

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
and of the Cherry Hills Village Southmoor Circle and Hudson Parkway
General Improvement District Board of Directors
Held on Tuesday, May 3, 2022 at 6:30 p.m.
City Hall

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 Commander Pat Weathers, Finance Director Jessica Sager, Planning Manager Paul Workman, Parks Coordinator Emily Black, Community Development Clerk Ethen Westbrook, and City Clerk Laura Gillespie.

Absent: Councilor Dan Sheldon

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Earl Hoellen, 3 Vista Road, reminded Council he had spoken at the last meeting about the proposed Charter amendment and its possible impact on 90 Meade Lane; he was aware that the proposed language had been revised since then and that it now specifically excluded 90 Meade Lane; therefore his previous comments urging Council to sell 90 Meade Lane before the November election were no longer as critical, but he still encouraged Council to consider selling the property as soon as possible.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

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

- b. Change Order #2 to the 2020 Chip Seal Contract for Services for the 2022 Chip Seal Program
- c. Agreement for Professional Services for Weed Control Services in City Parks
- d. South High Street Paving Agreement

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 6a. Approval of Minutes – April 19, 2022

Mayor Pro Tem Brown moved, seconded by Councilor Gallagher to approve Item 6a.

The motion passed with 4 ayes and 1 abstention.

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UNFINISHED BUSINESS

None

NEW BUSINESS

Council Bill 10, Series 2022; Amending Chapter 18 of the Municipal Code Regarding Federal Holidays and Construction Activity within Cherry Hills Village (first reading)

Community Development Clerk Westbrook presented Council Bill 10, Series 2022 for Council’s consideration. He explained Municipal Code Section 18-11-60(1) limited construction activity on federal holidays; last year President Joe Biden signed into law a bill establishing Juneteenth, June 19th, as a new federal holiday; he provided background information on Juneteenth and on federal holidays; staff proposed removing the list of federal holidays from Section 18-11-60(1) and instead including all federal holidays adopted by the United States Office of Personnel Management.

Mayor Stewart asked what “observed” holidays were.

Community Development Clerk Westbrook explained if a holiday fell on a weekend then the observed day was the Friday or Monday when the holiday was observed; for example Juneteenth fell on a Sunday this year so the holiday would be observed on the following Monday.

Mayor Pro Tem Brown moved, seconded by Councilor Weil, to approve, on first reading, Council Bill 10, Series 2022, a bill for an ordinance amending Article XI of Chapter 18 of the Cherry Hills Village Municipal Code regarding federal holidays and construction activity within Cherry Hills Village.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Blum	yes

Vote on the Council Bill 10-2022: 5 ayes. 0 nays. The motion carried.

Council Bill 11, Series 2022; Amending Chapter 16 of the Municipal Code Regarding Recreational Structure Setbacks in the O-1, Open Space, Park and Recreation Area Zone District (first reading)

Planning Manager Workman explained the current Code did not specify setbacks for recreational structures in the O-1 Zone District; the previous Code had referred to R-1 setbacks for accessory structures in the O-1 Zone District; staff had received inquiries from private clubs in the O-1 Zone District about recreational structure setbacks; staff examined the five private clubs in the City and the current setbacks for their recreational structures; staff presented five options for Council’s consideration with pros and cons for each; Option 1 was to make no changes to the Code; Option 2 was to add a new table to the Code, Table 16-3-20.D., outlining recreational structure setbacks for clubs in the O-1 district, with categories for 3 acres and below, over 3 acres and up to 10 acres, and over 10 acres; Option 3 was to add a new table to the Code, Table 16-3-20.D., outlining recreational structure setbacks for clubs in the O-1 district, using the same setbacks as recreational structures in the R-1 district; Option 4 was to add a new table to the Code, Table 16-3-20.D., outlining recreational structure setbacks for clubs in the O-1 district, using the same setbacks as primary structure setbacks in the O-1 district; Option 5, created and recommended by the Planning and Zoning Commission (P&Z), was to add

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a new table to the Code, Table 16-3-20.D., outlining recreational structure setbacks for clubs in the O-1 district, with categories for 10 acres and below, and over 10 acres.

Councilor Blum agreed Option 5 was the simplest solution and thanked P&Z for coming up with it.

Councilor Weil indicated Option 5 would allow more recreational structures to be built closer to property lines; he was concerned fences and windscreens would have a negative impact on the Master Plan goal of open space in the Village; he preferred the larger setbacks and simplicity of Option 3; he asked about allowed changes to nonconforming structures.

Planning Manager Workman noted the 10 foot setback in Option 5 was directly based on the easternmost court at the Village Club; that was why the 10 foot setback was specifically and only applied to property lines adjacent to a street, and not to property lines adjacent to another property, which still had the 25 foot setback in Option 5. He explained changes to nonconforming structures were allowed if they did not increase the nonconforming aspect of the structure; if a nonconforming structure was destroyed by flood, fire, etc, it would have to be reconstructed in conformance with current regulations.

Councilor Weil noted the 40 foot front setback for clubs 10 acres or less in Option 5 was much closer than the 75 foot front setbacks found in most of the City. He expressed concern with allowing more structures to be legally built closer to property lines and effect that would have on the semi-rural character of the City.

Planning Manager Workman noted that the smaller residential zone districts had shorter front setback requirements.

Councilor Weil asked what they were.

Planning Manager Workman replied he would find the information and follow up.

Councilor Weil asked if the 40 foot front setback for clubs 10 acres or less in Option 5 was to accommodate a specific structure.

Planning Manager Workman replied it was to accommodate the Arapahoe Tennis Club courts closest to Dahlia Street.

Councilor Gallagher moved, seconded by Councilor Blum, to approve, on first reading, Council Bill 11, Series 2022, a bill for an ordinance to amend Chapter 16 of the Cherry Hills Village Municipal Code to add specific setbacks for recreational structures in the O-1, Open Space, Park and Recreation Area Zone District as identified as Option 5 in the Proposed Amendments section of the May 3, 2022, staff memo.

The following votes were recorded:

Safavi	yes
Weil	no
Brown	yes
Gallagher	yes
Blum	yes

Vote on the Council Bill 11-2022: 4 ayes. 1 nay. The motion carried.

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Council Bill 12, Series 2022; Amending Section 2-1-20 of the Cherry Hills Village Municipal Code Concerning Designation and Description of City Council Districts (first reading)

City Clerk Gillespie presented Council Bill 12, Series 2022 on first reading. She explained the City Charter provided for redistricting after each Federal decennial census as needed to ensure districts be contiguous and compact wherever possible and have approximately the same number of voters; 10% was used as a standard threshold for ensuring approximately the same number of voters between districts; 2020 U.S. Census data showed a difference of 18% between the most and least populous Council districts; redistricting was accomplished by amending Section 2-1-20 of the Code by ordinance; the last redistricting occurred in 2012 resulting from a 39% difference based on 2000 U.S. Census data; at the study session on April 19, 2022 staff presented methodology and three options for Council consideration; at the study session Council discussed several variables including the importance of keeping neighborhoods together but also the difficulties that posed without making a lot of changes to district boundaries; Council had directed staff to move forward with Option 2 and to remove the narrative description of districts from the Municipal Code and instead reference a map.

Planning Manager Workman explained the U.S. Census data was provided at the state, county, tract and block levels; staff used the block level data to determine the population in each Council district; staff calculated the household population level for blocks that were located in more than one district; at the April 19th study session staff presented three options; Option 1 would move the boundary between District 3 and District 5 from Dahlia Street to Forest Street; Option 2 would move the boundary between District 3 and District 5 from Dahlia Street to Holly Street; Option 3 would move the boundary between District 3 and District 6 in the Covington neighborhood; Council Bill 12, Series 2012 would adopt Option 2.

Councilor Blum moved, seconded by Mayor Pro Tem Brown, to approve Council Bill 12, Series 2022, on first reading, a bill for an ordinance amending Section 2-1-20 of the Cherry Hills Village Municipal Code concerning designation and description of City Council districts, as shown in Exhibit G.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Blum	yes

Vote on the Council Bill 12-2022: 5 ayes. 0 nays. The motion carried.

Amending the City Council Rules of Procedure

City Clerk Gillespie explained Councilor Weil had proposed an amendment to the Rules of Procedure in January; per Article 9 of the Rules staff was presenting the proposed amendment to Council for discussion and if directed would return with a resolution adopting the proposed amendment; the proposed amendment was to Paragraph B of Section 6 of Article 3 regarding executive sessions, to clarify that a motion to go into executive session had to be approved by 2/3 or more, rather than exactly 2/3 majority, of the Council members present on roll call.

Mayor Stewart noted the 2/3 language was also in some City ordinances.

City Clerk Gillespie replied the language came from state statute.

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Mayor Pro Tem Brown questioned if additional language should be added regarding a quorum.

City Attorney Guckenberger replied an executive session could not be held if a quorum was not present.

RECESS OF THE CITY COUNCIL TO CONVENE AS THE CHERRY HILLS VILLAGE SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT BOARD

Mayor Stewart recessed the City Council Meeting and convened the meeting of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District Board.

MEETING OF THE CHERRY HILLS VILLAGE SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT BOARD

Mayor Russell Stewart, serving ex-officio as the GID Chairperson, called the meeting to order at 7:17 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 Southmoor Circle and Hudson Parkway 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 Commander Pat Weathers, Finance Director Jessica Sager, Planning Manager Paul Workman, and City Clerk Laura Gillespie.

CONSENT AGENDA

Mayor Pro Tem Brown moved, seconded by Councilor Weil, to approve the Consent Agenda.

The motion passed unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

The Southmoor Circle and Hudson Parkway General Improvement District Board meeting adjourned.

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RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The meeting of the Cherry Hills Village City Council reconvened at 7:18 p.m.

REPORTS

Mayor's Report

Mayor Stewart reported he attended the April 20th meeting of the Hampden Avenue citizens advisory committee along with Deputy City Manager/Director Goldie, discussion included improvements to safety and aesthetics, improving the flow of traffic to reduce cut-through traffic, and protecting the City's commercial district from car crashes; he attended the April 21st Cherry Hills East HOA meeting along with Deputy City Manager/Director Goldie and Commander Weathers, discussion included a single trash collection contractor for the HOA, composting, cell phone coverage, and the remote sellers sales tax issue; he attended the April 22nd CML board meeting, he was on the Sam Mamet board committee and they chose a Sam Mamet award for the year; he attended the April 25th Arapahoe County Open Space and Trails Advisory Board meeting; he would attend the May 5th Metro Mayors Caucus meeting; he would attend the Mayors Munch next week. He noted Senate Bill 22-238 regarding 2023 and 2024 property tax would reduce the City's property tax revenue.

Members of City Council

Councilor Blum asked about the timing to install a speed limit sign on Belleview.

Deputy City Manager/Director Goldie confirmed it would take 10 weeks.

Councilor Gallagher noted it was unfortunate the proposed Charter amendment petition committee had not engaged in discussion with City Council earlier.

Mayor Pro Tem Brown had no report.

Councilor Weil thanked Director Sager for the GFOA award submission. He reported he had his one-on-one meeting with City Manager Cramer and he was excited they were starting to get traction on electric vehicles; Deputy City Manager/Director Goldie had found some commercial grade electric lawn mowers.

Councilor Safavi had no report.

Mayor Stewart noted lawn mowers were a significant contributor to ozone pollution.

City Manager & Staff

Deputy City Manager/Director Goldie reported there would be a lot of construction at Holly and Quincy this summer; Xcel would be replacing some major gas valves in the streets of the intersection; later this summer Denver Water would rehabilitate the entire pump station at the southeast corner as well as in both streets of the intersection; major delays would occur for the next few months at that intersection; in addition staff continued to work to finish the Quincy undergrounding project and was starting on the Southmoor Circle and Hudson Parkway General Improvement District undergrounding project.

Commander Weathers reported the April 30th Drug Take Back event had been successful; he thanked Council for approving the body worn camera contract, he noted it would be a significant change and require a lot of training; he thanked staff for their assistance with the contract.

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Planning Manager Workman reported the front setback in the R-3 Zone District was 50 feet and in the R-4 and R-5 Districts the front setback was 25 feet; he would include that information in the staff memo for second reading. He indicated the second survey for the master plan update closed at the end of last week; over 120 responses were received which was a good number; next Wednesday evening would be a joint study session between Planning and Zoning Commission and the Citizens Advisory Taskforce; survey results would be reviewed and the groups would begin reviewing draft language.

Director Sager reported staff had been notified by the state that they had additional body worn camera grant funding so staff modified the City's application and asked for the remaining \$30,815; staff had received notice of approval but the amount was still unknown.

City Manager Cramer indicated the additional grant funding was all thanks to Director Sager. He reported the new Chief of Police and Finance Director would both start on May 23rd; he met with the Belleview/I-25 Interchange committee to review the split diamond plus; based on the meeting it was likely only one of the four new options had enough support to move forward to the traffic analysis phase; the one new option with support was likely to reduce cut-through traffic coming from the north; if the new option with support went through the traffic analysis phase he would arrange having the project team attend a Council meeting to explain the new option. He indicated the next steps for the potential remote sellers sales tax ballot measure would be meetings with HOAs and similar groups to provide education on the issue; and asked if any Council member was willing to serve as a co-chair to the campaign committee.

Councilor Weil volunteered.

Councilor Gallagher asked about practice on talking points.

City Clerk Gillespie indicated the public affairs consultant was working on the presentation and staff was planning to have two Council members at a time review the presentation with the consultant.

City Manager Cramer noted staff would join Council members for the community meetings and the consultant would also attend many of the meetings.

Mayor Stewart noted the new finance director would also be the treasurer and asked about that appointment.

City Manager Cramer replied that appointment was planned for the June 7th Council meeting.

City Clerk Gillespie indicated staff had collected names of potential committee members from Council, the consultant believed it would be best if Council members contacted those residents initially and asked for volunteers by Thursday.

Councilor Blum asked staff to send Council the list of residents.

City Clerk Gillespie stated staff planned to publish the FAQs that Council had discussed at the study session on the City website on Thursday.

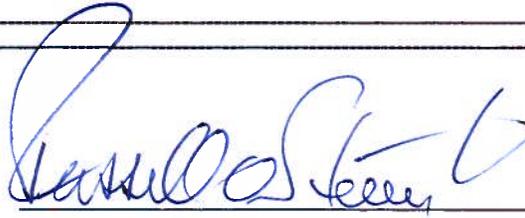
City Attorney Guckenberger had no report.

ADJOURNMENT

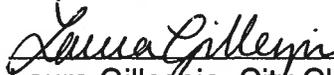
Hearing no objection Mayor Stewart adjourned the meeting at 7:38 p.m.

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(SEAL)



Russell O. Stewart, Mayor and GID Chairperson



Laura Gillespie, City Clerk and GID Secretary