

## RECORD OF PROCEEDINGS

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

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, City Attorney Kathie Guckenberger, Police Commander Pat Weathers, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: none

### **PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

### **AUDIENCE PARTICIPATION PERIOD**

Janice and Jim Hunt, 1776 E Tufts Avenue, spoke about the construction vehicles that parked on their street and restricted access to their property. They noted this had affected deliveries, trash pickup, and accessing their property. They indicated this issue had been ongoing for about a year.

Mayor Stewart indicated staff would be in contact with the Hunts regarding this issue.

Janney Carpenter, 9 Radom Road, provided an update from the Cherry Hills Land Preserve (CHLP). She reported CHLP was holding many well-attended events at Quincy Farm and was planning their Trail Walk in September.

### **REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES**

75<sup>th</sup> Anniversary Committee Co-Chair Thomas Berry reported the Committee was planning a time capsule and asked City Council for permission to mount the time capsule in City Hall. He reviewed the details of the 75<sup>th</sup> Anniversary Event on August 28<sup>th</sup>.

Mayor Stewart asked Council members to consider the question of where to place the time capsule.

### **CONSENT AGENDA**

Mayor Pro Tem Brown removed Item 6c from the Consent Agenda.

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

- a. Approval of Minutes – June 15, 2021
- b. Resolution 18, Series 2021; Authorizing the 75<sup>th</sup> Anniversary Committee to Accept Donations on Behalf of Cherry Hills Village
- d. Resolution 20, Series 2021; Appointing New Members to the Board of Adjustment and Appeals

The motion passed unanimously.

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### **ITEMS REMOVED FROM CONSENT AGENDA**

#### **Resolution 19, Series 2021; Accepting a Donation of Art and Approving an Art Donation Agreement**

Mayor Pro Tem Brown thanked Kathie Finger for her generous donation and for her time and dedication to the Art Commission.

Mayor Pro Tem Brown moved, seconded by Councilor Weil, to approve Resolution 19, Series 2021; accepting a donation of art and approving an art donation agreement.

The motion passed unanimously.

### **UNFINISHED BUSINESS**

#### **Council Bill 6, Series 2021; Making Findings and Determinations with Respect to a Petition Concerning the Organization of the Proposed "Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District" Pursuant to § 31-25-601, et seq., C.R.S., and Providing for the Question of the Organization of Such District to be Referred to the Electors Thereof Along with Additional Ballot Issues Authorizing the Issuance of Bonded Indebtedness and Imposition of General Property Taxes to Accomplish the Purposes of Said District (second and final reading)**

City Clerk Gillespie presented Council bill 6, Series 2021 on second and final reading.

Councilor Sheldon moved, seconded by Councilor Blum, to approve Council Bill 6, Series 2021; making findings and determinations with respect to a petition concerning the organization of the proposed "Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District" pursuant to § 31-25-601, et seq., C.R.S., and providing for the question of the organization of such district to be referred to the electors thereof along with additional ballot issues authorizing the issuance of bonded indebtedness and imposition of general property taxes to accomplish the purposes of said district, on second and final reading.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

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

### **NEW BUSINESS**

#### **Resolution 21, Series 2021; Calling a Special Election to be Held on November 2, 2021, in Coordination with Arapahoe County for the Proposed Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District**

City Clerk Gillespie presented Resolution 21, Series 2021 for Council's consideration. She explained Section 2.10 of the Home Rule Charter states that a special election may be called by resolution of the Council and requires that the resolution calling a special City election set forth the purpose or purposes of such election.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon, to approve Resolution 21, Series 2021, calling a special election to be held on November 2, 2021, in

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coordination with Arapahoe County for the proposed Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District.

The motion passed unanimously.

### Resolution 22, Series 2021; A Site Plan Amendment Extension Pertaining to Parcels Owned by Denver First Church of the Nazarene

City Manager Cramer explained Denver First Church of the Nazarene (DFCN) had submitted a request for an extension to their site plan amendment. He noted the applicant had provided all the necessary affidavits regarding public notifications of tonight's meeting. He reminded Council the subject property was the 3500 block of South Monroe Street, and on March 2, 2021, they had approved a rezoning; a preliminary plat; and a site plan amendment with conditions. He noted the site plan amendment removed the 2013 obligation to provide parking spaces on the subject property. He explained the site plan amendment had been approved subject to two conditions: the execution of a shared parking agreement between DFCN and BRAVE Church, with the City as a third-party beneficiary, within 90 days; and prior to issuance of building permits submit appropriate documentation to the City and applicable referral partners. He indicated the City received the extension request from DFCN on May 18, 2021, prior to the 90-day deadline of June 19, 2021, and the request was for an eight-month extension. He explained the Code contained two criteria for extensions. He stated since Council packets were finalized staff received additional information that DFCN is under contract to sell the subject property for BRAVE to use as a parking lot, and staff was working on analysis and research in order to understand the implications of that new information. He explained given this new information staff recommended Council grant the eight-month extension with conditions regarding a parking agreement and regular communication with the City Manager.

Councilor Blum asked about the current zoning of the subject property and if it could be used for parking.

City Manager Cramer replied the subject property had been rezoned to R-4 and R-4 did not allow parking.

Councilor Blum asked if staff would need eight months to do their research and analysis.

City Manager Cramer replied staff did not need eight months.

Councilor Blum asked if DFCN had an agreement with the adjacent neighbors.

City Manager Cramer replied DFCN had executed the good neighbor agreement with the Covington HOA.

Councilor Blum asked if granting the extension would void the good neighbor agreement.

City Attorney Guckenberger replied staff had not reviewed that issue yet.

Councilor Blum asked if the good neighbor agreement had been a condition of Council approval.

City Attorney Guckenberger replied it had not been a condition but had been requested by Council and committed to by DFCN.

Councilor Blum asked why Council was being asked to grant an eight-month extension when staff did not need that long to do their analysis.

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City Manager Cramer replied DFCN had requested eight months and suggested Council ask the applicant about their reasoning behind that timeframe.

Councilor Blum asked what would happen if Council did not grant an extension.

City Manager Cramer replied DFCN would be in violation of the site plan so the subject property would not be useable and could not be left as-is.

Councilor Sheldon asked for confirmation that the parking needs for the Christmas holiday would be covered by DFCN's self-imposed limit on the number of seats available.

City Manager Cramer confirmed that was correct.

Councilor Safavi noted it seemed this issue was going in circles and had become a mess.

Steve Ferris, DFCN land consultant, indicated this was an unusually timed real estate deal. He explained when DFCN approached BRAVE about the shared parking agreement following Council's approval in March, BRAVE stated they did not want to sign the agreement because they might want to purchase the subject property. He noted the churches had been working things out, but the 90-day timeline was approaching so DFCN requested an extension in May. He indicated their communication to the City in June had referenced a real estate transaction. He explained a lot of time and money had been dedicated to the original plan for the subject property, so DFCN did not want to let that go, but they had a purchase sale agreement (PSA) now signed with BRAVE as of June 30, 2021; they were now working through details; DFCN tried to have the shared parking agreement signed before the PSA but that did not happen, and they made the PSA deal without the shared parking agreement. He explained DFCN needed time to see if the real estate transaction closed because if it did not, they wanted to complete the process started with the City. He noted the extension request was for eight months because the Code implied twelve months was standard, but they were willing to work with City Council on that timeline. He stated DFCN apologized for the situation, but BRAVE had not agreed to sign the parking agreement because of the pending real estate transaction.

Councilor Blum asked if the PSA was fully executed.

Mr. Ferris confirmed it was.

Councilor Blum asked if the PSA included a condition related to the zoning of the subject property.

Mr. Ferris replied it did not. He stated it had been DFCN's intent that the rezoning not take effect but apparently it had, so they might have to file to rezone again.

Councilor Blum asked what a reasonable timeline was for the issues to be resolved between the two churches.

Mr. Ferris replied it was a difficult question to answer because City staff's analysis would help determine the issues that needed to be resolved.

Councilor Sheldon indicated he appreciated asking for an amount of time that would prevent DFCN from having to return for another extension. He asked for confirmation that BRAVE wanted to purchase the subject property in order to use it for parking for BRAVE.

Mr. Ferris confirmed that was correct and it would be used for regular Sunday services.

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Councilor Sheldon asked how the Covington neighbors would feel.

Mr. Ferris replied he had spoken to Pasquale Riggi who had relayed there were mixed feelings among the Covington residents.

Councilor Sheldon noted he was usually in favor of keeping parking but also agreed with Councilor Safavi's comment from March that it was good to get rid of some asphalt. He asked when the real estate deal was scheduled to close.

Mr. Ferris replied August 26, 2021.

Councilor Sheldon asked if approval of the extension request was a contingency of the PSA.

Mr. Ferris replied it was not.

Councilor Sheldon asked for confirmation from staff that the subject would be nonconforming if Council did not grant the extension.

City Manager Cramer agreed the property would be nonconforming at that point.

Councilor Sheldon asked the applicant if Council granted the extension and the property was sold to BRAVE, if the expectation was that BRAVE would return to Council to request a rezoning back to R-1.

Mr. Ferris replied that might be the only option depending on the results of City staff's analysis, unless an alternative solution was found that allowed parking in R-4.

Councilor Gallagher asked if the churches were committed to closing the sale regardless of the results of City staff's analysis

Mr. Ferris replied he could not speak for everyone involved but he believed it was everyone's sincere intent to close, but the results of tonight's Council meeting and City staff's analysis could influence that.

Mayor Pro Tem Brown asked for confirmation that the smaller lot adjacent to BRAVE was also part of the PSA although it wasn't directly related to tonight's discussion of the subject property.

Mr. Ferris confirmed that was correct.

Councilor Safavi asked for confirmation that the subject property was not adjacent to BRAVE.

Mr. Ferris confirmed that was correct.

Councilor Safavi asked about BRAVE's reasons for purchasing the subject property.

Michael Norton, attorney for BRAVE Church, indicated their pastor, Jeff Schwarzentraub, had been discussing with DFCN Pastor Reed since last fall the acquisition of some or all of the subject property. He explained BRAVE's objective was to acquire the subject property for the purposes for which it was zoned R-1, which BRAVE thought was still the case until they found out yesterday the subject property had been rezoned to R-4. He stated the representations going into and subsequent to the PSA were that the subject property was still R-1 and would remain so to be used as a parking lot, which was BRAVE's desire for that lot. He noted BRAVE was a rapidly growing and expanding church and was in need of excess parking, and with the cooperation of DFCN, had been using some of their parking, including the subject property. He indicated he heard from Mr. Ferris yesterday that a concern had developed

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that some considered the subject property already rezoned as R-4. He stated that was an issue for BRAVE and he was not sure what the implications were of that information. He noted he had spoken to members of the Covington neighborhood in the past month or so and hoped for a positive relationship with the Covington neighborhood. He speculated that one potential solution was legalization of the nonconforming use of the subject property.

Councilor Blum asked if there was a condition of the PSA regarding the zoning.

Mr. Norton replied the subject property was being purchased as a parking lot so it was a condition.

Councilor Blum asked for confirmation that the PSA was contingent on the subject property being reverted to R-1 zoning or the R-4 zoning being made legal nonconforming to allow for parking.

Mr. Norton agreed if the current zoning did not allow for parking then that was an issue, but he could not speak to what his client would do about that issue.

Councilor Sheldon asked for confirmation that the BRAVE pastor had been talking to DFCN since last fall about purchasing the subject property.

Mr. Norton confirmed that was correct.

Councilor Sheldon indicated that caused him concern because his recollection of the process in March was Council felt some pressure to approve the applications because of time sensitivity on DFCN's part. He stated he was interested to hear from Mr. Ferris on this point and from staff on the question of legalization of a nonconforming use.

Councilor Weil stated he was also a little distressed to find out there was dialogue occurring since the Council was operating in good faith. He asked for confirmation that the PSA was for both the subject property and for the smaller lot adjacent to BRAVE.

Mr. Norton confirmed that was correct.

Councilor Weil stated it felt that eight months was excessive, and he agreed with the concern about the Christmas holidays and the potential for a parking problem.

Mr. Norton indicated BRAVE Church had no position on the extension.

Councilor Sheldon noted the Christmas holiday parking should not exceed the parking currently available on the main DFCN lot according to the discussion in March.

Darren Reed, DFCN lead pastor, stated the first time he spoke with BRAVE Pastor Jeff regarding purchasing any of these properties was in late March, not last fall. He added that conversation was a result of the discussion regarding the shared parking agreement, and Pastor Jeff had casually brought up the possibility of DFCN selling those properties to BRAVE.

Councilor Blum indicated he was still confused about the current status of the subject property. He noted the current zoning was R-4. He asked staff if Council did not grant the extension if DFCN would have to restart the site plan and plat process.

City Manager Cramer replied that question was part of staff's analysis. He explained the extension would provide the applicant and staff time to analyze the situation based on the new information and new objective of the process.

Councilor Blum questioned the point of the extension of the deadline for the shared parking agreement if the end result was going to be something else.

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City Attorney Guckenberger replied it was her understanding DFCN wanted to continue to pursue the original plan with the shared parking agreement in case the real estate transaction with BRAVE did not close.

City Manager Cramer added the site plan approval that disconnected DFCN from needing to utilize the subject property as parking was contingent on DFCN providing additional parking in other ways, which was planned to be accomplished through the shared parking agreement. He indicated the City still had an interest in ensuring the obligation to provide additional parking is still somehow met, therefore staff believed it was advisable that Council approve the extension and allow the process to continue forward.

Councilor Blum asked about the date of February 28, 2022.

City Attorney Guckenberger replied it was eight months from the date on which the original condition expired.

Councilor Blum expressed concern that the shared parking agreement was not contracted for in the existing PSA.

Mayor Pro Tem Brown indicated the obligation to account for additional parking could be accomplished in a variety of ways and the shared parking agreement with BRAVE was just one option.

City Manager Cramer added DFCN needed to fulfill its parking obligations regardless of what happened to the subject property. He noted the potential sale to BRAVE introduced more issues and questions related to the zoning and plat of the subject property, what Council was considering tonight was the obligation of DFCN to demonstrate that they were providing sufficient parking. He added he believed DFCN's parking obligation needed to be dealt with regardless of the other issues.

Councilor Blum asked if DFCN was in violation of their parking requirements.

City Manager Cramer replied if the conditions are not met, the site plan amendment is not fully approved and DFCN would be in violation of their parking requirements.

Councilor Sheldon asked if staff was prepared to discuss legalization of a nonconforming use.

City Manager Cramer replied they were not.

Councilor Sheldon asked when staff found out about the potential sale of the subject property.

City Manager Cramer replied he found out about it after Council packets were finalized. He added Senior Planner Workman may have known before that.

Councilor Sheldon indicated he was not ready to approve an eight-month extension, but proposed a shorter timeframe to give staff some time to answer questions and do analysis.

City Manager Cramer stated his goal was to have a meeting between staff, DFCN, and BRAVE, and noted some time would be needed to schedule that meeting.

Councilor Gallagher indicated communication was incredibly important and the parties needed to meet quickly. He stated it was a surprise that BRAVE Pastor Jeff had not been aware the subject property was R-4 and showed the importance of communication. He noted he was in favor of continuing the item to a date certain.

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Mayor Pro Tem Brown stated she believed the rezoning had been misunderstood by everybody and the perception was the whole thing had been conditional upon the good neighbor agreement and shared parking agreement, and if one fell through the whole thing would revert to its previous state, but it turned out that was not the case, and she believed Council had to take some responsibility for creating the situation because they approved the rezoning, site plan, and preliminary plat separately; they rezoned the subject property with no conditions; they approved the site plan with conditions that involved unknown third parties. She indicated the eight-month extension request made sense to her and real estate transactions were complicated and could take a long time to work out issues. She noted there was not any rush and Council needed to consider the outcome of denying the extension request, which was an R-4 property that was unplatted and would require someone to restart the process later which she did not believe was in anyone's best interest. She indicated she understood the frustration with the cyclical nature of the process, but she believed it was in the best interest of everyone for Council to really figure out the issues and not rush commitments that could not be delivered upon. She added there were many different possible outcomes. She indicated she did not see any ill will or bad faith, just a complicated transaction evolving over time, and she would like to give everyone including staff the time to figure it out. She noted she was sure all parties involved were anxious to have it resolved as quickly as possible. She added she did not think DFCN wanted this process to last eight months, but she did not want to force them to make decisions without full consideration.

Councilor Weil agreed he did not want to rush things and have a hasty decision, but it seemed the PSA happened quickly so it seemed there was capacity for the parties to focus and get the issue resolved, which was in the best interest of everyone.

Councilor Safavi recalled world-renowned parking experts had presented to Council in March to explain why less parking was acceptable, and Council had a lot of discussion on that issue. He agreed he had been in favor of replacing asphalt with residential and landscaping and had been in favor of the rezoning. He noted for this transaction to take place the subject property needed to revert to parking, which he personally was not in favor of but indicated Council had to do what was right. He stated he was in favor of granting the extension. He agreed with taking the time to get the facts straight, come up with options to consider, and determining the best way to proceed, sooner rather than later.

Mayor Stewart indicated he supported granting the extension, but he believed continuing the item to a date certain also made sense. He agreed with Mayor Pro Tem Brown that there were many possibilities and it did not make sense for the City to impose deadlines.

City Manager Cramer suggested the August 31<sup>st</sup> meeting.

Mayor Stewart explained the first meeting in September fell on Rosh Hashanah, so it needed to be rescheduled.

Councilor Sheldon indicated he had been suggesting an extension until August 31<sup>st</sup> rather than a continuation. He asked if staff had a preference.

City Manager Cramer replied they did not.

City Clerk Gillespie asked if Council members were available on August 31<sup>st</sup>.

Council confirmed they were available.

Councilor Sheldon indicated it was important to include the Covington neighbors in these discussions and that he would like to see letters of support or comments during the Council meeting from them.

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Mayor Pro Tem Brown noted Council had received two comments from Covington neighbors which identified other concerns. She agreed outreach was important.

Councilor Sheldon asked for confirmation from staff that an extension or continuation to August 31<sup>st</sup> did not prevent Council from granting a further extension or continuation.

City Manager Cramer confirmed it did not.

Councilor Sheldon moved to approve Resolution 22, Series 2021, approving an extension until August 31, 2021 to a site plan amendment pertaining to parcels owned by Denver First Church of the Nazarene and generally located at 3800 E. Hampden Avenue and in the 3500 block of South Monroe Street.

Staff asked about the recommended conditions.

City Attorney Guckenberger indicated continuing the item would keep things status quo while giving time for more information to become available to inform Council's decision.

City Manager Cramer added continuing the item would remove the concern about imposing conditions.

The motion died for lack of a second.

Councilor Sheldon moved to continue this topic to August 31, 2021. Councilor Blum seconded.

The motion passed unanimously.

Council Bill 7, Series 2021; Amending the 2021 Budget and Approving a Supplemental Appropriation in the General Fund and the Parks and Recreation Fund for Additional Employee Cost of Living and Merit Increases and Employee Tuition Reimbursement (first reading)

Director Sager presented Council Bill 7, Series 2021 on first reading. She explained during the 2021 budget process several items were reduced or omitted from the budget in an effort to balance revenues and expenditures; City Council directed staff to review the City's financial status mid-year to determine if the expenses that were eliminated could be approved via supplemental appropriation later in the year; two items reduced and/or excluded from the approved 2021 budget were cost of living and merit increases for staff; staff would recommend awarding an additional 0.50% cost of living increase for all employees and would also recommend awarding a 0.50% merit increase to eligible employees; if approved, the proposed increases will be retro-active to the beginning of July; the additional cost of living and merit increases will increase the General Fund expenditures by \$14,528 and Parks and Recreation Fund expenditures by \$3,273; another item that was reduced from the approved budget was tuition reimbursement; after discussions with the two employees it was determined they would require an additional \$3,850 in tuition reimbursement total, if approved by City Council; this would increase the training line item in the General Fund by \$3,850; if all expenditures are approved, the total recommended increase to the General Fund expenditures will be \$18,378 and the total recommended increase to the Parks and Recreation Fund expenditures will be \$3,273; staff has reviewed the City's financial status and is projecting a year-end surplus in the General Fund of \$478,709 and a surplus in the Parks and Recreation Fund of \$85,029. She recognized staff's success in maintaining high levels of service during COVID-19.

Mayor Pro Tem Brown moved, seconded by Councilor Weil, to approve Council Bill 7, Series 2021 a bill for an ordinance of the City of Cherry Hills Village amending the 2021 budget and approving a supplemental appropriation in the General Fund and the Parks

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and Recreation Fund for additional employee cost of living and merit increases and employee tuition reimbursement.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

Vote on the Council Bill 7-2021: 6 ayes. 0 nays. The motion carried.

### Council Bill 8, Series 2021; Amending the Budget for Fiscal Year 2021 by Creating the American Rescue Plan Act Fund and Allocating Funds Thereto (first reading)

Director Sager presented Council Bill 8, Series 2021 on first reading. She explained the purpose of creating the ARPA Fund, rather than include the funds in the General Fund, will provide greater transparency for how the funds are spent; because of the amount of the CLFRF funding, the City will be required to participate in a single audit once the funds are spent, and creating the ARPA Fund will streamline this process as only purchases that have been approved by Treasury will be expended through this fund.

Councilor Blum asked if there was any update on use of the ARPA funds on broadband and cell service.

City Manager Cramer replied it was looking positive but was not known for sure yet.

Mayor Pro Tem Brown moved, seconded by Councilor Blum, to approve Council Bill 8, Series 2021, amending the budget for fiscal year 2021 by creating the American Rescue Plan Act Fund and allocating the funds thereto on first reading.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

Vote on the Council Bill 7-2021: 6 ayes. 0 nays. The motion carried.

### Planning and Zoning Commission Member Terms

City Clerk Gillespie explained two members of the Planning and Zoning Commission, Jennifer Miller and Britta Miles, would end their first full terms in September; both were eligible for reappointment without a recruitment process and both had indicated their desire to serve another three year term; if directed staff would prepare a resolution for their reappointment for formal consideration by Council.

Council had no objections.

## **REPORTS**

### **Mayor's Report**

Mayor Stewart reported the CML Annual Meeting had been in June and he had been reelected to the executive board and reappointed to the budget, audit, and management committee; he attended the CIRSA annual meeting; the June 26<sup>th</sup> John Meade Park celebration had been well attended and he thanked staff for doing a great job; he would attend the Metro Mayors transportation committee meeting this Friday; the September 7<sup>th</sup> City Council meeting would be rescheduled to August 31<sup>st</sup> due to Rosh Hashanah; the High Line Canal Conservancy Walk the Canal would be August 1<sup>st</sup>; he thanked the Police Department for solving the burglary case and asked Commander Weathers to report on that.

### **Members of City Council**

Councilor Blum thanked Officer Sack for resolving the noise issue at Glenmoor. He reported he still received complaints from constituents about e-bikes trespassing on the High Line Canal and asked about signage and enforcement.

Parks Coordinator Black replied multiple stages of additional signage were planned.

Commander Weathers indicated the Police Department was waiting for the signage.

Councilor Sheldon asked for an update on the Quincy undergrounding project and expressed frustration with the lack of progress. He asked staff to fix the air conditioning in Council Chambers.

Councilor Gallagher indicated he preferred the 75<sup>th</sup> Anniversary Committee's time capsule should go in the ground with a nice plaque, and there were liability and maintenance issues with installing it in City Hall.

Mayor Pro Tem Brown agreed with Councilor Sheldon's comments on the Quincy undergrounding project.

Councilor Weil thanked former Board of Adjustment and Appeals (BOAA) Chair Kerry Sullivan for his distinguished service. He noted he thought the two new members would be strong additions to the BOAA and thanked Councilor Gallagher for encouraging one of the applicants. He reported DRCOG had not met two weeks ago and would meet tomorrow night, with a topic of interest being the reduction of employee traffic. He thanked Deputy City Manager/Director Goldie for his help on the traffic island reconfiguration project.

Councilor Safavi requested more traffic enforcement on Hampden between Colorado and University as the speeds were very concerning and dangerous. He suggested coordinating with Denver.

Commander Weathers agreed to address more enforcement to that area and noted they had coordinated on similar issues with Denver in the past and could work on another collaboration if Denver was so inclined.

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### **City Manager & Staff**

City Manager Cramer reported two proposals were submitted for the Quincy Farm Management and Programming RFP. He reminded Council they had postponed deciding on an evaluation process until the number of proposals was known. He asked Council to consider options for the evaluation process and finalize the process on August 3<sup>rd</sup>. He presented potential options to Council including creating a committee with two Council members and staff to conduct the interviews; conducting the interviews during regular Council meetings for all of Council; or setting up a separate session similar to a Council retreat for all of Council.

Director Sager reported the sculpture on the Quincy side of City Hall had been exchanged.

Park Coordinator Black reported the Code exempted the City from the event permit process.

Commander Weathers reported regarding the burglary case, the Police Department was able to collaborate with fellow jurisdictions, the burglar was now in jail, and the district attorney would charge him as a habitual offender to hopefully put him away for a long time. He reported the serial rapist case from 2019 was sentenced to 136 years.

City Manager Cramer recognized the Police Department for making the final capture that allowed the judge to make that sentence.

### **City Attorney**

City Attorney Guckenberger had no report.

### **EXECUTIVE SESSION**

Mayor Pro Tem Brown moved, seconded by Councilor Blum, to move into Executive Session pursuant to C.R.S. Sections 24-6-402(4)(b) and 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, and for receiving legal advice from the City Attorney regarding the petition to vacate right-of-way abutting 3 Crest Road; and upon conclusion of the Executive Session, reconvening to consider any possible motions.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

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

The Executive Session began at 8:27 p.m.

### **MOTION TO AUTHORIZE**

Mayor Stewart reconvened to the regular meeting at 8:56 p.m.

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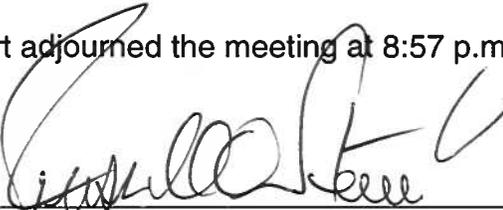
Mayor Pro Tem Brown moved, seconded by Councilor Blum, to instruct City negotiators to proceed as City Council discussed during the Executive Session.

The motion passed 5 ayes to 1 nay.

### **ADJOURNMENT**

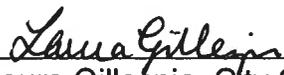
Hearing no objection Mayor Stewart adjourned the meeting at 8:57 p.m.

(SEAL)



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Russell O. Stewart, Mayor



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Laura Gillespie, City Clerk