

## RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, August 3, 2021 at 6:30 p.m.  
City Hall

The City Council held a study session at 6:00 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, 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**

Linda Behr, 4645 S. Lafayette Street, explained like many residents she had received an email yesterday asking if they wanted to give away 26% of the public open space in Cherry Hills Village. She noted she had spoken to a number of City Council members today about this topic. She expressed concern with the proposal presented to City Council which proposed that Quincy Farm be given back to the Anderson family. She stated she had been a resident for 36 years and to her Quincy Farm was a jewel, a beautiful precious commodity and property. She questioned anyone who considered giving the property back to the Anderson family. She noted Cat Anderson had given a lot of thought and consideration to donating the property to the City. She indicated Quincy Farm was worth millions of dollars and referenced a comparable property in Greenwood Village. She stated as a Villager she wanted the City to keep the property and noted the conservation easement did allow for some options to reduce the maintenance costs such as taking down the main house, though she was not in favor of that. She stated if the City wanted to give it away they could put it on the open market and allow other Villagers to buy it and maintain it.

Rebecca Benes, 12 Blackmer Road, stated there was a lot of misinformation going around and there was no way for the conservation easement to be broken. She indicated she was very much in favor of the Anderson family proposal because the Anderson family would maintain the buildings, and for them to be torn down would be terrible. She noted she had been an eastern neighbor of Quincy Farm for 41 years.

### **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:

- a. Approval of Minutes – July 20, 2021

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The motion passed unanimously.

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

None

### **UNFINISHED BUSINESS**

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 second and final reading. She noted no changes had been made since first reading.

Mayor Pro Tem Brown moved, seconded by Councilor Blum, 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 and Recreation Fund for additional employee cost of living and merit increases and employee tuition reimbursement 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 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 second and final reading. She noted no changes had been made since first reading.

Mayor Pro Tem Brown moved, seconded by Councilor Weil, 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 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 8-2021: 6 ayes. 0 nays. The motion carried.

Discussion Regarding the Evaluation Process for the Quincy Farm Management and Programming Proposals

City Manager Cramer reminded Council that July 14, 2021, was the deadline for submitting proposals for the Quincy Farm Management and Programming RFP; the City

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received two proposals: one from the Cherry Hills Land Preserve and one from the Anderson Family; when the RFP was drafted, Council postponed determining an evaluation process until the number of proposals was known. He stated staff was now seeking direction on the evaluation process. He emphasized tonight's discussion was not about the merits of the proposals but about the evaluation process. He indicated staff expected the evaluation process to include the following tasks: a) presentations from the two proposing entities, b) questions and answers from Council to the entities, and c) discussion amongst Council about the proposals. He added other steps could also be included. He outlined evaluation process options including assigning two Council members to a committee with staff to perform the tasks mentioned above, which is a process Council had used in the past; performing all tasks on regularly scheduled Council nights, either in study sessions or during the regular Council meetings; performing all tasks with all Council members at times other than Council meetings and notice the sessions like City Council retreats; or other options identified by Council. He noted staff did not recommend the first option but was happy to support any option Council identified.

Councilor Gallagher suggested Council conduct public site visits at Quincy Farm with each proposer, in addition to having presentations and question/answer sessions in Council Chambers. He noted in order to be as fair as possible whichever proposer had their site visit first could give their presentation second in Council Chambers.

Councilor Safavi stated he liked the idea but asked about logistics, especially with side conversations and note taking, especially if there were many members of the public in attendance.

Mayor Stewart suggested having the Council Chambers session first and then maybe fewer people would want to attend the site visits. He indicated evening site visits were better to accommodate people's schedules. He stated for the Council Chambers session he preferred having the presentations and questions/answers during a study session so that it was clear Council would not be making a decision that night. He suggested having a separate meeting for public input.

Councilor Sheldon emphasized the need for this to be an open and transparent process with as many opportunities for the public to at least listen, if not speak, as possible. He noted in his experience the most vocal people were a small minority of the population, and he encouraged everyone to attend these future meetings if they had not already made their voices heard. He suggested capturing the history of the City's work on the management of Quincy Farm for the public.

Mayor Stewart noted the presentations and questions/answers would be streamed and recorded which would hopefully help more people to see them.

Mayor Pro Tem Brown noted she was aware the City had received several public comments about this issue that staff would share with Council. She stated the most important thing was to hear from the residents because over the last eight years of this process the number of voices Council had heard was small; she also did not want to discount the people who had attended past meetings and events because she felt it was frustrating as a resident to feel like they had to be vigilant and attend every meeting. She indicated she had given this a lot of thought and was going to be honest; it was time in her opinion for Council to act. She noted she had stated this before and would state it again, she was not in favor of transferring ownership of any open space. She indicated transfer of ownership was a dealbreaker for her and she did not need any more information about a proposal that included that, she did not want to waste anyone's time. She expressed concern with the approach under discussion that it sent a message to the community that these were the only two options, but the City had been clear throughout the RFP process that they did not have to choose any of the proposals submitted. She reminded Council that a City plan had been under development by the Quincy Farm Committee, although that plan had its issues, and it was unknown if they

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could be worked out. She noted other options had been suggested by other people. She indicated asking the public to show up to more meetings was a lot to ask. She expressed support for a different method of outreach in order to hear from residents who Council had not yet heard from in a timely fashion.

Councilor Blum agreed with Mayor Pro Tem Brown on several aspects, but indicated he believed Council should have presentations and questions/answers with the presenters. He agreed with Mayor Pro Tem Brown that he was not supportive of transferring title but he had a list of questions for the proposers. He agreed with Mayor Pro Tem Brown that it was important to avoid the perception that these were the only two alternatives but was not sure the best way to communicate that to residents. He agreed with Councilor Sheldon that the process needed to be open and transparent.

Mayor Stewart agreed it was true that these two proposals were not the only options.

Councilor Weil suggested staff present a third option based on the draft Quincy Farm master plan. He noted there were still other options, but at least having staff present a third option would give Council a point of comparison. He stated the immediate neighbors were rightfully energized, they had a voice and Council should listen; but the other residents in the City may not even be aware of the discussion; he considered this the biggest or among the biggest asset agenda items that the City had considered in its 75-year history, and therefore it merits the time and judgement; inclusion and getting the word out proactively. He agreed with Councilor Gallagher about the benefits of site visits with the proposers.

Councilor Safavi noted Council had been having these conversations for the past year and looking back at the meeting minutes there was a reason Council had decided to go with the RFP process. He indicated if there were other options then the City should have been working on those during the RFP process. He stated Council owed it to the proposers, to the residents, and to themselves to listen to the proposers. He agreed the City had the right to accept or reject the proposals. He indicated if there were other options, he wanted to hear about them in a timely manner, and they should be presented and shared with everyone just like the two proposals.

Mayor Pro Tem Brown stated this issue going to be contentious. She recalled two previous issues during her time on Council where she felt the issue was going to be very contentious but went along with the process anyway – the public works facility and the roundabout – and both times it had backfired on her. She indicated there was something to be lost from just going through the motions, and she expressed concern with the potential cost to the community of divisiveness and animosity.

Councilor Safavi asked about the alternative of doing nothing, and no matter what the City did there would be some residents who would not be happy with the decision. He stated the process under consideration would be advertised as much as possible to get resident input, and at the end Council would make a decision that was hopefully the right one for the City although it would not please everyone, and he believed it was important to give both proposers and any other options a fair opportunity to be presented and understood before Council make their decision.

Mayor Pro Tem Brown clarified her concern was specifically with the message that the City was considering giving the property away. She explained she was not talking about the merits of any proposal. She stated Council had no duty to the proposers, their duty was to the residents. She warned sending the message that Council was seriously considering a proposal that transferred the property would create a lot of animosity.

Councilor Blum indicated it was only fair to let the proposers present. He stated he saw a very clear cut third option in the draft Quincy Farm master plan and agreed with Councilor Safavi that it should be presented with the proposals. He agreed with Councilor Gallagher about the site visits.

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Mayor Stewart agreed that the process needed to be fair and transparent, Council would consider all the options, hold a vote, and then move on. He agreed the proposers deserved Council's time and noted there may be things that come up during the presentations that Council had not anticipated.

Councilor Sheldon noted enough time would have to be planned for the meeting with the presentations, questions/answers, and public input.

City Manager Cramer summarized what staff was hearing from Council: the importance of public input while being respectful of the public's time; overall agreement on the site visits; presenting other options to clarify the two proposals were not the only two options; a desire to go through the process of having the proposers present and allow Council time to ask questions; and moving forward in a timely manner. He suggested the first step would be the presentation and question/answer sessions, which would both happen during the same regular Council meeting night and for staff to keep that agenda light of other business items; the next step would be the site visits; while that was going on staff would be preparing the additional proposals, one of which would be staff's best effort on a high programmed/high cost option which would be a close approximation of the last version of the draft Quincy Farm master plan, and the other of which would be the low maintenance/low cost option; the third step would be staff's presentation of these other two options during a regular Council meeting night; the fourth step would be a night of public input during a regular Council meeting night.

Mayor Stewart agreed.

Councilor Weil recalled during the roundabout issue Council did not hear from the public until after action had been taken, and he would like to avoid that with this issue. He expressed concern with getting the public to participate in the meetings leading up to the public input night.

Mayor Pro Tem Brown agreed the perception during the roundabout issue was that it was a done deal, and she expressed concern that the perception would be the same with this issue.

City Manager Cramer suggested adding a step five that specifically contemplated Council deliberation.

Mayor Pro Tem Brown agreed they could try that but in the cases of the roundabout and public works facility that method had not worked. She stated both of those situations caused real damage in the community.

Councilor Safavi agreed with City Manager Cramer's outline and suggested Council establish the dates for each step so they could be advertised but indicated Council should specifically solicit public input both before all the presentations and visits and after.

Councilor Blum indicated staff should present the other options at the same meeting that the proposers do their presentations, so that it was very clear for anyone in attendance or watching that there were more options than just the two proposals.

Mayor Stewart agreed and noted he did not want to be hasty with the process.

Councilor Weil indicated staff's presentation should be a proposal comparable to the other proposals.

Councilor Blum stated he thought all the proposals should be presented at the same meeting.

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Mayor Pro Tem Brown agreed and noted with that system the public only had to attend or watch one meeting to hear all the proposals.

Mayor Stewart noted the budgetary implications of all the proposals were an important aspect of the discussion.

Mayor Pro Tem Brown agreed and noted the public might be willing to pay for the high programmed/high cost option.

Councilor Safavi noted it could be helpful for the proposers to hear the City's options. He indicated in his opinion there was room for improvement in all the proposals. He added hearing about all the proposals together would generate a healthy discussion and might result in a fifth option.

City Manager Cramer expressed concern with the length of the meeting if all presentations were on the same Council meeting night.

Councilor Sheldon noted long meetings sometimes happened and he was in support of all presentations on the same night so that the public would hear all the options at once.

Mayor Stewart agreed.

Mayor Pro Tem Brown agreed and noted the presentation component could be kept shorter and leave more time for questions/answers.

Mayor Stewart agreed and suggested limiting presentations to 30 minutes.

Council and staff agreed the presentations and questions/answers would all be scheduled for the September 21<sup>st</sup> Council meeting. City Manager Cramer stated staff would likely present and have their question/answer session first, followed by the proposers; staff would work on finding evenings when Council was available to have the site visits with the proposers, and those evenings would be noticed and open to the public; staff would work on recording options for the site visits.

Mayor Pro Tem Brown asked about advertising the meetings.

City Manager Cramer replied the September 21<sup>st</sup> meeting could be advertised in the Crier.

Councilor Sheldon suggested yard signs.

Mayor Stewart added the meeting would be streamed and recorded.

Councilor Safavi suggested having flyers at the 75<sup>th</sup> + 1 anniversary celebration.

Councilor Weil asked for clarification on the presentation night.

City Manager Cramer indicated staff's presentation would not be a full response to the RFP but rather information on programming and capital costs. He suggested having the presentations and questions/answers during a study session as that type of session was more appropriate for the question/answer format.

Councilor Sheldon stated it was important to have a time for public input on the same night as the presentations.

Mayor Pro Tem Brown agreed but added only Council should ask questions of the presenters.

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Councilor Weil agreed presentations should be limited to 30 minutes. He added Council could ask the public not to repeat comments.

Mayor Stewart agreed and noted public comments could be limited to 3 minutes each.

Councilor Weil agreed.

Council agreed not to limit Council's time to ask questions.

City Manager Cramer noted Council would only be asking questions that night, not deliberating.

Councilor Sheldon clarified that after all the presentations and questions/answers were complete, Council would then open the public comment period.

Mayor Stewart agreed.

Councilor Safavi noted it was important for the public to know the format for the meeting.

### **NEW BUSINESS**

None

### **REPORTS**

#### **Mayor's Report**

Mayor Stewart reported he and City Manager Cramer had attended the Arapahoe County Commissioners, Mayors, and Managers breakfast last Friday; Tri-County Health Department (TCHD) Executive Director Dr. Douglas had spoken about the Delta variant; TCHD would follow the CDC guidance and recommend masks but not require them; Dr. Douglas estimated 80% of the population had either been infected or vaccinated; hospitalization levels were not currently an issue; Aurora Mayor Coffman had expressed concern with the Arapahoe County open space sales tax ballot issue; Mayor Stewart would attend the Arapahoe County Commissioners meeting next Tuesday when they voted on the ballot language; he did not think the ballot issue would have any trouble passing as it was a popular tax where people could see clearly how their tax dollars were being used. He reported the High Line Canal Conservancy (HLCC) had the Walk for the Canal, attended by many elected officials. He noted all jurisdictions had agreed on the Memorandum of Understanding (MOU). He reported upcoming events: Metro Mayors Caucus; Art in the Park; and the 75<sup>th</sup> + 1 anniversary celebration.

#### **Members of City Council**

Councilor Blum noted the Arapahoe County open space sales tax funds could be used for Quincy Farm maintenance if the use of the funds was expanded as planned.

Councilor Sheldon asked for an update on the Quincy undergrounding project.

Deputy City Manager/Director Goldie reported staff had been working with Xcel, was continually contacting them, had met with Xcel three times in the last four months; at the last meeting Xcel had asked staff where staff thought Xcel should bury their lines, staff had offered Xcel the entire right-of-way, they had discussed moving the electrical lines to the south side of Quincy which was a feasible option, but in that case there would be more than twenty cuts to connect power to the homes on the north side of Quincy, which would be time consuming and would disturb use of Quincy more than the project should; staff had been pushing Xcel on stacking their wires instead of placing them side by side, which required less space but made maintenance more challenging and might

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impact the electrical output of the lines by a small amount; a hydro trench would be needed to bury the lines in that method to make a one-foot wide trench fifteen feet deep and hydro vac the trench and lay their line as they go; staff had been in contact with the City's government Xcel representative numerous times in the past month, who had been stalling because Xcel did not have an engineering answer yet; staff had asked that this project be moved up in the queue for engineering since the project started in November. He noted the public works directors discussed Xcel challenges at their last meeting and the City was not the only community that is not getting responsiveness from Xcel.

Councilor Sheldon asked if the problem was communication or engineering, and if it was engineering the City should consider the south side of Quincy and if the resulting saw cuts would be enough of an issue

Deputy City Manager/Director Goldie explained staff had given Xcel the go-ahead before the other utilities and had specifically told all of them they needed to coordinate; Xcel has a rule that if a utility does not have their lines off of Xcel's poles within 30 days after Xcel has undergrounded Xcel's lines, then that utility is responsible for the poles; therefore CenturyLink and Comcast had undergrounded their lines as soon as possible to avoid being left with the responsibility of the poles; he stated staff had learned a lot about issues with Xcel's system through this project that had not come up during the previous general improvement district undergrounding project; Xcel had asked staff to ask the other utilities to unbury their lines so Xcel could put their lines in, which was not an option as the City had paid for those; normally staff did not ask the utilities for a design plan of where utilities would be buried because exact locations were not known until potholes were done; he stated the process had been very frustrating but staff was continuing to push as hard as they could against an entity as large as Xcel.

City Manager Cramer noted staff had received confirmation from the Xcel government liaison that he understood the timing issue for the City's project.

Councilor Sheldon asked if at some point in the future the City should consider cancelling the project.

City Manager Cramer suggested there were steps to be taken at the Council level to put political pressure on Xcel.

Mayor Stewart noted Xcel only really listened to the Public Utilities Commission.

Councilor Sheldon thanked staff for fixing the air conditioning.

Councilor Gallagher had no report.

Mayor Pro Tem Brown reported she had received an email about public meetings related to the state-wide redistricting process going on. She noted the proposed redistricting had somewhat significant changes for the City. She reported the number of air traffic noise complaints had begun to rise again. She noted Centennial Airport's case against the FAA had been dismissed due to lack of standing.

Mayor Stewart indicated there was a phone number to report noise complaints. He added it was often Centennial Airport air traffic rather than DIA air traffic.

Mayor Pro Tem Brown added people stopped complaining after awhile of no result from complaints.

Councilor Weil noted CDPHE withdrew their proposal for the employee traffic reduction program about two hours before the DRCOG working session and had decided a voluntary program would be better.

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Councilor Safavi asked staff how many people had registered for the 75<sup>th</sup> + 1 event.

Director Sager reported 20 people had registered so far.

Councilor Safavi asked Chief Tovrea about coordinating with Denver on traffic control on Hampden between Colorado and University.

Chief Tovrea replied the Police Department was focusing on that area but she would check with Commander Weathers on the coordination with Denver.

Councilor Weil expressed concern with use of exhaust brakes and what sounded like drag racing on Belleview.

Chief Tovrea replied the motor units had been doing a lot of work on Belleview, and as always the Police Department did their best with prioritizing calls for service, but she would make sure that was on the list.

### **City Manager & Staff**

Chief Tovrea indicated the Police Department's condolences went out to family and friends of the Pepper family who lost their daughter Stacy to the fatal traffic crash that occurred on July 26, 2021. She reported the Police Department was working very diligently and had made some very good progress on this case; after identifying the suspect who had fled on foot, the picture was shared with other law enforcement agencies and the press, utilized Crime Stoppers, activated the tip line, which led to the identification of the suspect and an arrest warrant from Arapahoe County; the suspect's whereabouts were unknown and the Police Department was continuing to work on finding the suspect. She asked Council to keep the family in their hearts and minds. She commended her staff for the tremendous amount of work they had accomplished since the crash. She also thanked the Arapahoe County Sheriff's Office for their assistance.

Mayor Pro Tem Brown asked for confirmation there was no reason to believe the suspect was in Cherry Hills Village.

Chief Tovrea confirmed that was correct. She reported it was almost three years ago when Officer Cory Sack was shot in the line of duty during the invasion robbery on Sedgwick; the Arapahoe County District Attorney's Office had come to an agreement with the suspect on a plea offer and the sentencing hearing was not until October 11<sup>th</sup>; it appeared the suspect would plead guilty to four different felony charges regarding that case. She reported Cherry Hills Village Elementary (CHVE) would start on August 16<sup>th</sup>, Kent Denver on the 23<sup>rd</sup>, and St. Mary's Academy on the 30<sup>th</sup>; the start time for CHVE and Kent Denver coincided this year at 8am, and the Police Department would be working at the entrances to both, which would start at about 7:30 am. She warned everyone that there would be traffic congestion.

Mayor Pro Tem Brown added CHVE had an early release at 1:45pm on Wednesdays this year.

Chief Tovrea reported the department had two hiring processes going on, Officer Barnett had submitted his retirement notice and Property and Evidence Technician McCarthy had submitted his resignation to work for a company that outfitted police vehicles.

City Manager Cramer reported the HLCC MOU would come before Council at a future meeting; he noted the MOU would not change the City's responsibilities but would begin to unify the management of the Canal. He reported staff would hold an employee BBQ tomorrow and invited Council to stop by at about 12:30 when there would be some remarks. He indicated he would be on vacation until August 16<sup>th</sup>. He asked Council for

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confirmation that the interviews for the public affairs consultant RFP process could be conducted by Mayor Pro Tem Brown, Councilor Blum, and staff.

Council agreed.

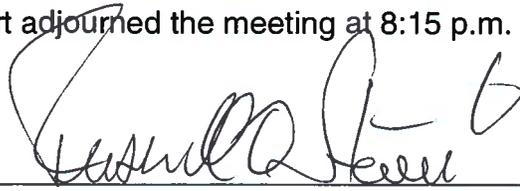
### **City Attorney**

City Attorney Guckenberger had no report.

### **ADJOURNMENT**

Hearing no objection Mayor Stewart adjourned the meeting at 8:15 p.m.

(SEAL)



Russell O. Stewart, Mayor



Laura Gillespie, City Clerk