

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 16, 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, 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, Police Commander Pat Weathers, Human Resource Analyst Kathryn Ducharme, 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: Mayor Pro Tem A. Brown and Councilor Klasina VanderWerf

PLEDGE OF ALLEGIANCE

The City Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Jason Matherly of 10 Random Road presented information about the flooding of various areas of the City on June 12th and asked Council to determine what City staff should be responsible for these issues so that appropriate measures could be taken to prevent future issues. He indicated that he had photos and video of the flooding.

Mayor Christman asked Mr. Matherly to share his photos and video with staff.

CONSENT AGENDA

Councilor Hoellen removed Item 5b from the Consent Agenda.

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

- a. Approval of Minutes – June 2, 2015
- c. Employee Handbook
- d. Hutto Agreement Amendment (115 Meade Lane)

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 5b Resolution 25, Series 2015; Adopting New Fees and Procedures Regarding the Dissolution of Water and Sewer Districts within the City of Cherry Hills Village

Councilor Hoellen indicated that while the City does desire that the sewer districts be consolidated, the City does not desire to assume the operation of sewer systems. He questioned the wording in the Resolution that stated the City's desire to assume operation of the districts.

Mayor Christman agreed that the City does not desire to take over operation of sewer districts.

Councilor Gallagher clarified that the intent of the resolution was to bring the City into compliance with Title 32 of the State Statutes and while the City did want the sanitary sewer districts to be consolidated, the City was not interested in taking over the districts itself.

Mayor Christman added that the cost to the City would be prohibitive.

Councilor Griffin noted that the resolution gave the City flexibility regarding this issue. He asked how many sewer districts existed in the City.

Director Zuccaro replied that there were at least eight sewer districts in the City.

Councilor Griffin indicated that while the City's long term goal was to see the districts consolidated, the proposed resolution would give the City the flexibility to assume a district if necessary to the achievement of that goal.

Councilor K. Brown suggested that the ninth whereas clause could be amended to state that "the City desires to consolidate sanitary sewer systems", and if to achieve that process the City needs to assume the operation of a district then that action could be considered part of the overall consolidation process, but to make clear that it was not the desire of the City to assume operation of the systems.

Mayor Christman added that recent flooding in the City had shown that many of the sewer pipes in the City were old, which would entail an added cost for consolidation.

Councilor Hoellen indicated that he agreed with the sections of the resolution which brought the City into compliance with Title 32 but believed that the resolution should reflect the City's current desires and intentions. He suggested that the resolution be tabled so that staff could re-write the resolution.

City Attorney Michow noted that the underlying purpose of the resolution was to create a process for district dissolution reflective of Title 32. She added that while the whereas clauses did not reflect Council's current intentions, the language in the body of the resolution outlined a process for special districts to dissolve and consolidate rather than a process initiated by the City.

Councilor Hoellen clarified that he had no issues with the body of the resolution.

Councilor Hoellen moved, seconded by Councilor Griffin to table Resolution 25, Series 2015 until the July 21, 2015 Council meeting to allow staff to rework the language.

The motion passed unanimously.

UNFINISHED BUSINESS

Council Bill 3, Series 2015; Amending the Municipal Code Regarding Security Guard Businesses (second and final reading)

City Clerk Smith presented Council Bill 3, Series 2015 on second and final reading. She explained that the proposed ordinance would 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. She noted no changes had been made since first reading.

Councilor K. Brown moved, seconded by Councilor Gallagher to approve Council Bill 3, Series 2015 on second and final reading, amending Article 3 of Chapter 6 regarding security guard businesses as outlined in the June 16, 2015 staff memorandum.

The following votes were recorded:

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| Gallagher | yes |
| Griffin | yes |
| K. Brown | yes |
| Hoellen | yes |

Vote on the Council Bill 3-2015: 4 ayes. 0 nays. The motion carried.

NEW BUSINESS

Council Bill 4, Series 2015; Amending the Municipal Code Concerning New Wireless Co-Location Rules (first reading)

Special Projects Coordinator Kropf presented Council Bill 4, Series 2015 on first reading. She explained that the proposed bill would amend Section 16-16-130 of the Municipal Code to include wireless co-location rules as adopted by Congress and interpreted by the Federal Communications Commission (FCC). Co-location is defined as the mounting or installation of wireless transmission equipment on an existing eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes. In 2012, Congress adopted new rules (Section 6409 of the Middle Class Tax Relief Act of 2012) determining when a co-location request on an existing wireless site must receive zoning approval, regardless of state or local law. In 2014, the FCC adopted rules defining and interpreting various portions of Section 6409 for implementation purposes. The rules state that an eligible facilities request or application for co-location must be approved if it does not involve a substantial change. A substantial change is defined as an increase in height, width, number of cabinets or other criteria as identified in the proposed language. An application can be denied, however, if the request would result in a substantial change; impair a concealment element needed to qualify as an alternative communication facility; or fail to meet a design element or condition of approval associated with the original application or any approved amendment thereto. The Colorado Communication and Utility Alliance (CCUA) issued a memorandum regarding the new rules and a proposed model ordinance to assist municipalities with implementation. Staff has reviewed the model ordinance with the City Attorney and has incorporated the required regulations while attempting to minimize the impact. Staff recommended approval of the proposed amendment in order to comply with current federal rules.

Councilor Gallagher indicated that the underlying purpose of the proposed bill was to bring the City into compliance with the new rules and interpretation.

Special Projects Coordinator Kropf confirmed that was correct.

Councilor Hoellen suggested that "or" be added to the end of subsections (1) and (2) the definition of "Substantial change" in the proposed bill in order to clarify that any one of the criteria on its own would result in a substantial change.

Mayor Christman asked if a change was not originally anticipated and accounted for in a development agreement if additional requirements could be imposed by the City related to the change such as taller trees.

City Attorney Michow replied that the City could probably not impose additional requirements in that case. She noted that the purpose of the rules adopted by Congress was to promote telecom and wireless facility growth within parameters, essentially automatically approving up to a 10% increase in height, width or dimension.

Director Zuccaro noted that if the original approval required mitigation then mitigation would still be required and would be required to apply to any non-substantial change.

Mayor Christman noted that the City could incorporate elements in the original agreement that would apply to any non-substantial change.

Councilor K. Brown asked if the 10% increase was above the current dimension, in which case a "non-substantial change" of up to 10% could be conducted multiple times.

Director Zuccaro replied that the allowed increase was above the originally approved dimension only.

City Attorney Michow directed Council's attention to the definition of "Existing" in the proposed bill.

Councilor K. Brown indicated that the definition should be clarified.

Mayor Christman asked if wireless communication companies were able to remove trees if they interfered with a non-substantial change.

Director Zuccaro replied that they could remove trees on private property.

Mayor Christman indicated that the City would have to be very careful about how original agreements are written in order to protect trees from any non-substantial change.

Councilor K. Brown noted that the definition of substantial change for towers located in the public rights-of-way included "adding an appurtenance to the body of the tower that would protrude from the edge of the tower by more than six feet" but for towers not located in the public rights-of-way "adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet." She asked about the difference between the public and private property.

City Attorney Michow replied that location of wireless facilities on private property was subject to a lease with the property owners.

Mayor Christman directed staff to add "or" to the definition of "Substantial change".

Councilor Hoellen asked staff to clarify the definition of "Existing".

Councilor K. Brown moved, seconded by Councilor Gallagher to table Council Bill 4, Series 2015 until the July 21st meeting for further review.

The motion carried unanimously.

2015 November Election

City Clerk Smith presented information to Council related to the November 3, 2015 election. She explained that staff had prepared draft ballot language in coordination with City Attorney Michow, Mayor Pro Tem A. Brown, and Utility Line Undergrounding Study Committee (ULUSC) member Dan Lynch and was seeking Council's feedback. She

noted that Arapahoe County had provided a cost estimate for participation in the coordinated election which was less than the City's budget for the election. She indicated that staff would bring a resolution calling a special election to Council for consideration at the next meeting. She added that the Charter required tax issues to be passed by Ordinance so first reading of the Council Bill to place an issue on the ballot would be August 4th. She indicated that an attorney-client privileged memo from City Attorney Michow regarding use of public funds during an election was included with staff's memo, as well as information from the Colorado Campaign and Political Finance Manual regarding Issue Committees.

Mayor Christman noted that the draft language restricted the use of funds received from the proposed use tax. She indicated that since residents were paying this tax already, but as sales tax to other municipalities, she had no problem with the use tax itself. However she noted that the City may have other issues in the future such as flooding issues that would need funding and she was reluctant to restrict the use of these funds. She suggested that the draft language could be changed to indicate that the funds would be used for capital expenses including undergrounding and open space.

Councilor Hoellen added that most other municipalities already had a use tax on building materials so it was something the City should have as well and agreed that the taxes were already being paid and it was important to redirect that revenue to the City. He indicated that he believed in directed and targeted revenue associated with specific expenditures. He noted that he absolutely wanted this issue to pass and something to consider was whether more specific or broader language was more likely to pass.

Councilor Gallagher indicated that voters might be less likely to support broader language than more targeted language.

Mayor Christman noted that not everyone would be in favor of using the funds for any one specific purpose, such as undergrounding.

Councilor Gallagher suggested the language "such as but not limited to".

Councilor K. Brown replied that could be viewed unfavorably by both voters opposed to the listed issues and voters opposed to broad language. She indicated that hopefully the City could communicate that the tax was being paid in any case but noted that communication is always a challenge.

Councilor Griffin warned that suggesting the revenues would be used for one thing and then changing their use could result in distrust from citizens. He indicated that the Village had shown disinclination to new taxes and that educating residents that this tax was already being paid but going to other municipalities was key. He noted that the discussion came about because of the work of the ULUSC. He indicated that while he understood the concerns with restricting funds he warned against broad language as it might be perceived as giving carte blanche to Council by the voters.

Mayor Christman indicated that she was concerned with the issue becoming a referendum on undergrounding rather than a claim by the City of taxes that should be coming to the City but that are currently being paid to other municipalities.

Councilor Griffin suggested focusing the wording on the fact that the taxes were being paid already but to other municipalities.

Councilor Hoellen indicated that he would like to get Mayor Pro Tem A. Brown's opinion on this issue. He noted that while he could not speak for Mayor Pro Tem A. Brown he

had heard his view previously expressed that a tax issue should be tied to a specific expenditure.

Councilor Griffin suggested the Council continue the discussion at a future meeting when Mayor Pro Tem A. Brown was present.

City Clerk Smith noted that the first reading of the council bill placing an issue on the ballot would be August 4th.

Councilor K. Brown noted that the City would be limited in terms of public outreach beginning August 18th when the ballot content was certified by Council and suggested that public education on the issue of the tax being paid to other municipalities should be begun before that date.

Councilor Griffin suggested that Mayor Christman could include information in her Mayoral Musings article in the Village Crier.

Councilor Gallagher indicated that this issue deserved its own article.

Mayor Christman agreed that a separate article would be more appropriate in order to explain the situation completely. She noted that the tax was only paid by residents engaged in construction, and that the tax was already being paid as a sales tax to other municipalities.

Councilor Hoellen noted that Council members could do a lot to advocate an issue on their own time even if City funds were limited by FCPA after August 18th.

Councilor Griffin suggested framing the issue as a tax change rather than a tax increase and providing an example of a \$1 million new home to illustrate the situation.

Mayor Christman agreed and noted that in some situations it might be a tax decrease depending on the sales tax rates in other municipalities.

Councilor Hoellen asked if the contractors would still be required to pay the difference between the City's use tax and another municipality's sales tax if the City's use tax was lower.

Director Zuccaro replied that they would not and that the use tax would replace the sales tax.

Councilor K. Brown asked City Attorney Michow for clarification as to how Council members were limited in promoting the issue after August 18th given that they were unpaid volunteers.

City Attorney Michow noted that Council could continue to promote the issue on their personal time with their personal resources after August 18th but could not use City staff, facilities or resources.

Councilor Hoellen indicated Council could pass a resolution supporting the issue.

City Attorney Michow replied that was correct but that the City was required to publicize that resolution in the same manner as all other resolutions and could not promote it in any way that a resolution would not normally be promoted.

Councilor Hoellen added that a Councilor could, in their private time, send the resolution to the editor of the Villager, for example.

Mayor Christman asked if the City would publish pro and con information about the issue in a booklet.

City Clerk Smith replied that since the City would coordinate with Arapahoe County on this election the appropriate information would be included in the County's blue book.

REPORTS

Flood Event Report

City Manager Patterson reported that between Thursday June 11th and Friday June 12th the City received 3.85 inches of rain in a 16 hour timeframe. This overwhelmed the already saturated landscape and resulted in breaches or overflows of dams at Greenwood Gulch which eventually reached the area of Little Dry Creek and Cherry Hills Country Club. Locally the Village Center experienced flooding along Meade Lane and University Boulevard at Quincy Avenue. The rain stopped at approximately 9:45 a.m. on Friday June 12th and at approximately 10:15 a.m. Meade Lane was flooded. The pond in John Meade Park overflowed onto Quincy Avenue and University Boulevard and there was flooding in the southeast section of Cherry Hills Country Club and the northwest section of the City at Sanctuary Church. Over the past two days six to eight million gallons of water was pumped out of the Sanctuary Church parking lot and building. Several homes throughout the Village flooded and several sewer systems backed up. Staff was gathering information and working with City Engineer Troy Carmann to determine what could be done to mitigate or eliminate future flooding events.

City Engineer Troy Carmann explained that the watershed for this flood event was approximately 12 square miles, defined by topography and infrastructure improvements. There were several drainages that contribute to flooding in the area coming west through the contours of the High Line Canal into the City – Little Dry Creek, Greenwood Gulch, Blackmere Gulch, and Quincy Gulch. He noted that the number of rain gauges limited the data that could be analyzed. The Front Range had experienced an unusually wet season which had saturated the ground and resulted in fast runoff. The accumulation of precipitation from past weeks filled the soil, voids and stormwater infrastructure around the Metro area. The capacity of upstream stormwater ponds was reduced by previous storms and every bit of debris in the system contributes to reduced capacity. The flood event on June 12th was an uncontrolled but understandable event given the factors. The flooding of Meade Lane and University Boulevard operated well from an engineering perspective, and luckily school was not in session. The flooding in the northwest corner of the City involved the confluence of Little Dry Creek and Greenwood Gulch into City Ditch. City Ditch was a legacy structure owned and operated by the City of Englewood. When the ditch was established over 100 years ago it served agricultural purposes, but for modern infrastructure it could be problematic. On Friday Greenwood Gulch's upstream pond capacities were maximized and the input of too much water too fast resulted in water flooding into the low point at what is now Sanctuary Church. He indicated that the map he was using to describe the event was from the 2004 Master Drainage Plan from Urban Drainage. The map included the floodplain, which was represented by FEMA's National Flood Insurance Program and many of the City's Zoning Codes. This data provided the City with early guesses as to the best steps for mitigation. He explained that there was enough information to support a drain under Clarkson Street to mitigate future capacity issues with Greenwood Gulch. The 2004 Master Drainage Plan provided information that the City could use to determine the best size and location of the drain and what other stakeholders would be responsible. The plan identified more specific information about suggested mitigation for University Boulevard, including the size and material for box culverts underneath the

street that would convey excess flow and keep the street open during a future flooding event. That level of detail was now needed for Clarkson Street. The City would continue to study the issue and plan for mitigation for both City Ditch and University Boulevard.

Councilor Griffin asked what was currently under University Boulevard.

Project Manager Mason replied that there were two 40 inch culverts currently under University Boulevard.

Councilor Griffin indicated that the water flowing under University Boulevard emptied into the lake at the Cherry Hills Country Club.

Project Manager Mason confirmed that was correct.

City Engineer Carmann noted that the State and FEMA had programs to assist communities with flood events. The Colorado Water Conservation Board had in the past conducted flood documentation reports for communities affected by flooding events and now offered funding to assist communities with flood documentation.

Councilor Griffin asked about the date of the flood study.

City Engineer Carmann replied that the Master Drainage Plan had been completed in 2004 and was an update of a previous 1994 study.

Councilor K. Brown asked if the 2004 plan was a proposal for mitigation that was never followed up on.

City Engineer Carmann replied that the plan included planning recommendations, a best guess based on the data at hand.

Councilor Gallagher asked if implementing the study's recommendations would have made a difference in Friday's flood event.

City Engineer Carmann indicated that the recommendations would have made a difference in the localized events around the Elementary School and Village Center area.

Councilor Hoellen indicated that he was more concerned with mitigation for the flooding of Village homes and Sanctuary Church.

Mayor Christman asked what mitigation measures could be taken in the short term as rains continue this summer.

City Engineer Carmann indicated that the first step was to begin a coordinated effort with stakeholders upstream to ensure that the City's neighbors maintained their ponds, as well as working with stakeholders on ponds within the City. Another mitigation option was to keep pumps on-call at the City. Maintaining coordination between stakeholders of City Ditch was important in order to understand and mitigate future flooding issues. The City could also reach out to the State and Urban Drainage to build a long-term plan.

Mayor Christman asked if City Ditch was a private irrigation ditch.

City Engineer Carmann replied that it was a quasi-governmental entity that provided some public water, held by private shareholders and managed by the City of Englewood.

Mayor Christman asked what could be done with City Ditch in the short term.

City Engineer Carmann replied that a study of City Ditch should be done to determine how best to maximize capacity.

Councilor K. Brown asked if the flooding had occurred within the floodplain.

City Engineer Carmann replied that as far as he was aware the flooding occurred within the floodplain.

Councilor Hoellen noted that the proposed area for a new Village Center, closer to Quincy Avenue, was out of the floodplain but had flooded.

City Manager Patterson indicated that the floodplain accurately predicted where the water flowed, and that the additional volume on Friday was the surprising aspect of the event.

City Engineer Carmann agreed that the water had generally followed the floodplain, but that some areas may have been missed or needed continued study to make the floodplain more accurate.

Councilor Griffin asked Project Manager Mason if he had seen a similar flood event in the time that he had worked at the City.

Project Manager Mason replied that he worked at the City for approximately 35 years and had seen Quincy Avenue flood twice, the Public Works shop once, Meade Lane had flooded previously, but he had not previously seen University Boulevard flood.

Director Zuccaro added that the City records showed flooding on University Boulevard flooded in 1973.

Councilor Griffin indicated that he had lived at his residence since 1995 and since then there had been five or six serious rain events which filled the catch basin on the north side of Cherry Hills Farm and caused water to shoot out of the culvert at Cherryridge Road. He noted that these storms had not been as large and the catch basin was only a third full during Friday's event, and therefore the flooding seemed to be triggered by a release of water from ponds upstream. He indicated that the City needed to know if water was released from ponds upstream, automatically or voluntarily. He asked what the liability was for upstream properties that released water affecting downstream properties.

City Attorney Michow replied that detention ponds could not release beyond historic flows unless the water was contained.

Councilor Griffin asked if staff had communicated with upstream owners.

City Engineer Carmann replied that he had a cursory discussion with Greenwood Village and Centennial.

Director Zuccaro added that he had reached out to Greenwood Village and that they did not provide any information of anything out of the ordinary occurring with their detention ponds.

Councilor Griffin indicated that he would like definite answers from upstream pond operators.

Mayor Christman added that she and Project Manager Mason had gone to Glenmoor on Friday.

Project Manager Mason noted that Public Works Assistant Pamela Broyles had communicated with Glenmoor's public works department who had stated that they did not open their detention pond gates but rather the water had gone over the top of the gates.

Councilor Griffin asked if eyewitness confirmation could be found.

City Engineer Carmann indicated that it was not uncommon to collect eyewitness accounts and high water marks for this kind of event.

Councilor Griffin added that staff should contact the Army Corps of Engineers to determine if they adjusted the gates at Blackmer Gulch to follow up on Mr. Matherly's comments.

City Engineer Carmann noted that there were many variables that could have affected the flood event.

Councilor K. Brown asked how Little Dry Creek was affected by the events.

City Manager Patterson replied that the bank stabilization the City had completed at Little Dry Creek had worked well, but that it had overflowed at Cherry Hills Country Club.

Councilor K. Brown indicated that there had been no flooding at Dahlia Hollow Park although it was located in the floodplain, and that it seemed that some flooding would have been expected in all areas of the floodplain if the flood event had been caused by only rain. She asked City Engineer Carmann who the City could retain to conduct a detailed study of the flood event.

City Engineer Carmann replied that Urban Drainage could assist with the study and the City could request funding from the Colorado Water Conservation Board.

Mayor Christman added that the High Line Canal had been close to breaching at several points. She noted that Denver Water had done a study to determine areas most in danger of breaching and determined none of them were in the City.

Project Manager Mason commented that the water had gotten within six to eight inches of the top of the Canal in some places.

Councilor Griffin asked staff to prepare a report on the conversations they had regarding release of water upstream and determine definitively if voluntary or involuntary releases had occurred. He suggested decreasing levels in detention ponds in a non-event time in anticipation of storm events when the soil is already saturated and spending time with Mr. Matherly looking at his pictures of the flood.

Councilor Gallagher asked for the City Engineer's thoughts on mitigation at Clarkson and Hampden.

City Engineer Carmann replied that the earliest concepts and the simplest approach utilized gravity to bring the water flow back to Little Dry Creek, preferably downstream of the bridge at Clarkson.

Councilor Gallagher noted that would not solve the issue of the low point.

City Engineer Carmann confirmed that was correct and that the conveyance between the pond and City Ditch and the low point is impeded by roadways and development. An alternative would be to take the water flow off of the conveyance ahead of the low point.

Councilor Griffin asked if residents whose homes had been flooded were eligible for FEMA assistance.

City Engineer Carmann replied that the City could assist with the public assistance process by issuing declarations of the flood event. He added that FEMA's assistance was focused on insured structures and furnaces and would not reimburse for any belongings lost. He indicated that the City could support individual flood insurance claims by providing documentation showing evidence of the flood event. He noted that FEMA's Region 8 office was located in Lakewood.

Councilor Hoellen indicated that Council needed to know what steps the City could take that would have an impact for the residents whose homes suffered damage.

City Engineer Carmann replied that his office could assist staff in determining that information.

Councilor Griffin thanked City Engineer Carmann for his thorough report.

Councilor Hoellen asked about the sewage issues that had occurred in the northeast corner of the City in relation to the flood event.

City Engineer Carmann replied that although he did not know the specifics of the situation with the sewer issues, it was still caused by too much water for the soil and infrastructure to handle.

Councilor Hoellen indicated that the sanitation system was a closed system while the stormwater system was open.

City Engineer Carmann replied that sanitation systems were designed to be closed systems but over time the clay pipes in the sewer system deteriorate due to age and pressure, making it very permeable.

Mayor Christman noted that the City had no liability with the sewer systems but that there was potential litigation for several of the sewer districts within the City.

Councilor Hoellen indicated he believed it was important to understand all the issues affecting City residents. He asked if the sewer districts were evaluating the event and what could be done to prevent sewer leaks in the future.

City Engineer Carmann replied that it required an incredible amount of coordination beyond jurisdictional boundaries to understand watershed events.

Project Manager Mason reported that the public works staff had checked the City's storm drains in the northeast section of the City three or four times on Friday morning to ensure there was no debris buildup affecting the flood event. He noted that he had suggested residents have their sewer district scope the sewer lines to determine the cause of the leaks.

Councilor K. Brown noted that Mansfield Sewer District had scoped its sewer lines approximately three years ago and notified residents of lines going to individual homes that were deteriorated.

Project Manager Mason agreed with the City Engineer that there was too much water for the system to handle and noted that neighborhood was a low point in the area.

Councilor Gallagher asked about the technicalities of water seeping into basements.

City Engineer Carmann explained that groundwater looks for the path of least resistance and when enough pressure builds it finds the weak points in foundation walls, often at the joints which are built with flexible material to allow for natural soil movement. When the water pressure gets high enough to overwhelm the weak point it finds a crack or joint, typically on the uphill side of the basement.

Councilor K. Brown asked how many home flooding incidents occurred in the City on Friday.

City Manager Patterson replied that the City was inundated with calls on Friday from residents with flooded basements and backyards.

Director Zuccaro added that a very approximate number was four to six homes where water breached the finished floor elevations. He noted that there were a higher number of cases where accessory structures had flooded.

Mayor Christman noted that a house on Ogden Street had flooded the basement and first floor.

Director Zuccaro replied that property was in the floodplain.

Mayor Christman indicated that the homeowners were out of town but the Police Department was checking the house as part of the house watch program and noticed the flooding.

Councilor Griffin emphasized that the City should do everything it could for residents affected by the flooding.

Mayor's Report

Mayor Christman reported that the Council would meet on June 30th at 8am at the Village Center for a study session regarding the City's strategic financial plan. She asked if anything else should be added to the agenda.

Councilor Hoellen suggested adding utility line undergrounding since it was related to the possible use tax.

Mayor Christman reported that she had met with Deputy City Manager/Director Goldie, Parks Administrator Berninzoni, and Cherry Hills Land Preserve member Karen Barsch regarding the farmers market as part of the Barn Tour.

Members of City Council

Councilor Gallagher reported that the Planning and Zoning Commission (P&Z) and Parks, Trails and Recreation Commission (PTRC) had a productive joint study session to discuss the City's fence Code and Director Zuccaro would follow up.

Director Zuccaro added that P&Z and PTRC would review draft ordinance language separately before it was brought to Council for consideration.

Councilor Gallagher reported that the John Meade Park Master Planning Process meeting last Thursday had been productive. He explained that there were concerns that evening events in the amphitheater would pose life safety issues if the area were not properly lit, and neighbors continued to be concerned about noise, lights and use at the venue.

Mayor Christman noted that all City parks were open until 11 p.m.

Councilor Hoellen added that there were no lights in any of the City's parks. He commented that the High Line Canal closed at sundown or when it got dark.

Councilor K. Brown noted that the Summer Movie Night was a notable exception to the no lights standard.

Councilor Hoellen suggested that use of parks without proper lighting was a public safety issue.

Mayor Christman indicated that a balance was needed between use of parks, dark skies and public safety.

Councilor Gallagher agreed that the City was responsible for public safety if they encouraged evening events but also needed to be considerate of the neighbors and their concerns.

Councilor K. Brown suggested that rules for John Meade Park could be separate from other parks, instead of the current rules which applied to all parks.

Councilor Griffin reported that the Board of Adjustment and Appeals (BOAA) had granted a variance to a property at Franklin Street and Quincy Avenue to locate a garage within the easement.

Councilor K. Brown reported that the Centennial Airport Noise Roundtable's noise monitor had been placed in the City to begin gathering data.

Administrator Berninzoni added that the noise monitor was located in the northwest corner of Middle Annex Park at the corner of Cherry Lane Drive and Parkway Drive. He noted that the monitor was tucked away and chained down.

Councilor K. Brown explained that the noise monitors used by the Centennial Airport Noise Roundtable were each calibrated based on ambient noise level. Noise above that decibel level was considered a noise event. The monitors also distinguished between different kinds of noises, from lawnmowers to airplanes to motorcycles. The noise monitors would give the Roundtable quantitative data on the frequency and types of noise events.

Councilor K. Brown also reported that she had been contacted by the Cherry Hills North Homeowners Association which was concerned about pedestrian traffic headed to the High Line Canal and were interested in pursuing adding a pedestrian crossing at Hudson Way and Dahlia Street. She apologized for missing the last meeting and indicated she was intrigued by the proposed use tax. She also noted that some communities had a 1% transfer tax on the sale of homes.

City Attorney Michow indicated that transfer taxes were no longer authorized under state law and those communities that still had them were grandfathered.

Councilor Hoellen had no report.

Members of City Boards and Commissions

None

City Manager & Staff

Board and Commission Member Terms

City Clerk Smith reported that there was currently a vacancy on P&Z; Public Art Commission member Harbaugh's first term would end in July; and several terms on P&Z would end in September. She asked for Council direction on reappointing Commission Harbaugh to a second term and also for two Council members to assist with interviews for the P&Z vacancy.

Council had no objections to reappointing Commissioner Harbaugh. Council appointed Mayor Christman and Councilor Hoellen to assist with interviews for the P&Z vacancy.

City Attorney

City Attorney Michow reported that staff had discovered that a right-of-way portion of Quincy Avenue had never been formally conveyed to the City after the Gilman lot consolidation. She indicated that staff would bring the conveyance deed to the next Council meeting for consideration. She indicated that she had information from the legislative session but could defer until the next Council meeting.

Councilor Hoellen suggested the legislative report be deferred.

City Attorney Michow noted that the Colorado Supreme Court had upheld the employer's right to discharge an employee for medical marijuana use during nonworking hours notwithstanding Colorado's unlawful activities statute that states employees cannot discharge or discipline employees for performing lawful activities during nonworking hours because marijuana is illegal at the federal level.

ADJOURNMENT

Councilor Griffin moved, seconded by Councilor K. Brown to move into Executive Session pursuant to C.R.S. Sec. 24-6-402(4)(a) for the purpose of discussing matters related to the acquisition of real property and pursuant to C.R.S. Sec. 24-6-402(4)(e) to develop strategy for negotiations and to instruct negotiators relating to possible acquisition of such real property and to adjourn afterwards.

The following votes were recorded:

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| K. Brown | yes |
| Hoellen | yes |
| Gallagher | yes |
| Griffin | yes |

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

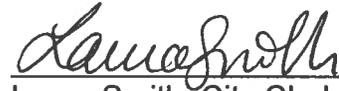
The Executive Session began at 8:36 p.m.

The meeting adjourned at 8:55 p.m.





Laura Christman, Mayor



Laura Smith, City Clerk