

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 16, 2016 at 6:30 p.m.
At the Village Center

The City Council held a Study Session regarding the Trail Inventory Project at 6:00 p.m.

Mayor Laura Christman called the meeting to order at 6:36 p.m.

ROLL CALL

Mayor Laura Christman, Councilors Mark Griffin, Earl Hoellen, Alex Brown, Mike Gallagher, Klasina VanderWerf, and Katy Brown 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 Commander Pat Weathers, Human Resource Analyst Kathryn Ducharme, Parks, Trails & Recreation Administrator Ryan Berninzoni and City Clerk Laura Smith.

Absent: none

PLEDGE OF ALLEGIANCE

Lincoln and Tyler Haynie from Troop 54, Denver Area Council, and their sisters Faith and Bethany Haynie led the Council in the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None

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 – February 2, 2016

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Public Hearing – Request by Verizon Wireless for a Conditional Use Permit to Install a Roof-Mounted Wireless Communication Facility at 1400 East Hampden Avenue (Shoppes at Cherry Hills)

Director Zuccaro presented a request by Verizon Wireless for a Conditional Use Permit to install roof-mounted wireless communication facilities at the Shoppes at Cherry Hills commercial center, located at 1400 E. Quincy Avenue. Surrounding properties to the

north and west were located in the City of Englewood and included apartments, medical offices, and a mortuary. To the south and southeast across E. Hampden Avenue were R-1 zoned single family residences located in Cherry Hills Village. The subject property was zoned C-2, Limited Commercial District. Wireless Communication Facilities were a Conditional Use in the C-2 District, subject to review and approval of a Conditional Use Permit by the Planning and Zoning Commission (P&Z) and City Council. The proposal was to install wireless antennas on three corners of the roof (north, east and south corners) extending approximately 7 feet above the existing roof parapet height. The antennas would be surrounded by RF-transparent screen wall "towers" designed to match the architectural design, colors and textures of the existing building. Staff had independently verified the similarity of the proposed design and the current building. The screen walls would extend approximately 8 feet and 4 inches above the existing roof parapet height. The overall height of the structure with the screen walls would be approximately 23 feet and 4 inches above grade. A fourth screen wall would be constructed on the east side of the building to create a uniform design, but would not include any wireless infrastructure. Ground equipment surrounded by an 8-foot, 4-inch tall brick equipment enclosure was proposed southwest of the building and parking lot and would be screened with landscaping. P&Z had reviewed the proposal and held a public hearing on January 12, 2016. P&Z had voted unanimously for approval subject to the following conditions:

- Addition of design elements to the screen walls. The applicant added an additional architectural element to the screen wall design to meet this condition.
- Evaluation of the equipment enclosure impact on clear sight distance at the S. Lafayette Street and E. Hampden Avenue intersection. The City's engineering consultant evaluated the clear sight distance and confirmed that the equipment enclosure would be outside of the sight triangle.

Staff has found that both P&Z conditions have been met. Conditional Use Permit procedures and review criteria were outlined in Article XVIII of the Zoning Ordinance. Specific review criteria were provided in Municipal Code Sections 16-18-10 and 16-16-130(c). Staff findings were outlined in the staff memorandum. Staff recommended approval of the proposal as submitted.

Mayor Christman asked if P&Z found the architectural detail provided by the applicant sufficient.

Director Zuccaro replied that staff had asked P&Z if they had wanted to specify the architectural detail but P&Z had declined to provide specifics.

Mayor Christman opened the public hearing at 6:47 p.m.

Kelly Harrison, representative of Verizon Wireless Real Estate, introduced herself and her colleague, technical engineer David Born. She noted that Verizon had met the two conditions specified by P&Z and offered to answer any questions Council might have.

Councilor Griffin asked about cell sites along University.

Director Zuccaro replied that there were several sites along University that were part of the small cell network.

Mr. Born agreed and added that these sites had lower power and generally lower height and were intended for neighborhood coverage.

Councilor Griffin asked if the proposed site would service Verizon Wireless only.

Mr. Born replied that was correct.

Hearing no further comments the public hearing was closed at 6:52 p.m.

Councilor Gallagher moved, seconded by Councilor K. Brown to approve the request by Verizon Wireless for Conditional Use Permit to install wireless communication facilities at 1400 E. Hampden Avenue as proposed, based on the findings outlined in the Staff Analysis section of the February 16, 2016 staff memorandum.

The motion passed unanimously.

Continuation of City Attorney Legal Services

City Attorney Michow explained that she was seeking Council approval to continue her legal contract with the City under her new firm name, Michow Cox & McAskin. She indicated that through a natural evolution of her current firm's partner situation the firm would be realigning amicably. The partners who worked primarily for Centennial would stay at the City of Centennial offices, while she and her colleagues who represented over 10 other municipal clients, Tim Cox, Marcus McKaskin, and Kathie Guckenberger would change their firm name and move to a new office. She noted that the realignment would allow her firm to provide better, more attentive service to their clients and to grow in a thoughtful way. She indicated that the proposed contract was identical to the one previously approved by Council aside from the new firm name. She indicated that her rates had changed once since becoming the City Attorney and those rates would not change with this new contract. She stated her appreciation and enjoyment working with Council and City staff.

Mayor Pro Tem A. Brown expressed concern with Section 11 regarding Arbitration. He suggested a price cap for mandatory arbitration.

Mayor Christman agreed.

Councilor Hoellen agreed and noted that should be a standard in all City contracts.

Mayor Pro Tem A. Brown suggested a \$25,000 threshold.

Councilor K. Brown moved, seconded by Councilor VanderWerf to approve the legal services agreement with Michow, Cox & McAskin LLP as amended to include a \$25,000 mandatory arbitration limit.

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Christman had no report.

Members of City Council

Councilor Hoellen had no report.

Councilor K. Brown noted that she had attended the Colorado Municipal League's Legislative Workshop and while there had not been anything particularly relevant to the City it had been an interesting event. She reported that she had been approached by a resident asking for a left turn signal from south-bound Holly onto east-bound Bellevue.

She had informed the resident that Belleview was controlled by CDOT and added that the Mayor and Mayor Pro Tem A. Brown were actively engaged in discussions with CDOT about various intersections on Belleview, and had noted that it was unlikely the traffic backup on Holly would warrant a signal to CDOT.

Councilor VanderWerf reported that the Public Art Commission would be meeting on Wednesday February 24th and would start planning the dedication for *Charlo*, which she hoped all of Council would attend. She noted the dedication would probably be in May or June.

Mayor Pro Tem A. Brown reported that he and Mayor Christman had a follow-up meeting with CDOT Commissioner Gary Reiff. He noted that the Holly/Belleview intersection would be included in the City's traffic study.

Councilor K. Brown replied that she had mentioned the traffic study to the resident.

Mayor Pro Tem A. Brown reported that CDOT would be hiring a contractor for stormwater work on University, which contributed to the issues with repaving on that road. He noted that the stormwater issues on University also affected Greenwood Gulch. He added that CDOT's purview over storm drainage should be kept in mind as the City progressed on the John Meade Park/Allan Hutto Memorial Commons project.

Councilor Griffin noted that there was now lighting on *Charlo*.

Councilor VanderWerf noted that the current lighting was temporary but permanent lighting would be added in the near future.

Interim City Manager/Director Goldie added that the temporary lighting had been installed so that it could be incorporated into the permanent lighting.

Councilor Gallagher had no report.

Members of City Boards and Commissions

None

City Manager & Staff

Interim City Manager/Director Goldie indicated that the department monthly reports and unaudited financial statements were included in Council packets. He reported that staff had received seven proposals for the John Meade Park/Allan Hutto Memorial Commons consultant position and a panel consisting of Councilor Gallagher, Parks, Trails and Recreation Commission Chair Robert Eber, and various staff members would meet later this week to begin the process of narrowing down the applicants to four to be interviewed. He indicated that he had been contacted by Greenwood Village staff about the possibility of re-opening discussions between the two Councils regarding installation of a traffic light at Franklin and Belleview. He noted that when this issue had been discussed in the past with previous Council members the concern was an increase in cut-through traffic on Franklin. He noted that staff believed the traffic on Franklin would warrant a traffic light but it was a discretionary matter for Council to consider.

Mayor Pro Tem A. Brown suggested staff's response be that Council wished to wait until after the traffic study in order to work through that data and discuss the issue with the City's consultants.

Mayor Christman added that staff should talk to the neighborhood for their opinion.

Councilor Hoellen agreed with Mayor Pro Tem A. Brown. He asked about the mail theft issues in the City and the recent arrest by Greenwood Village Police of a suspect in possession of Cherry Hills Village mail.

Commander Weathers replied that the arrest had been helpful to the Police Department and they were still working through a lot of follow-up as a result, but explained that the suspect was not in charge of the operation and the Police Department was working with the United States Post Office to find the leaders of the operation. He added that criminal charges were filed against the suspect.

City Attorney

City Attorney Michow had no report.

ADJOURNMENT

Mayor Christman noted that the March 1st meeting was cancelled as it was Caucus Night.

The meeting adjourned at 7:14 p.m.



Laura Christman, Mayor



Laura Smith, City Clerk