Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, April 5, 2016 at 6:30 p.m.
At the Village Center

Mayor Pro Tem Alex Brown called the meeting to order at 6:30 p.m.

ROLL CALL

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, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Ducharme, Parks, Trails & Recreation Administrator Ryan Berninzoni, Accounting Clerk Jessica Sager, Special Projects Coordinator Emily Kropf, and City Clerk Laura Smith.

Absent: Mayor Laura Christman

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Councilor Griffin moved, seconded by Councilor Hoellen to approve the following items on the Consent Agenda:

a. Approval of Minutes – March 15, 2016
b. Resolution 4, Series 2016; Appointing Members to the Public Art Commission

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Contract for Services for John Meade Park Consulting

Interim City Manager/Director Goldie explained that on January 11, 2016, the City solicited proposals from qualified consultants to assist in facilitating the completion of the Park and Memorial Commons project. There were seven proposals submitted to the City, all of which were qualified applicants. Out of the seven firms, four were selected for interviews on March 2, 2016. The selection committee included: City Council Member Mike Gallagher, Parks, Trails and Recreation Chair Robert Eber,

Deputy City Manager/Public Works Director Jay Goldie, Community Development Director Rob Zuccaro, Parks, Trails and Recreation Administrator Ryan Berninzoni and Special Projects Coordinator Emily Kropf. This was a qualifications based selection process and all costing proposals remained sealed until interviews were complete. Upon completion of the interviews the selection committee unanimously agreed that Mundus Bishop was best qualified to consult and facilitate the final design process for the Park and Memorial Commons. Additionally, the selection committee requested 3D imagery to be added to the Mundus Bishop bid which was not included in the original scope. The original bid was $291,965 and the newly proposed updated contract is $316,285.00. Staff recommends that City Council approve the contract for services with Mundus Bishop in the amount of $316,285.00 and authorize the expenditure of funds for this project.

Councilor Hoellen questioned how this proposal compared to the John Meade Park Master Plan that was recently completed. He asked if this process sought community input on the design of the improvement elements, such as the amphitheater and restroom, rather than input on whether or not those elements should be approved.

Interim City Manager/Director Goldie replied that was correct and that staff and the consultants would make clear to the public that the improvement elements approved by City Council in the John Meade Park Master Plan were not up for discussion, rather the specific design of the elements would be discussed with the public. He added that the consultants would deal with the floodplain issues as well.

Councilor Hoellen asked about Exhibit A scope of services to the agreement.

Interim City Manager/Director Goldie explained it had been emailed to Council and was on the dais.

Councilor Hoellen noted that the scope of services was essentially the request for proposal.

Interim City Manager/Director Goldie replied that was correct and that the scope of services consisted of the consultant's proposal and list of deliverables.

Councilor Hoellen noted that the scope of services included words like "initiate" and "work to develop" and he questioned if the end result of the consultants' work would be completion of a full design, engineering scope, and all necessary permits.

Interim City Manager/Director Goldie confirmed that was correct.

Councilor Gallagher asked if there were provisions if the timeline got off track.

Interim City Manager/Director Goldie replied there were no penalties if the timeline got off track but that staff would work closely with the consultants to keep the project on schedule.

Councilor Hoellen asked if staff expected to receive bids from contractors for construction in March 2017.

Interim City Manager/Director Goldie replied that was correct, barring issues with permits from outside agencies.

Councilor K. Brown moved, seconded by Councilor VanderWerf to approve the contract for services with Mundus Bishop in the amount of $316,285.00.

The motion passed unanimously.

Application for Modification of Premises by Splendido LLC DBA Pino's at 1400 East Hampden Avenue Suite 140

City Clerk Smith presented the application for a modification of premises for the liquor license held by Splendido LLC DBA Pino's at 1400 E. Hampden Avenue Suite 130. She explained that the applicant was planning to expand into adjacent Suite 140, formerly occupied by the wine shop Vino Vino. She noted that staff found the application to be complete and had no concerns with the modification. She indicated that a public hearing was not required and that staff recommended approval of the application.

Mayor Pro Tem A. Brown asked what regulations pertained to modification of premises applications.

City Clerk Smith explained that the City Code does not contain requirements for applications for modification of premises of liquor licenses and that Section 47-302 of the Colorado Liquor Code outlines factors to be taken into consideration by the licensing authority when considering an application for a modification of premises:

- The reasonable requirements of the neighborhood and the desires of the inhabitants
- The possession, by the licensee, of the changed premises by ownership, lease, rental or other arrangement
    - Staff has confirmed that the new area of former Suite 130 is included in the restaurant's lease (see Exhibit A for application including the lease).
- Compliance with the applicable zoning laws of the municipality
    - Staff has confirmed that combination of the two suites is allowed by the Development Agreement approved for the shopping center. The applicant has an active building permit for the expansion.
- Compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university, or seminary
    - Staff has confirmed that the property is not within 500 feet of any private or public school.

Councilor Gallagher moved, seconded by Councilor Griffin to approve the application for a modification of premises for the Hotel & Restaurant Liquor License held by Splendido LLC DBA Pino's at 1400 East Hampden Avenue Suite 140 in the City of Cherry Hills Village.

The motion passed unanimously.

Candidate Forum Policy and Candidate Profile Information

City Clerk Smith explained that staff was seeking direction from Council regarding candidate forums and candidate information in City publications for City elections. She noted that at the March 15, 2016 Council meeting staff asked for direction from Council regarding the Candidate Forum Policy. Council determined that the Candidate Forum Policy did not need to be amended but that clarification should be added to the City's Meeting Room Policy, which staff had since done. During the study session Council questioned the difference between candidate forums and candidate information in City publications. Use of City resources for a candidate forum and publication of candidate information in a City publication was at the discretion of Council. The most conservative option to avoid Fair Campaign Practices Act (FCPA) complaints was to not use City resources for these activities. The other consideration was the community expectation of the City's responsibility to provide information about candidates. The City has

traditionally published candidate information in the Village Crier but has not traditionally hosted a candidate forum. Staff researched other Denver Metro Area municipalities and found a wide range of approaches to these issues. Staff identified three options for candidate information in the Village Crier and is seeking Council direction: continue to use the candidate information form from past elections, use the proposed candidate profile form going forward, or not publish any candidate information in the Village Crier.

Mayor Pro Tem A. Brown noted that there was not much consistency in the way other municipalities handled these issue.

Councilor K. Brown noted that other municipalities did not host candidate forums but did make their facilities available. She asked about the City's current policy.

City Clerk Smith explained that currently the City's Candidate Forum Policy and Meeting Room Policy prohibited use of City facilities with the intent to advance any political candidate or campaign.

Councilor K. Brown indicated that she supported the City not having a specific role in candidate forums, but she was unsure about the use of City facilities for a candidate forum if an organization such as the League of Women Voters wished to host one at a City facility. She suggested that the wide range of approaches to candidate information in city publications likely stemmed from some communities having had issues and others not having had issues yet, and therefore did not necessarily lend the Council any assistance in their decision making on this matter. She indicated that disseminating candidate information in the Crier was a service to the community and supported a fair and equitable policy for doing so. She noted that staff's proposed candidate profile instructions were a good start and that the policy could be further improved by being more clear and precise.

Councilor Hoellen agreed and advised that the instructions held some assumptions that should be clarified.

Councilor Gallagher agreed that including candidate information in the Crier was valuable to City residents.

Councilor VanderWerf agreed and supported staff's proposed candidate profile form. She supported the word limit, lack of leading questions, and printing verbatim, but indicated that the City should reserve the right to edit if the submission was inappropriate.

Councilor K. Brown suggested that staff contact the candidate to revise their profile if necessary rather than having staff revise the profile.

Mayor Pro Tem A. Brown expressed concern with candidates making false statements and questioned if the City should allow that in a City publication.

Councilor Hoellen supported publishing candidate profiles verbatim and only reserving the right to edit inappropriate words. He noted that Council could respond to correct any misconceptions.

Councilor K. Brown suggested including a note similar to the one Lakewood used that stated that candidate profiles were not edited, etc. and to make that very clear to the candidates.

Councilor Hoellen commented that the City should encourage the involvement of its citizens on City Council, Boards and Commissions, and that one way to do this would

be to facilitate candidate forums by making its facilities available for such use, provided that candidates or host organizations pay the City on a full cost recovery basis for use of City resources in order to avoid FCPA issues.

Councilor K. Brown agreed.

Mayor Pro Tem A. Brown noted that Council's options were to not publish any information, publish only basic information, or publish a verbatim profile. He asked about the 500 word limit.

City Clerk Smith explained that staff had based the word limit on a half-page in the Crier.

Councilor K. Brown suggested that staff include size and resolution recommendations for candidate photos in the instructions. She suggested that staff have the candidates revise their profiles if needed due to an FCPA violation, rather than staff revising the profile.

Councilor Hoellen noted that he had more detailed suggestions for the instructions.

Mayor Pro Tem A. Brown indicated that tonight's discussion was to direct staff on whether or not to publish candidate information in the Crier.

Councilor Hoellen supported the proposed candidate profile.

Councilor Griffin noted that this was for City Council candidates only and should be indicated as such.

Mayor Pro Tem A. Brown asked staff to make Council's suggested revisions and bring the candidate profile instructions back for further review.

Councilor K. Brown suggested that staff review past candidate profiles to approximate the word limit.

Councilor Hoellen agreed.

Councilor Gallagher asked about font size and formatting.

City Clerk Smith replied that formatting was done by the City's publisher.

Councilor Hoellen suggested including a mockup of what the candidate profile would look like with the profile instructions.

Councilor K. Brown agreed.

REPORTS

Mayor's Report

None

Members of City Council

Councilor Gallagher reported on the sad passing of resident Eva Slattery. He also encouraged the City to allow hens in all Zone Districts, although not roosters.

Councilor Griffin reported that the Board of Adjustment and Appeals would be meeting in May.

Mayor Pro Tem A. Brown had no report.

Councilor VanderWerf reported that the Cherry Hills Land Preserve would hold a Conservation Conversation on April 20th where a noted speaker would give a dynamic lecture on the topic of water. She noted that space was limited and encouraged Council to register for the event.

Councilor K. Brown reported that several months ago she had notified Council of a resident's request for a cross walk at Hudson Way and Dahlia. She had since spoken with Public Works Project and Right-of-Way Manager Mason and noted that a cross walk would require intrusive signage. She indicated that the City's traffic study had begun and hoped it would help to establish a real understanding of the safety issues at that intersection. She noted that she was not able to attend the Centennial Airport Noise Roundtable meeting tomorrow evening.

Councilor Hoellen had no report.

Members of City Boards and Commissions

None

City Manager & Staff

Interim City Manager/Director Goldie reported that the GFOA Distinguished Budget Award was included in Council packets and asked that any edits be given to staff by end of business tomorrow so that the Friday submittal deadline could be met.

Councilor Hoellen indicated that staff had done a great job on the document. He noted that one of the comments from the reviewers last year had been to include strategic planning and suggested that Council should update that section before next year's submittal.

Interim City Manager/Director Goldie noted that tonight was Director Zuccaro's last Council meeting with the City as he would be leaving next week for his new job.

Council thanked Director Zuccaro for his work.

City Attorney

City Attorney Michow had no report.

EXECUTIVE SESSION

Councilor VanderWerf moved, seconded by Councilor K. Brown to go into Executive Session pursuant to C.R.S. Section 24-6-402(4)(a) for purposes of discussing the purchase, acquisition, or lease of real property for open space and other public purposes; and pursuant to CRS 24-6-402(4)(e) for purposes of determining positions subject to negotiations and instructing negotiators concerning an employment contract, and following to reconvene in regular session.

The following votes were recorded:

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

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

The Executive Session began at 7:10 p.m.

Councilor VanderWerf left the meeting at 8:00 p.m.

PUBLIC MEETING

The Executive Session ended at 8:04 p.m.

Councilor Hoellen moved, seconded by Councilor K. Brown to authorize the Mayor to execute a purchase and sale agreement for real property on the terms and conditions discussed in Executive Session and to further authorize the Mayor to execute a letter agreement to acquire a trail easement.

The motion passed unanimously.

Councilor K. Brown moved, seconded by Councilor Hoellen to authorize negotiations on an employment agreement for city manager within the parameters discussed in Executive Session and further to authorize the Mayor to execute an employment agreement consistent with the parameters discussed in Executive Session.

Councilor Griffin noted that the authorization should be for the Mayor or Mayor Pro Tem.

Councilor K. Brown and Councilor Hoellen accepted the amendment to the motion.

The motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Laura Christman, Mayor

Laura Smith, City Clerk