REPORTS

Mayor's Report

Mayor Christman reported that she and Deputy City Manager/Director Goldie had met with the City Manager of Englewood to discuss the possibility of moving the Cherry Hills Village Public Works Department to the Englewood Public Works site. She stated that no decision had been made yet but that the possibility had many attractive components including economies of scale for purchasing gasoline and road materials.

Mayor Christman noted that she was working on an amendment to the City Code regarding regulation of drones.

Mayor Christman reported that the City of Englewood was exploring the addition of a bike lane on the west side of Clarkson Street and would like to coordinate the project with Cherry Hills Village. She suggested that the Village consider a bike lane on the east side of Clarkson Street as well.

Councilor Griffin noted that many Englewood residents parked along Clarkson Street.

Chief Tovrea indicated that parking was not allowed on the Cherry Hills Village side of Clarkson Street.

Councilor Hoellen asked if bikers could be compelled to use a bike lane instead of the road when a bike lane is available.

Mayor Pro Tem A. Brown replied that the issue had been raised during audience participation over the years.

City Attorney Michow indicated that bikers could bike on roads but they had to follow traffic laws.

Councilor Hoellen asked if bikers were cited when they did not follow traffic laws in the City.

Chief Tovrea replied that they were.

Director Zuccaro noted that soon after the 2008 Master Plan review the Planning and Zoning Commission considered "complete streets" to accommodate all users as a concept design element but had not recommended pursuing it.

Members of City Council

Councilor Hoellen reported that he continued to work with Mayor Pro Tem A. Brown and Director Proctor on a strategic financial plan for the City. He indicated that staff was working to schedule a study session for Council to consider a strategic financial plan at the end of June.

Councilor VanderWerf reported that the PAC had held a fundraiser event hosted by Trish and Ken Green to introduce artist Deborah Butterfield to Village residents. She noted that the Mayor had made some remarks and it had been a terrific event. She noted that the artist was very interesting and that the foundry owner had also spoken about the process of creating the work. She added that the piece the PAC wanted to purchase was called "Charlo" and was on display at the Denver Botanic Gardens. It was the horse standing up just inside the entrance.

Councilor Gallagher asked how the fundraising was progressing.

Councilor VanderWerf replied that the PAC had about one fourth of the purchase price.

Mayor Pro Tem A. Brown reported that he was enthusiastic on moving forward with the ballot issue recommended by the Utility Line Undergrounding Study Committee. He asked if Council could place that issue on the November ballot through an Ordinance or Resolution.

City Clerk Smith replied that the September 1st Council meeting was the last regular meeting during which Council could place a measure on the ballot because certified ballot content was due to the County later that week. She noted that the deadline for approval of an Intergovernmental Agreement with the County was in August so Council would have to decide by then if they wanted to participate in the election.

Mayor Pro Tem A. Brown noted that the ULUSC had received resistance to a property tax increase during their public input process, but the revenue that the City would receive if a use tax was passed would simply shift the revenue currently being paid as sales tax in other cities to the Village and would not be an additional cost to contractors or residents. He added that this use tax would be virtually identical to use taxes already implemented in surrounding municipalities. He indicated that this issue deserved consideration even separate from undergrounding utility lines. He noted that the revenue could be used for projects beyond undergrounding and that there was no reason to limit the timeline for the use tax. He added that more public outreach had already been done and would continue to be done than had occurred in 2000 to justify the ballot issue. He noted that the ballot issue would be relevant to more residents if some of the revenue were earmarked for open space. He asked the City Attorney and City Clerk to prepare the ballot language for the Council to consider.

Mayor Christman asked about restrictions on use of public funds.

City Attorney Michow replied that once the ballot measure was certified then use of public funds was restricted according to the Fair Campaign Practices Act, but prior to certification public funds could be spent.

Mayor Pro Tem A. Brown asked about Council members supporting the ballot measure on their own time.

City Attorney Michow confirmed that Council members were free to support or oppose ballot measures on their own time without any use of public funds.

Mayor Christman asked about referring this issue to the voters this year versus next year in conjunction with the City's regular election.

City Clerk Smith replied that Arapahoe County was working on cost estimates for participating in the 2015 election and hoped to have those soon, but it would likely save the City some money to include the ballot issue on next year's ballots instead since the City would hold a regular election for Council seats in 2016.

Mayor Christman noted that waiting until 2016 would give the City more time for public outreach.

Councilor Hoellen indicated that the difference in cost between holding an election this year or waiting until 2016 did not begin to approach the estimated revenue that the City would receive from the use tax if it were to be approved in November.

Mayor Christman noted that if the issue failed in November because of lack of public outreach the City could not bring it to voters again in 2016.

Mayor Pro Tem A. Brown indicated that there would be fewer offices and issues on the 2015 ballot compared to the 2016 ballot and that this issue might get buried or overlooked on the 2016 ballot. He noted that the City had already conducted significant public outreach and could continue to do so in preparation for the 2015 election.

Mayor Christman added that there was no reason not to continue public outreach efforts now, regardless of which election Council ultimately chose to refer the issue to the voters.

City Attorney Michow noted that once the ballot issue was certified by Council the ULUSC could transition into an issue committee and use non-public funds to continue public outreach.

Councilor Hoellen asked about an issue committee.

City Attorney Michow explained that it was a committee regulated by the Fair Campaign Practices Act with financial reporting requirements.

Councilor Gallagher asked if the Crier could be used for public outreach.

City Clerk Smith replied that the City could include an informational and pro/con article similar to the one published last year regarding the fiber optic ballot question.

Councilor Griffin reported that the Board of Adjustment and Appeals would meet on Thursday.

Councilor Gallagher reported that he had read an interesting history of the High Line Canal called Thunder Tree: Lessons from an Urban Wildland by Robert Michael Pyle.

Mayor Christman noted that she had found an app that allowed people to take a photo of wildlife and then the app connected the photo to a GPS map.

Members of City Boards and Commissions

None

City Manager & Staff

City Manager Patterson reported that monthly departmental reports and unaudited financial statements were included in Council packets; the PAC had held a fundraiser for the acquisition of a Butterfield horse; the City had received three grants from Arapahoe County Open Space, for Three Pond Park, trails overlay, and a trails inventory; HR Analyst Kathryn Ducharme was managing the CIRCA renewal process; the Centennial Airport Noise Roundtable would be placing a noise monitor in the City; staff was working to schedule a study session for City Council to discuss the City's strategic financial plan; the Police Department had successfully updated its New World IT systems; the PD had done a wonderful job maintaining the Joint Public Safety Facility since it opened; staff would bring a revised Employee Handbook to Council for consideration at the next meeting; Accounting Clerk Jessica Sager was gathering information to transfer the Village Crier from a bimonthly to a monthly publication, which would not cost much more but would require more staff time to write articles.

City Attorney

City Attorney Michow indicated that she would update Council on State legislative issues at the next meeting.

ADJOURNMENT

The meeting adjourned at 7:37 p.m.

Laura Christman, Mayor

Laura Smith, City Clerk