

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
and of the Cherry Hills Village Charlou Park 3rd Filing
General Improvement District Board of Directors
Held on Tuesday, January 18, 2022 at 6:30 p.m.
Electronic Meeting

Mayor Russell Stewart called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Al Blum, and Mike Gallagher were present on roll call. Also present were City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, and City Clerk Laura Gillespie.

Absent: Councilor Dan Sheldon

AUDIENCE PARTICIPATION PERIOD

None

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

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

- a. Approval of Minutes – January 4, 2022
- b. Crew Series Relocation
- c. Professional Services Agreement with Icon Engineering for the High Line Canal Stormwater Capital Improvement and Operations Analysis
- d. Resolution 3, Series 2022; Amending the Fee Schedule

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Resolution 4, Series 2022; Amending the Policy for Electronic Participation in City Council, Board, Commission and Committee Meetings

City Clerk Gillespie explained per Council direction at the last meeting staff had reviewed City policies for amendments to allow for electronic meetings without an emergency declaration; staff had determined no changes were needed to the City Council Rules of Procedure and instead amendments to the Electronic Participation Policy were suggested; specifically, Resolution 4, Series 2022 would allow for electronic meetings if “[t]he City Council or the City Manager determines that meeting in-person is

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not practical or prudent due to public health orders and regulations, or lack of a quorum due to members in quarantine or isolation for COVID-19.”

Councilor Weil suggested allowing electronic meetings for other types of emergencies besides COVID-19; explicitly including executive sessions in the Scope section of the Policy; and amending Section 6(B) of Article 3 of the Rules of Procedure to add “or greater” to the threshold of 2/3 vote for a motion to enter into executive session.

City Attorney Guckenberger noted executive sessions could only be called as part of a regular or special meeting so they were included implicitly.

City Clerk Gillespie noted the proposed resolution was only for the Electronic Participation Policy but staff could return with that change to the Rules of Procedure at a future meeting.

City Attorney Guckenberger added per the Rules any amendment required two meetings.

Mayor Stewart suggested changing “City Council” to “Mayor” in Section 3(A)(1) of the Electronic Participation Policy regarding who could determine a meeting should be held electronically, as a meeting would be needed for City Council to make that determination.

City Attorney Guckenberger suggested keeping “City Council” and adding “Mayor”.

Mayor Pro Tem Brown stated she believed electronic meetings should be limited to COVID-19 situations as she did not want to create a situation where councilors did not feel a commitment to attend meetings in-person; she did not think Council should conduct its business electronically as a general rule.

Councilor Safavi indicated his support in keeping electronic meetings limited to COVID-19 situations as expanding it to include other pandemics would be too complicated.

Councilor Weil explained he was more concerned with emergencies such as fires or floods.

City Attorney Guckenberger added in the case of a fire or flood the meeting location could be changed in accordance with public notice requirements.

City Manager Cramer added a community-wide emergency such as a fire or flood would have the option of an emergency declaration; the intent of the Policy was to allow for electronic meetings, which was not contemplated in the Charter or Code, in a limited scope in order to be predictable and transparent for the public.

Councilor Weil indicated he could understand that reasoning and withdrew that suggestion.

Mayor Pro Tem Brown moved, seconded by Councilor Blum, to approve to approve Resolution 4, Series 2022; amending the policy for electronic participation in City Council, board, commission and committee meetings.

Councilor Blum amended the motion to include “Mayor” in Section 3(A)(1) of the policy. Councilor Weil seconded the amendment.

The following votes were recorded on the amendment to the motion:

Safavi	yes
Weil	yes
Brown	yes

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Gallagher yes
Blum yes

Vote on the amendment to the motion: 5 ayes. 0 nays. The motion carried.

The following votes were recorded on the main motion:

Safavi yes
Weil yes
Brown yes
Gallagher yes
Blum yes

Vote on Resolution 4, Series 2022: 5 ayes. 0 nays. The motion carried.

RECESS OF THE CITY COUNCIL TO CONVENE AS THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT BOARD

Mayor Stewart recessed the City Council Meeting and convened the meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board.

MEETING OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT BOARD

Mayor Russell Stewart, serving ex-officio as the GID Chairperson, called the meeting to order at 6:44 p.m.

ROLL CALL OF MEMBERS

The City Council for the City of Cherry Hills Village serving ex-officio as the Board of Directors of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District: Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Al Blum, and Mike Gallagher were present on roll call.

Absent: Councilor Dan Sheldon.

The administrative staff of the City serving as the administrative staff of the GID: City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, and City Clerk Laura Gillespie.

CONSENT AGENDA

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

- a. Approval of Minutes - January 4, 2022

The following votes were recorded:

Safavi yes
Weil yes
Brown yes
Stewart yes
Gallagher yes
Blum yes

The motion passed unanimously.

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ITEMS REMOVED FROM THE CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

The Charlou Park 3rd Filing General Improvement District Board meeting adjourned.

RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The meeting of the Cherry Hills Village City Council reconvened at 6:45 p.m.

REPORTS

Mayor's Report

Mayor Stewart reported he attended the Mayors Munch in Littleton; the discussion included undergrounding utilities and CML's efforts to bring forward legislation allowing competitive bidding; he attended the Arapahoe County Commissioners, Mayors and Managers meeting; discussion included the future of the health department; he attended the Tri County Health Department meeting discussing current COVID-19 conditions.

Members of City Council

Councilor Blum thanked Deputy City Manager/Director Goldie for getting the traffic signal timing corrected at Glenmoor; he asked about progress on the new speed limit sign on Belleview.

Deputy City Manager/Director Goldie replied the process was in progress, staff was working with CDOT on the permit process and placement, the City would be in charge of installation and maintenance.

Councilor Gallagher complimented the new trail signs.

Mayor Pro Tem Brown had no report.

Councilor Weil reported the Cherry Hills Farm HOA meeting was planned for January 27th to discuss the Belleview median; DRCOG would meet tomorrow night.

Councilor Safavi had no report.

City Manager & Staff

Gary Palmer, executive recruiter with Koff & Associates, consultant for the Police Chief recruitment process, introduced himself and provided background about his firm; he had met with several Council members and City staff already and would meet with others; they intended to proactively gather a pool of candidates for the City to consider; the process would include several levels of interviews and various panels; he planned to provide the semi-finalist list to City Manager Cramer by the week of February 21st; the semi-finalist panel interviews were planned for March 7th; the finalist panel interviews

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were planned for the week of March 28th; the timeline planned for a start date of not later than May for the new Police Chief.

City Manager Cramer reported the community panel would consist of Mayor Stewart, Councilor Safavi, Planning and Zoning Commission Chair Bill Lucas, Police Department volunteer Jenn Diffendal, and Police Foundation president Mark Griffin; staff was looking forward to working with Koff & Associates as they were the firm who had come to the table with ideas about how to find the best fit for Cherry Hills Village.

Councilor Gallagher stated he had met with Mr. Palmer today and thought he was the right person for the job.

Councilor Weil asked how the recruitment was going so far.

Mr. Palmer replied they currently had 13 qualified candidates.

Councilor Safavi noted he had met with Mr. Palmer today and agreed with Councilor Gallagher.

Mayor Stewart indicated this was an important position for the City; their first role was to provide safety to their citizens.

Mr. Palmer agreed.

Director Sager reported the final ARPA rules had been issued and staff was reviewing the changes.

City Manager Cramer added a lot of the infrastructure projects were no longer eligible.

Deputy City Manager/Director Goldie explained other municipalities had started construction projects under the Interim Final Rule and those could be finished, but new projects would have to meet the requirements of the Final Rule; the Final Rule allowed for some work on broadband end mile and middle mile projects; staff was in contact with local jurisdictions about forming an Arapahoe County coalition for broadband; under the Final Rule eligibility of stormwater projects was expanded so staff was looking into using ARPA funds for the High Line Canal.

City Manager Cramer added some of the restrictions on infrastructure projects in the Final Rule were due to those projects being covered by the new federal infrastructure bill.

Director Sager reported the Court Clerk position was closed and the City was in the process of scheduling first round interviews; the audit was scheduled for the week of March 21st.

Mayor Stewart asked if the auditors ever asked to meet with Council members.

Director Sager replied they had not since she had been Finance Director and noted the audit was mainly virtual.

Deputy City Manager/Director Goldie reported the US285 Corridor Congestion Study project had begun; the consultant had begun data collection and current conditions; the next step was gathering stakeholders; City stakeholders would include Council members, boards and commissions, and City staff; the project would include public outreach meetings; the scope of the project was very wide right now as each community wanted something slightly different. He reported the City was recruiting for the right-of-way manager position in anticipation of Ralph Mason's retirement.

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Mayor Stewart noted the two issues he heard about frequently with Hampden Avenue were speeding and the traffic light timing at Colorado Boulevard.

City Clerk Gillespie reported the public affairs consultant was still working on polling residents through phone and text.

City Manager Cramer reported Director Sager had provided her notice of leaving the City in May; the opioid settlement process was progressing; City Hall remained open to the public but staff availability would determine that on a day by day basis; the first state of the Canal meeting would be held virtually; the Citizen's Advisory Taskforce for the Master Plan update project would meet on Thursday; he asked for Council direction on the February 1st retreat and regular meeting.

Mayor Stewart preferred holding the retreat in-person even if that meant postponing.

Councilor Gallagher agreed.

City Manager Cramer noted Tri-County Health Department models expected case numbers to go down after this week.

Councilor Safavi replied the case numbers did not matter very much if there was someone immunocompromised; he would be fine with in-person or virtual but advised caution.

Councilor Weil preferred an in-person retreat; if the meeting space could be large and ventilated that would help mitigate risk.

City Manager Cramer proposed the retreat be kept in-person and the decision be made next Thursday to hold it February 1st or postpone, and whether to hold the February 1st regular meeting in-person or virtually. He noted Council Chambers had a lot of doors that could be opened to help with ventilation.

Councilor Safavi noted in meetings he attended people brought their at-home tests showing negative test results.

Mayor Stewart added N95 masks did work.

City Attorney

City Attorney Guckenberger reported on two court cases that might affect the City: one regarding term limits from the City of Thornton which was ongoing; and a recent Colorado Court of Appeals case that stated campaign contributions could disqualify an elected official from deliberating in a quasi-judicial matter as a conflict of interest.

EXECUTIVE SESSION AND ADJOURNMENT

Mayor Pro Tem Brown moved, seconded by Councilor Blum, to go into executive session pursuant to Sections 24-6-402(4)(b) and 24-6-402(4)(e), Colorado Revised Statutes, to receive legal advice pertaining to inquiries from retailers concerning the collection, reporting, and remittance of sales tax on taxable sales; instructing negotiators regarding agreements addressing those inquiries; and to receive legal advice regarding communications with remote retailers regarding the remittance of sales tax, and upon concluding to immediately adjourn.

The following votes were recorded:

Safavi	yes
Weil	yes

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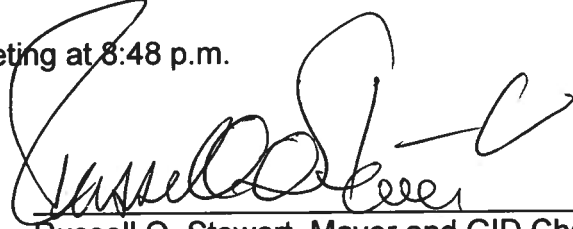
Brown	yes
Gallagher	yes
Blum	yes

Vote on the Executive Session: 5 ayes. 0 nays. The motion carried.

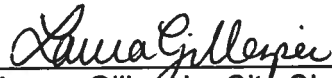
The executive session began at 7:25 p.m.

The meeting adjourned the meeting at 8:48 p.m.

(SEAL)



Russell O. Stewart, Mayor and GID Chairperson



Laura Gillespie, City Clerk and GID Secretary