Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, January 5, 2016 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, Alex Brown, Mike Gallagher, and Klasina VanderWerf were present on roll call. Also present were Interim 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 Ducharme, Parks, Trails & Recreation Administrator Ryan Berninzoni, Public Works Project and Right-of-Way Manager Ralph Mason, and City Clerk Laura Smith.

Councilor K. Brown arrived at 6:31 p.m.

Absent: none

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

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

a. Approval of Minutes – December 9, 2015
b. Resolution 1, Series 2016; Designating a Public Place for Posting Notices of Regular and Special Meetings
c. Extension of Intergovernmental Agreement between Cherry Hills Village and Denver Water

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Presentation of Flood Documentation Report for June 12, 2015 Flood Event

City Engineer Troy Carmann presented the Flood Documentation Report. He explained that the final report included updated precipitation data that supported the previous explanation of the June 12, 2015 flood event being caused by an unusually wet spring causing ground saturation prior to the storm event that resulted in the flood. He noted that the state engineer's report showed that the Balckmer Reservoir had operated as intended. He explained that Little Dry Creek Basin included Greenwood Gulch Basin

and Blackmer Gulch Basin. He noted that Greenwood Gulch intercepted the High Line Canal in Greenwood Village and that is likely what contributed to the filling of the High Line Canal downstream through Cherry Hills Village.

Mayor Christman asked where Greenwood Gulch crosses the High Line Canal.

City Engineer Carmann replied it crossed just northwest of "The Center" pool and tennis courts at the Preserve. He noted that the crossing was at grade.

Mayor Christman asked if improvement of the crossing would fall under the jurisdiction of Urban Drainage.

City Engineer Carmann replied that it would be a joint project between Urban Drainage and Greenwood Village along with any private property owners. He added that Cherry Hills Village could be involved if the City made its desire to be involved known.

Mayor Christman asked where University Blvd crossed the High Line Canal.

City Engineer Carmann replied it crossed south of Belleview and had been improved several years ago. He indicated he was not aware of any hydraulic issues at that crossing.

Mayor Christman asked how costs would be shared for a project to improve the Greenwood Gulch crossing.

City Engineer Carmann replied that after ensuring Greenwood Village's support the cost would be shared equally between Urban Drainage and the jurisdiction of interest.

Councilor VanderWerf asked about alternative funding sources to FEMA.

City Engineer Carmann confirmed that the June 2015 flood event did not meet thresholds for federal disaster funds, but the City could apply for pre-disaster mitigation grants administered by FEMA and the state. He noted that these grants were competitive and that many areas affected by the 2013 flood events were still applying for funds.

Councilor Gallagher asked about the report's suggestions for sewer extensions to relieve the pressure at Clarkson Street.

City Engineer Carmann replied that the mitigation would be relatively inexpensive, likely under $100,000. He added that it would not completely solve the issue but would add a relief point that was currently not there.

Councilor Gallagher asked how Blackmer Gulch moved through the High Line Canal.

City Engineer Carmann replied that if there was a culvert it was very well camouflaged.

Mayor Christman noted that the City's agreement with Denver Water did not allow stormwater in the High Line Canal.

City Engineer Carmann explained that prior to 1991 Denver Water did not prohibit stormwater in the High Line Canal so it was not surprising that there were some discrepancies now.

Interim City Manager/Director Goldie indicated that there were several pre-1991 areas of the High Line Canal in the City.

Mayor Christman asked about water from Greenwood Village related to the June 2015 flood event.

City Engineer Carmann replied that a field report shortly after the event documented damage to Greenwood Gulch at the High Line Canal crossing that indicated overflow.

Mayor Christman thanked City Engineer Carmann for a thorough and accessible report. She added that the report would be helpful to residents and directed staff to post the report on the City website.

Council Bill 10, Series 2015; Repealing and Reenacting Municipal Code Section 16-16-40 Concerning Fences (*first reading, tabled from December 9, 2015 meeting*)

Director Zuccaro explained that Council Bill 10, Series 2015 had been tabled from the December 9, 2015 meeting. He noted that the proposed bill would revise the City's fence code specifically as it related to parks, trails and open space, as well as front yards and public roads in certain cases. He added that the proposed bill required that any fence that is replaced be brought into compliance with the new code, and any repair that exceeds 25% of the fence area within a 24-month period would constitute a replacement and would need to be brought into full compliance. He explained that there were two versions of the proposed bill, one from the Planning and Zoning Commission and the other from the Parks, Trails and Recreation Commission. Table 3 from the staff memo summarized the two recommendations compared to the current City Code.

Fence Location	**Current Code (Exhibit C)**	**Proposal - Version 1** **P&Z** **(Exhibit A)**	**Proposal - Version 2** **PTRC** **(Exhibit B)**
Parallel to public trails, parks, or open space • All Residential Zone Districts	6 ft. max. height and up to 100% solid	6 ft. max. height and less than 25% solid	6 ft. max. height and less than 25% solid
Front yards • R-1, R-2, R-3, and R-3A districts	6 ft. max. height if less than 50% solid; or 4 ft. max. height if more than 50% solid; or 6 ft. max. height and more than 50% solid subject to setback/landscape standards*	4 ft. max. height and less than 50% solid (between front property line and front façade line)	4 ft. max. height and less than 50% solid (between front property line and front façade line)
• R-4 and R-5 districts	6 ft. max. height if less than 50% solid; or 4 ft. max. height if more than 50% solid; or 6 ft. max. height and more than 50% solid subject to setback/landscape standards*	No fence allowed (between front property line and front façade line)	No fence allowed (between front property line and front façade line)
Rear or side yards • All Residential Zone Districts	6 ft. max. height and up to 100% solid	6 ft. max. height and up to 100% solid	6 ft. max. height and up to 100% solid
Rear and side yards adjacent to public road • All Residential Zone Districts	6 ft. max. height if less than 50% solid;	6 ft. max. height if less than 50% solid;	6 ft. max. height and less than 25% solid

	or 4 ft. max. height if more than 50% solid; or 6 ft. max. height and more than 50% solid subject to setback/landscape standards*	or 4 ft. max. height if more than 50% solid; or 6 ft. max. height and more than 50% solid subject to setback/landscape standards*	or Up to 4 ft. maximum height and more than 25% solid subject to setback/landscape standards*
Any fence adjacent to State Highway	8 ft. max. height and up to 100% solid subject to setback/landscape standards*	8 ft. max. height and up to 100% solid subject to setback/landscape standards*	8 ft. max. height and up to 100% solid subject to setback/landscape standards*
Any fence adjacent to other select arterial roads	N/A	Adjacent to S. Clarkson St., E. Happy Canyon Rd., S. Colorado Boulevard, & E. Quincy Avenue: • 6 ft. max. height and up to 100% solid subject to setback/landscape standards*	Adjacent to S. Clarkson St., E. Happy Canyon Rd: • 6 ft. max. height and up to 100% solid subject to setback/landscape standards*

*Setback and Landscape Buffer Requirements (choice of A or B):

A. Pick any two of the following three:
   1. Setback 25 ft. from edge of paved road or 40 ft. from centerline of unpaved road.
   2. Landscape with minimum of 1 tree every 20-30 ft.
   3. Landscape with planting to cover 25% of fence surface

B. Indent every 15-25 ft. and plant indents with 2 trees or evergreen shrubs

Councilor Gallagher asked to see the photos of various fences throughout the City with differing percentages of openness.

Director Zuccaro noted that the PTRC had not had the benefit of the photos during their discussions.

Mayor Pro Tem A. Brown indicated that a shorter, more solid fence was less objectionable to a taller, more solid fence and suggested a sliding scale.

Councilor VanderWerf noted that a very low fence or wall could be considered a landscape feature.

Councilor K. Brown noted that Version 2 of the council bill did not agree with Table 3 in the staff memo.

Director Zuccaro confirmed there was an error in Version 2 of the council bill.

Councilor K. Brown indicated that the repair trigger of 25% should be amended in the proposed bill in order to clarify the 25% threshold referred to a single lot line of a single property. She asked about a single fence that spanned multiple properties along Quincy Avenue and wondered if the Homeowners Association owned the fence or had regulations regarding fence styles. She questioned the consequence the proposed regulations would have on the continuity of the multi-property fence along Quincy.

Councilor Hoellen replied that the purpose of the proposed bill was to drive the community towards standards in support of the Master Plan, and before the ultimate desired result was achieved there would be an interim period of discontinuity.

Mayor Christman noted that HOAs could have further restrictions beyond the City's regulations.

Councilor K. Brown added that HOAs may have to revise their rules based on the new regulations approved by Council.

Councilor VanderWerf suggested that rear/side yard fences on smaller lots should be treated differently than larger lots.

Councilor Gallagher and Councilor K. Brown agreed.

Councilor Hoellen asked if the concern was privacy or security, since privacy could be accomplished with landscaping instead of solid fencing.

Councilor K. brown replied that landscaping encroached into the property and that would have a more significant effect on smaller lots. She indicated that she supported Mayor Pro Tem A. Brown's idea of a sliding scale for fence height and solidness.

Mayor Pro Tem A. Brown asked about the current Code.

Director Zuccaro replied that the current Code for front yard fences allowed 4 ft. maximum height if more than 50% solid, 6 ft. maximum height if less than 50% solid, or 6 ft. maximum height and more than 50% solid subject to setback/landscape standards.

Councilor K. Brown agreed with Councilor VanderWerf that very low fences or walls could be landscape features.

Mayor Christman noted that allowing front yard fences in neighborhoods that currently did not have them would change the feel of the neighborhood. She added that she would support solid fencing in backyards along Quincy if landscaping were increased.

Councilor K. Brown replied that property owners could not plant trees outside of their fences along Quincy.

Director Zuccaro indicated that property owners would have to move their fences farther into their properties in order to allow room for landscaping.

Mayor Christman noted that landscaping did not have to mean trees.

Councilor K. Brown asked about the current landscaping requirements.

Director Zuccaro replied that the landscaping requirement could be accomplished with trees, bushes or vines so long as it covered 25% of the fence surface.

Councilor K. Brown asked about the setback requirement in regards to the fences along Quincy.

Director Zuccaro guessed that those fences were set back at least 25 ft. from the road.

Mayor Pro Tem A. Brown expressed concern with creating a double standard for fences within a single neighborhood if some properties were adjacent to an on-street trail and others were not.

Councilor K. Brown agreed and noted that the original concern of a tunneling effect on trails caused by solid fencing was not an issue for on-street trails.

Mayor Christman asked about the history of on-street trails.

Councilor VanderWerf explained that on-street trails had been designated by PTRC in an effort to identify routes through the City. She indicated that on-street trails were somewhat arbitrary and should not be punitive.

Mayor Christman asked about the Buell neighborhood.

Interim City Manager/Director Goldie replied that the dedicated trail easement through the Buell had been part of the subdivision agreement.

Mayor Christman agreed that regulating fences adjacent to on-street trails was unnecessary.

Councilor K. Brown asked how on-street trails could be excluded from the proposed regulations.

Director Zuccaro replied that they could be excluded from the definition of public trails in the ordinance.

Mayor Christman asked about the legal definition of on-street trails.

Director Zuccaro explained that on-street trails were not currently designated in the Municipal Code and that the original recommendation associated with the proposed regulations had been to adopt the Parks and Trails map by resolution in order to designate on-street trails. He noted that the trails along Quincy, Colorado and Holly were considered off-street trails in the current version of the proposed bill and asked Council if they wanted to change that designation.

Council agreed that the trails along Quincy, Colorado and Holly should be considered off-street trails.

Councilor Hoellen agreed that a sliding scale was worthy of consideration. He added that he believed the 25% solid restriction for fences adjacent to public parks, trails and open spaces could be raised to 35% or 40%.

Councilor Gallagher reiterated that R1 lots should have more restrictive regulations than smaller lots.

Councilors K. Brown and VanderWerf agreed.

Councilor Hoellen reiterated that landscaping could be used for privacy.

Councilor K. Brown reiterated that landscaping required relatively more space on smaller lots. She noted that R4 and R5 neighborhoods were already more suburban than semi-rural because of the smaller lot sizes.

Mayor Christman agreed that rear and side yards in the smaller lot zone districts could be treated differently than larger lots, but front yards should be kept open.

Councilor Hoellen questioned how the proposed regulations would be applied to a proposed fence that fell into more than one category, such as a rear or side and adjacent to a public trail.

Director Zuccaro replied that fence would be subject to 6 ft. maximum height and less than 25% solid under the proposed regulations.

Councilor Griffin asked if tennis court fences would be affected by the proposed regulations.

Director Zuccaro replied that the proposed regulations would specify that tennis court or any other sport court fencing would be allowed up to a height of 10 ft.

Councilor K. Brown asked what percentage solid Council would like for fences parallel to public trails, parks or open space.

Councilor VanderWerf suggested 40%.

Mayor Christman agreed.

Councilor Hoellen agreed if the measurement would be precise. If it was not precise then he preferred 35%.

Councilor K. Brown noted that a 40% solid fence would be too solid for someone trying to escape the trail due to a pack of coyotes.

Mayor Christman agreed that the security risk existed on narrow trails. She added that horses reacted differently to a tunnel versus a trail where they can see to either side.

Councilor K. Brown asked if Council wanted to regulate rear/side yard fences adjacent to public roads differently in the various zone districts.

Mayor Christman suggested that for that category fences up to 4 ft. high had to be less than 60% solid.

Councilor Hoellen agreed with 4 ft. high and less than 60% or 75% solid.

Councilor K. Brown clarified that no solid fences would be allowed in rear/side yards adjacent to public roads.

Mayor Christman suggested removing that category of regulations in the R4 and R5 zone districts.

Councilor K. Brown clarified that in the R4 and R5 zone districts, 6 ft. high and 100% solid fences would be allowed in rear/side yards adjacent to public roads. She added that under Version 2 of the proposed regulations any fence adjacent to S. Clarkson St. or E. Happy Canyon Rd. would be allowed to be 6 ft. high and up to 100% solid with setback/landscape standards.

Councilor K. Brown moved, seconded by Mayor Pro Tem A. Brown to approve Council Bill 10, Series 2015 repealing and replacing Section 16-16-40 of the Cherry Hills Village Municipal Code concerning fences, as proposed in Exhibit B of the January 5, 2016 staff memorandum with the following amendments:

1. Revise the definition of Public Trail to exclude on-street trails
2. Further define the 25% repair criteria
3. Change the height of fences parallel to public trails, parks or open space in all residential zone districts to be 6 ft. maximum height and less than 40% solid
4. For fences in rear and side yards add a separate category for the R1 zone district allowing 6 ft. maximum height and less than 50% solid, and in other zone districts 6 ft. maximum height and up to 100% solid
5. For fences in rear or side yards adjacent to public roads add a distinction in the R1, R2, R3 and R3A zone districts to allow 6 ft. maximum height and less than 25% solid or 4 ft. maximum height and less than 60% solid; and a category in the R4 and R5 zone districts allowing 6 ft. maximum height and up to 100% solid

Councilor Hoellen questioned if rear/side yard fences adjacent to public roads in the R4 and R5 zone districts 6 ft. maximum and up to 100% solid would be subject to setback and landscape standards.

Councilor K. Brown and Mayor Pro Tem A. Brown accepted that amendment to the motion.

Councilor VanderWerf asked how the new regulations would affect gates.

Director Zuccaro replied that there were no new regulations proposed for gates.

The following votes were recorded:

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

Vote on the Council Bill 10-2015: 6 ayes. 0 nays. The motion carried.

Discussion Regarding Ordinance 13, Series 2015; Concerning Regulations Applicable to the Operation of Unmanned Aircraft Systems

City Attorney Michow explained that staff was seeking direction from Council on the registration of hobby drones in the City following the FAA's establishment of the federal registration program. She noted that the federal program required hobby drones over 0.55 pounds to be registered while the City's ordinance required all hobby drones to be registered.

City Clerk Smith explained that staff's current process was to have owners who had registered federally to submit a copy of their registration certificate and also provide contact information which was not included on the certificate. She noted that owners of drones smaller than 0.55 pounds would not have registered federally and would currently be required to complete the City's registration process including the $10 per drone fee.

Councilor K. Brown questioned the need for federally registered drone owners to provide contact information if that information was available to the City from the FAA.

Chief Tovrea replied that if that information was available to the City it was likely only during regular business hours.

Councilor K. Brown indicated that the FAA prohibited any local municipality from imposing registration regulations without permission from the FAA.

Councilor Hoellen suggested that the City should consult with the FAA on the City's ordinance to determine the FAA's controlling legal statute and authority in prohibiting the City's regulations. He added that it was the job of governing bodies to eliminate ambiguity.

Mayor Christman noted that the FAA was understaffed and dealing with larger issues.

Mayor Pro Tem A. Brown indicated that it was not clear the FAA had the authority they claimed.

Mayor Christman replied that the hobby drone association claimed the FAA did not have authority to regulate hobby drones.

Councilor K. Brown reiterated that the issues of concern such as safety, privacy and nuisance associated with drones could be regulated in other sections of the City Code without specifically regulating drones.

Mayor Christman noted that people she had spoken to supported the City's ordinance.

Councilor K. Brown replied that she had been contacted by people opposed to the ordinance.

Councilor Hoellen volunteered to contact the FAA to discuss the City's ordinance.

Mayor Christman indicated that the City had the right to ensure safety in public parks.

City Attorney Michow noted that the FAA's fact sheet contained ambiguities and inconsistencies regarding local registration. She added that the ordinance regulated drones in City airspace and not in navigable airspace.

Council discussed the FAA's authority, the City's ordinance, and contacting the FAA.

City Attorney Michow indicated that she would contact the FAA regarding the City's ordinance.

Mayor Christman indicated that she supported amending the ordinance to be consistent with the federal registration threshold of 0.55 pounds.

Councilor Hoellen and Mayor Pro Tem A. Brown agreed.

City Attorney Michow replied that staff would return with an amendment for that change and a clarification that the owner rather than the operator should register their drone with the City.

City Clerk Smith asked Council if they wanted drone owner contact information to be required along with a copy of the federal registration.

Councilor K. Brown replied that it shouldn't unless staff determined that information could not be retrieved from the FAA.

Councilor VanderWerf indicated that she did not want the process to be difficult for staff.

Mayor Christman suggested that proof of registration could be requested at the time of violation and the Police Department could then contact the FAA for further information if needed.

Councilor VanderWerf replied that she supported requiring owners to provide contact information to the City in addition to their federal registration because it required owners to be aware of the City's ordinance.

Councilor Gallagher suggested that the City's ordinance could be provided to owners when they registered.

City Clerk Smith replied that staff was planning to provide copies of the ordinance, the brochure from KnowBeforeYouFly.org, and the Denver Post article on drones and liability from Councilor Gallagher to owners when they registered.

Mayor Christman suggested that owners be required to provide contact information to the City in addition to their federal registration unless the City determined that retrieving contact information from the FAA was feasible and not burdensome.

Councilor K. Brown indicated that the ordinance stated federal registration could be submitted in lieu of City registration, not in addition to.

City Attorney Michow noted that the ordinance clarified federal registration could be submitted in lieu of City registration if the federal registration provided the same information as the City registration.

Councilor K. Brown asked how owners would register outside of normal business hours.

Mayor Pro Tem A. Brown noted that the point of the registration requirement was acknowledgement of the ordinance.

The majority of Council directed staff to require owners to submit contact information to the City in addition to their federal registration.

NEW BUSINESS

Council Bill 1, Series 2016; Proposed Amendment to Chapter 16 of the Municipal Code Lowering the Overall Permitted Building Height to 30 Feet in the R-2 and R-3 Zone Districts (*first reading*)

Special Projects Coordinator Kropf presented Council Bill 1, Series 2016 on first reading. She explained that in 2011 the City adopted residential development standards to address the development trend of looming, massive new homes in traditional neighborhoods that negatively impact character and privacy. The development standards consisted of Bulk Plane and Floor Area Ratio regulations and an increase in the overall permitted height from 30 ft. to 35 ft. in the R-1, R-2 and R-3 zone districts. Since adoption of the development standards, approximately 86 new homes and additions had been built. The City had received some complaints regarding the height of new construction. The concern was that the increase in height has negatively impacted views and created a looming effect on neighboring properties. A review of post-ordinance construction showed that the majority of homes in R-1, R-2 and R-3 had taken advantage of the increase in height but only a few had actually maximized the height allowance of 35 ft.

Councilor VanderWerf noted that new construction taking advantage of the increase in height but not building to the full 35 ft. demonstrated that the increased height allowance was useful as a design feature, which had been the motivation for the original Residential Standards Development Committee (RDSC) recommendation. She added that in many cases topography was a factor in making 35 ft. tall homes appear particularly large and looming.

Mayor Christman indicated that 35 ft. homes loomed over neighboring properties.

Councilor Hoellen questioned if the issue was related to bulk plane more than to the maximum height.

Councilor Griffin asked about the complaints received by the City.

Special Projects Coordinator Kropf replied that a handful of complaints had been received in the R1 and R2 zone districts.

Councilor Griffin indicated that the increase in height to 35 ft. had been thoroughly vetted through a long process involving the RDSC, the Planning and Zoning Commission (P&Z) and City Council. He reiterated that the purpose of the height increase was to avoid a truncated look to roofs. He stated that he was opposed to changing the regulation.

Mayor Christman noted that R2 and R3 lots were smaller than R1 lots but allowed the same height limit of 35 ft., resulting in huge homes that loomed over neighbors and did not fit the character of the neighborhood.

Mayor Pro Tem A. Brown indicated that the 30 ft. height limit had been the standard in the City for many years and he was not convinced that 35 ft. was necessary, but he was reluctant to revert to a 30 ft. height limit after a relatively short period of time when the process resulting in the increase had been so long and involved.

Councilor Hoellen agreed that a substantial amount of work had gone into justification of the height increase.

Councilor K. Brown agreed that the original process had been very thoughtful and while there was room for evaluation and adjustment she believed the issues that had arisen were all unique circumstances such as topography and borders between different zone districts. She noted that the City could not accommodate all unique cases.

Councilor Hoellen noted that the neighborhood input meeting process should help with those kinds of issues.

Councilor K. Brown replied that the homeowners were not held to the comments and the City could only enforce City ordinances.

Special Projects Coordinator Kropf added that the neighborhood input meetings were intended to foster an open dialogue between neighbors but the comments were not enforceable by the City.

Mayor Christman replied that it was difficult to imagine the impact of a 35 ft. tall home until it was built.

Councilor Hoellen suggested that the height issue be re-studied.

Special Projects Coordinator Kropf explained that the Bulk Plane and Floor Area Ratio Study Committee had been established in 2014 to evaluate the development standards including building height and had found that there did not seem to be a consistent issue or trend that would justify amending the permitted building height.

Councilor VanderWerf indicated she did not support changing the height.

Councilor Griffin agreed.

Mayor Pro Tem A. Brown noted that view preservation could not be guaranteed even with a 30 ft. height limit. He added that views were more often impacted by tree growth more than building height.

Councilor K. Brown agreed that views were not guaranteed.

Mayor Christman expressed concern with additional future homes built to the 35 ft. height limit and the negative impact that would have on the community.

Councilor K. Brown noted that those homes were looming now only because the neighbors had not had the opportunity to build up to 35 ft. when their homes were constructed.

Director Zuccaro noted that the review committee had specifically evaluated Bulk Plane and Floor Area Ratio and determined that those standards, including building height, did not need to be adjusted.

Councilor Griffin added that the review committee report recommended maintaining the current height limits.

Councilor VanderWerf suggested that once the new 35 ft. homes were landscaped they would not seem as extreme.

The council bill died for lack of a motion.

Council Bill 2, Series 2016; Authorizing a Supplemental Appropriation for Grant Fund Expenditures for the John Meade Park Master Plan (*first reading*)

Director Proctor presented Council Bill 2, Series 2016 on first reading. She explained that the City received a grant in the amount of $35,000 for the John Meade Park Master Plan in July of 2014. $5,870.00 of the grant funds were expended in 2014 and the remaining $29,130 was booked as deferred revenue for 2015. This carry over of the grant funds and additional expenditures was not anticipated at the time of the 2015 budget preparation. The proposed council bill would authorize a supplemental appropriation for the expenditure of the grant funds that were carried over from 2014 to 2015 for the John Meade Park Master Plan. These funds were spent and paid for with the grant revenue that was carried over from 2014 to 2015. Therefore, the proposed council bill was strictly an accounting "housekeeping" measure so that the City was not in violation of exceeding budgeted appropriations in the Arapahoe County Open Space Fund. She noted that an amended council bill was on the dais and included additional wording in the title and an additional whereas clause.

Councilor Hoellen questioned amending the 2015 budget after the end of the year.

Director Proctor replied that the 2015 fiscal year would not be closed until the audit was complete.

City Attorney Michow added that this was a common practice for municipalities. She indicated that the proposed council bill did not violate any statutes or regulations.

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Council Bill 2, series 2016 on first reading; A bill for an ordinance of the City of Cherry Hills Village, authorizing a supplemental appropriation for grant fund expenditures for the John Meade Park Master Plan, with the amended title and additional whereas clause.

The following votes were recorded:

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

Vote on the Council Bill 2-2016: 6 ayes. 0 nays. The motion carried.

2015 City Manager Performance Review Discussion Process and Timing

Mayor Christman explained that Mayor Pro Tem A. Brown had suggested that Council conduct the review of Interim City Manager/Director Goldie after the new city manager was hired for the entire period of his service as Interim City Manager in order to avoid two separate reviews for part of 2015 and part of 2016. Meanwhile a committee of the Council could solicit feedback from department directors to inform the review.

Councilor K. Brown agreed that sounded reasonable.

Councilor Hoellen agreed and indicated that whatever time period it covered the important thing was that the review be timely.

Mayor Christman suggested that the committee to solicit feedback consist of Mayor Pro Tem A. Brown, Councilor Hoellen, and herself.

Council agreed.

REPORTS

Mayor's Report

Mayor Christman reported that she would soon submit the application letter for the USPS regarding a unique zip code for the City.

Members of City Council

Councilor Hoellen reported that he would meet with staff regarding the Public Works Facility Plan tomorrow.

Councilor K. Brown reported that she would attend the Centennial Airport Noise Roundtable meeting tomorrow.

Councilor VanderWerf had no report.

Mayor Pro Tem A. Brown had no report.

Councilor Griffin reported the Board of Adjustment and Appeals would not have a January meeting. He asked about installing lighting for the *Charlo* sculpture.

Director Proctor replied that the Public Art Commission would discuss lighting at their next meeting on January 25th.

Interim City Manager/Director Goldie added that power was available at the flagpole.

Mayor Christman agreed that lighting was needed for security of the sculpture.

Councilor Gallagher had no report.

Members of City Boards and Commissions

None

City Manager & Staff

Interim City Manager/Director Goldie reminded Council of the Denver Water Board meeting on December 7th at 7:30am.

Mayor Christman asked Interim City Manager/Director Goldie to attend on the City's behalf and report back to Council.

2016 November Election

City Clerk Smith reported that the City would hold a regular municipal election coordinated with Arapahoe County on November 8, 2016. She noted that the ballot would contain the Mayor's seat and Council Districts 1, 3 and 5. She indicated that staff would work with City Attorney Michow to determine if any amendments to the Charter would be recommended. She asked for Council direction on any other possible ballot measures that Council might want staff to research.

Mayor Christman asked about the deadline to place measures on the ballot.

City Clerk Smith replied the deadline was in August.

City Council Retreat

City Clerk Smith asked if Council would like staff to schedule a Council Retreat.

Council agreed to hold a retreat on a Saturday in May.

City Attorney

None

ADJOURNMENT

Mayor Pro Tem A. Brown moved, seconded by Councilor K. Brown to enter into Executive Session pursuant to CRS 24-6-402(4)(b) for the purpose of seeking legal advice concerning the Cooper v. Cherry Hills Village litigation, and pursuant to C.R.S. Sec. 24-6-402(4)(b) for the purpose of seeking legal advice concerning the City Manager search, and upon conclusion of the Executive Session the Council will be adjourned.

The following votes were recorded:

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

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

The executive session began at 10:12 p.m.

The meeting adjourned at 11:15 p.m.

Laura Christman, Mayor

Laura Smith, City Clerk