

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, April 20, 2021 at 6:30 p.m.
Electronic Meeting

The City Council held a study session at 5:30 p.m.

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, Mike Gallagher, and Dan Sheldon 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, Police Commander Pat Weathers, and City Clerk Laura Gillespie.

Absent: none

POLICE FOUNDATION PRESENTATION

Former Councilor Mark Griffin announced the formation of the Cherry Hills Village Police Foundation. He introduced two board members, Jan Harrison Griffin and Jeremy Abelson. He explained the Police Foundation was charged with the sole purpose of helping the Cherry Hills Village Police Department with the necessities to ensure their health, safety, and well-being; that support would include educational programs, scholarships, equipment, and assistance to the personnel and families of the Department; although separate from the City, the Foundation would work closely with the Department and Chief Tovrea to help individuals and the Department; this was a collaborative effort of many individuals; the Foundation was accepting donations and Mayor Stewart had offered to be the first donor.

Mayor Stewart noted this was similar to the Greenwood Village Police Foundation.

Mr. Griffin agreed and thanked Greenwood Village for all their assistance in sharing information and lessons learned. He noted the CHV Police Foundation would be using the Greenwood Village Police Foundation's bookkeeper as well.

Mr. Abelson noted they planned to expand the CHV Police Foundation Board from three members to seven or nine members.

Councilor Gallagher asked how funds would be distributed.

Mr. Griffin replied distribution of funds would be dictated by the Police Department's needs and if the City budget was able to cover those needs. He noted there were a lot of expensive things coming up such as body cameras and body armor. He added the Foundation planned to come up with educational programs, personal development programs, and scholarships.

Councilor Sheldon asked if the Foundation had a fundraising goal for the first year.

Mr. Griffin replied their conservative goal for the first year was to raise \$30,000. He estimated that amount would increase between 20% and 50% each year. He added they planned to have fundraising events in the future.

Mr. Abelson added they expected to easily exceed their fundraising goal this year.

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Councilor Sheldon noted in the time he had been on Council they had always approved budget funds for all Police Department requests. He asked what the Foundation funds would be used for if the City continued to provide for all Police Department requests.

Chief Tovrea noted the anonymous donations received in the past had been used to purchase some ballistic vests and she would like to make sure each officer had one available to them along with a ballistic helmet. She indicated it was very rare that the City could not cover those types of costs, but funds from the Foundation would be helpful to cover unanticipated costs or large unknown costs such as the upcoming body cameras in 2022. She added the City had always been very generous with the Police Department training budget, and the Department did a lot of things in-house and had a lot of certified instructors, but the Foundation would give the Department the opportunity to bring in high caliber instructors on important topics. She indicated having funds available through the Foundation might also allow the City budget to focus on expenses in different departments. She noted there were probably other benefits they did not know about yet. She added she planned to discuss the issue with Greenwood Village Police Chief Varney.

Mr. Griffin added new technology for non-lethal force was being developed but was extremely expensive.

Councilor Safavi indicated the Police Department was small but effective, and was practicing preventative, proactive, and community policing. He stated he was happy the community realized the value of safety.

Council thanked Mr. Griffin and his team for their work.

Ms. Harrison Griffin noted she was excited to get started with the Foundation.

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 – April 6, 2021
- b. Construction Contract for the 2021 Asphalt Capital Improvement Project
- c. Construction Contract for the 2021 Concrete Capital Improvement Project

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

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UNFINISHED BUSINESS

Public Hearing - Council Bill 3, Series 2021; Repealing and Re-enacting Article 1 of Chapter 8 of the Municipal Code Entitled Model Traffic Code Concerning Vehicles and Traffic, Adopting by Reference the 2020 Edition of the Model Traffic Code for Colorado, with Certain Amendments, and Adopting Penalties for Violations Thereof (second and final reading)

Commander Weathers presented Council Bill 3, Series 2021 on second and final reading. He explained the code was a revised edition of the 2010 Model Traffic Code that the Police Department was currently using; the Model Traffic Code was designed to ensure that basic driving rules and regulations are uniform statewide for the protection of Colorado drivers and pedestrians; the City Clerk had ensured that all publication requirements set by state statute and City ordinance had met all compliance regulations; there had been no inquiries from the public or changes to the council bill since the first reading on March 16, 2021.

Councilor Gallagher asked about enforcement of the restrictions against heavy vehicles on City streets.

Commander Weathers replied the Police Department was able to enforce those restrictions through the City Code and Model Traffic Code.

Director Goldie replied heavy vehicles doing business in the City were allowed and it was difficult for the police officers to determine when a heavy vehicle should not be in the City.

Mayor Stewart opened the Public Hearing at 6:58 p.m. Hearing no comments the Public Hearing was closed at 6:59 p.m.

Mayor Pro Tem Brown moved, seconded by Councilor Weil, to approve Council Bill 3, Series 2021; A Bill for an Ordinance of the City of Cherry Hills Village Repealing and Re-enacting Article 1 of Chapter 8 of the Cherry Hills Village Municipal Code Entitled Model Traffic Code Concerning Vehicles and Traffic, Adopting by Reference the 2020 Edition of the Model Traffic Code for Colorado, with Certain Amendments, and Adopting Penalties for Violations Thereof on second and final reading.

The following votes were recorded:

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| Safavi | yes |
| Weil | yes |
| Brown | yes |
| Gallagher | yes |
| Blum | yes |

Vote on the Council Bill 3-2021: 6 ayes. 0 nays. The motion carried.

NEW BUSINESS

None

REPORTS

Mayor's Report

Mayor Stewart noted the virtual meeting being held tomorrow regarding the First Universalist Church of Denver homeless parking proposal. He reported he attended the April 12th Arapahoe County reauthorization committee meeting regarding the extension of the open space sales tax, with discussions focusing on how long the tax would be

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valid for and if the funds could be used for maintenance as well as acquisition; the April 13th CML budget management committee meeting, and noted the simplified dues structure and reduced spending in 2020; the April 13th Metro Mayors Caucus transportation mobility committee meeting, discussing the upcoming state infrastructure bill and asking bill sponsors to help metro communities comply with air quality attainment standards and send funds to regional planning groups; the full Metro Mayors Caucus meeting, adopting the recommendations of the transportation committee; the April 16th CML policy committee meeting, discussing all the relevant bills in the state legislature; his Mayor's Report in the next issue of the Crier would focus on some of these bills; on April 16th he and City Manager Cramer met with Andres Carrera, the Denver Metro Regional Director for Senator Hickenlooper's office, and discussed the new COVID-19 funds and the need for flexibility; tomorrow he had the Mayors Munch; on Friday he would attend the full CML Board meeting. He noted his term on the CML Board was ending and he would like to run again if Council had no objection.

Members of City Council

Councilor Blum asked if there was consensus on doing an RFP for a public relations consultant based on the discussion at the last Council meeting.

City Manager Cramer replied staff had planned to move forward with an RFP in the summer.

Mayor Pro Tem Brown agreed that was her understanding.

Councilor Sheldon indicated he felt it was important to return to in-person Council meetings and proposed the May 18th Council meeting be in-person since City Hall was reopening on May 17th.

Mayor Stewart agreed and noted the consensus at the Metro Mayors Caucus was returning to in-person meetings in June.

Councilor Weil expressed support.

Councilor Gallagher expressed support but noted it was important for everyone to be vaccinated. He indicated it was important to continue the Quincy Farm RFP process.

Mayor Pro Tem Brown encouraged Councilors to attend the First Universalist Church virtual meeting tomorrow. She agreed with Councilor Sheldon regarding meeting in-person, but noted she would only be available electronically for the June meetings.

Councilor Weil suggested Councilors could attend electronically as needed.

Councilor Sheldon recalled technical difficulties with hybrid meetings.

Councilor Blum agreed with in-person meeting. He noted rules would need to be in place for attendees of the meetings regarding masks and other requirements. He asked if Tri-County Health Department had rules or limits on in-person meetings.

City Manager Cramer noted Arapahoe County was at level blue and in-person meetings are allowed. He noted the hybrid nature of meetings could be challenging for staff. He indicated staff would talk internally about what audience participation would look like. He agreed the number of people in the audience would be limited.

City Attorney Guckenberger reminded Council their Electronic Participation Policy required quasi-judicial public hearings be held entirely in-person or entirely electronically.

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Councilor Safavi agreed meeting in-person was more effective but warned being vaccinated did not provide immunity against the new strains and Moderna and Pfizer were working on booster shots to enhance immunity against the new strains. He noted schools had detailed protocols regarding testing, reporting, and notification in the case of a COVID-19 exposure and asked City Manager Cramer to have similar protocols in place for City Council. He added he would wear a mask regardless of a requirement. He noted the risks of meeting in-person versus the benefits.

City Manager & Staff

City Manager Cramer confirmed staff would plan to hold the May 18th Council meeting in person and would work on additional protections and policies for both Council members and members of the public to attend in-person. He noted staff was meeting with Mayor Pro Tem Brown and Council Weil regarding the Quincy Farm RFP next week. He indicated boards and commissions were also having conversations about returning to in-person meetings. He asked for feedback on Council's continued support for a 75th Anniversary Committee event.

Councilor Weil expressed support for a big event for the community.

City Manager Cramer noted the 75th Anniversary event would be ticketed, but the City's other special events such as Movie Night would provide an opportunity for an open community event.

Councilor Safavi asked about the Master Plan Citizen Advisory Taskforce (CAT) and noted that was a priority. He warned about holding events cautiously and safely.

City Manager Cramer agreed and indicated the Planning and Zoning Commission would discuss restarting the CAT. He congratulated the Police Department for the City being named one of the safest cities in Colorado. He indicated he would send the information for the First Universalist Church meeting to Council, and he would attend along with Senior Planner Paul Workman. He noted staff would also be sending in comments. He indicated staff had heard from a number of residents who are concerned with safety, security, and impacts on the High Line Canal trail, and staff would be passing those concerns onto Denver. He noted he had sent contact information to Councilors to pass onto residents if they wanted to reach out to Denver directly, which might be more effective than the City making a formal statement.

Councilor Sheldon asked for clarification on the City taking an official position on the proposal.

City Manager Cramer replied staff planned to submit a comment letter to raise concerns but did not state a formal position. He noted in his experience with Denver it could be more harmful to the ultimate goal to formally oppose the project, but he believed it was critical to reflect the concerns staff was hearing from residents to Denver.

Councilor Sheldon asked if any residents had expressed support for the proposal.

City Manager Cramer replied staff had not received any feedback in support.

Mayor Stewart noted no application had been submitted yet and Council should wait to review the submission of the Church to Denver before considering a position. He added the meeting tomorrow was a presentation from the Church to the community.

Mayor Pro Tem Brown indicated one of her main concerns was police resources to address concerns and questions in Cherry Hills Village by this proposal in Denver, because CHV did not have sufficient resources but Denver would not be obligated to assist.

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City Manager Cramer agreed that concern was important to include in the letter staff would send to Denver once the Church submitted a formal application to Denver.

Councilor Sheldon asked if opposition from CHV would put the City in any jeopardy related to RLUIPA (Religious Land Use and Institutionalized Persons Act).

City Attorney Guckenberger replied she did not believe it would be a violation of RLUIPA for CHV and noted Denver would be making the interpretations and applications of their land use regulations.

City Manager Cramer added the proposal was under COVID-19 emergency declaration and was not for a permanent zoning change.

Mayor Stewart noted there was a lot of opposition from Denver neighbors, but Denver Councilor Black was in support.

City Manager Cramer clarified he did not believe Denver Councilor Black was taking a formal position, but she recognized a lot of the benefits of the program.

Councilor Safavi indicated in general, programs that allowed homeless people to gather and stay tended to overgrow, become out of control, and create a public safety hazard from the perspective of health and sanitation. He hoped if the proposal was approved, requirements for certain sanitary standards would be established and monitored.

Chief Tovrea explained the proposal was for eight vehicles, total of sixteen individuals, no children; the program would serve a specific geographic area and the location would not be advertised in other areas; the program was by permit only; applicants for the program would be vetted including criminal background checks; no sex offenders allowed; no weapons, drugs, or alcohol allowed. She had asked if the program had any data regarding criminal activity at similar sites and was told there had only been one, a domestic violence report in Longmont, and one inquiry in the Broomfield area could have been in a nearby apartment building rather than at the program site. She understood the program participants would have access to someone at the facility 24/7, there would not be specific security, and it would be under the jurisdiction of the Denver Police Department.

Mayor Pro Tem Brown questioned if any other program sites were located on a municipal border.

Deputy City Manager/Director Goldie reported the sewer project was progressing and staff continued to pressure Xcel on the utility line undergrounding project. He reiterated that staff would bring all utilities together to coordinate undergrounding for any future project.

Councilor Sheldon asked if the City had a guaranteed maximum price contract.

Deputy City Manager/Director Goldie confirmed they did.

Mayor Pro Tem Brown warned Xcel's price would likely be much higher for the next project.

City Attorney

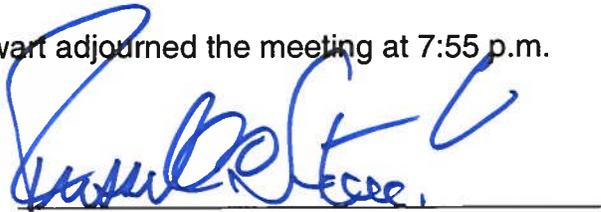
City Attorney Guckenberger reported her office was waiting to hear back from Comcast on the franchise agreement; and monitoring MOU development for proceeds from the outcome of some opioid litigation and would be working with City staff on that.

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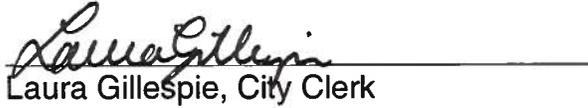
ADJOURNMENT

Hearing no objection Mayor Stewart adjourned the meeting at 7:55 p.m.

(SEAL)



Russell O. Stewart, Mayor



Laura Gillespie, City Clerk

