

## RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, November 2, 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 Afshin Safavi, Mike Gallagher, and Dan Sheldon were present on roll call. Also present were City Manager Chris Cramer, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black, Senior Planner Paul Workman, and City Clerk Laura Gillespie.

Absent: Councilors Al Blum and Randy Weil

### **PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

### **AUDIENCE PARTICIPATION PERIOD**

Richard Blubaugh, 5052 E. Fremont Avenue in Centennial, stated he was the vice-chair Transportation Solutions Arapahoe County, a 501c(3) community-based group that collaboratively worked to learn, identify, and fulfill the transportation needs within Arapahoe County; their vision was to work to achieve sustainable person-centered, coordinated solutions that support the dignity, independence, and quality of life for older adults, people with disabilities, and the low income population in Arapahoe County; he invited the City to become members and noted the membership dues were \$20 a year for the silver level or \$50 a year at the gold level.

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

None

### **CONSENT AGENDA**

Mayor Stewart removed Item 6b 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 – October 5, 2021

The motion passed unanimously.

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

#### **Item 6b. Resolution 29, Series 2021; Approving the Memorandum of Understanding and Other Documents Related to the Colorado Opioids Settlement**

Mayor Stewart noted that the amount received by the City might change as the City of Centennial was currently getting less than Cherry Hills Village because the calculations had been made based on information from ten years ago; he noted Cherry Hills Village would support recalculation so Centennial would get more funding.

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Mayor Pro Tem Brown moved, seconded by Councilor Gallagher, to approve Item 6b, Resolution 29, Series 2021; Approving the Memorandum of Understanding and Other Documents Related to the Colorado Opioids Settlement.

The motion passed unanimously.

### **UNFINISHED BUSINESS**

Public Hearing - Council Bill 10, Series 2021; To Rezone a Parcel of Land Owned by the Lynn Welch Puana Living Trust, Located at 8 Cherry Hills Drive, from R-2 to R-3, and Amending the Official Zoning Map Consistent Therewith (second and final reading)

Senior Planner Paul Workman presented Council Bill 10, Series 2021 on second and final reading. He explained the history of the subject property which had begun as Lot 9 of Block B of the Cherry Hills Park Subdivision, then became Lot 1 of the Foxley Subdivision, an undeveloped 1.0046-acre lot; the neighborhood petition to rezone properties in the area was introduced at the April 14, 1981, Planning and Zoning Commission meeting and indicated that Lot 1 of the Foxley Subdivision was to be excluded from the rezoning and remain R-3; the motion identified the lots to be included in the rezoning and not the lots to be excluded from the rezoning, as identified in the petition, creating confusion; the map attached to the petition supported this interpretation; Lot 10 of Block B of the Cherry Hills Park Subdivision was included in the motion but did not exist at that time as it had been replatted as a part of the Foxley Subdivision; it was logical to assume that trying to identify the lots that would be rezoned, rather than the lots that were not being rezoned, led to confusion when articulating the motion; the minimum lot size in both the R-2 and R-3 zone districts was unchanged from 1981; at that time and today, the minimum lot size in the R-2 zone district was 1.25-acres and the minimum lot size in the R-3 zone district was 1-acre; if Lot 1 of the Foxley Subdivision were included in the rezoning, the lot would have been made non-conforming as it was less than 1.25-acres in size; at the May 19, 1981 Council meeting staff stated that the analysis had been done and "there will be no lot that is non-confirming", this was further evidence that Lot 1 of the Foxley Subdivision was not intended to be rezoned from R-3 to R-2 but was done so in error based on the confusion during the motion made at Planning and Zoning Commission; there were no references to specific lots in the minutes from the May 19, 1981, Council meeting and the ordinance was approved unanimously on first reading; the first "WHEREAS" clause of the ordinance referenced the lots that were to be excluded from the rezoning; however, it referenced Lot 2 of the Foxley Subdivision; this was inconsistent with the petition that was submitted to the Planning and Zoning Commission that was specifically referenced in the second "WHEREAS" clause of the ordinance as well as the minutes for the introduction of the rezoning at the Planning and Zoning Commission meeting in which Lot 1 of the Foxley Subdivision was to be excluded; the inclusion of Lot 1 of the Foxley Subdivision into the rezoning proceedings was created by an erroneous motion from Planning and Zoning Commission whereby they tried to identify the lots that were to be included in the rezoning, rather than the lots that were not to be included in the rezoning; this mistake was carried forward to City Council, and because the ordinance was the official legal document that was acted on by Council, and it clearly did not exclude Lot 1 of the Foxley Subdivision, the subject property was rezoned R-2 in 1981 in obvious error; the earliest permit in the property file for 8 Cherry Hills Drive was a permit to construct the existing home on the property; this permit was dated September 2, 1982, and identified the property's zoning as R-3; it also identified the setback requirements of the R-3 zone district; this was important evidence that the subject property was zoned R-2 in error; specifically, one year after the rezoning occurred, the staff at the time reviewed and issued a permit for a new home based on R-3 standards; staff at that time would have known if the property had been intentionally rezoned to R-2 and would not have approved a home that did not meet the R-2 standards; as further proof, the existing home appears to meet the setback requirements of the R-3 zone district but is far from meeting the R-2 setback requirements; the setback requirements for the R-2 and R-3 zone districts have not

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changed since 1982; the first time the property was listed as being zoned R-2 on a building permit was in 1991 on a reroof permit; the City's zoning map was a reflection of the zoning/rezoning ordinances that have been passed by City Council; these maps could be a useful tool when researching historic zoning in the City but could not be relied upon as definitive since the adopted ordinances determine the zoning of a property; the earliest zoning map that was available was dated 1970; this map showed the subject property and surrounding area zoned R-3; the next available map was dated 1981 and appeared to represent Lot 1 of the Foxley Subdivision as R-3; the 1988 zoning map indicated the same R-3 zoning as the 1981 zoning map; staff was unable to locate any zoning maps between 1988 and 2008; the zoning map from 2008 as well as the current zoning map identified Lot 1 of the Foxley Subdivision as being zoned R-2; the zoning maps from 1981 and 1988 were visual evidence that Lot 1 of the Foxley Subdivision was zoned in obvious error as it was intended to be excluded from the rezoning per the petition, the fact that Lot 1 of the Foxley Subdivision, the smaller lot, is zoned for larger lots and Lot 2 of the Foxley Subdivision, the larger lot, is zoned for smaller lots, and there is a lack of contiguity in the zoning for the surrounding lots; Section 16-2-40 of the Municipal Code set out standards for rezoning and stated City Council may approve an application for rezoning if it is determined that the existing zoning was implemented in obvious error, and the rezoning is necessary to correct the error

Mayor Stewart opened the Public Hearing at 6:49 p.m. Hearing no comments the Public Hearing was closed at 6:49 p.m.

Councilor Sheldon asked about implications to the adjacent lot, 9 Cherry Hills Drive.

Senior Planner Workman replied staff was in conversation with the property owner and their representatives.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve Council Bill 10, Series 2021, a bill for an ordinance of the City of Cherry Hills Village to rezone a parcel of land owned by the Lynn Welch Puana Living Trust, located at 8 Cherry Hills Drive, from R-2 (1.25-Acre Residential) to R-3 (1-Acre Residential), and amending the Official Zoning Map consistent therewith on second and final reading, based upon the finding that the existing zoning was implemented in obvious error, and that the rezoning is necessary to correct the error, as set forth in the staff report and the evidence presented.

The following votes were recorded:

Safavi	yes
Brown	yes
Gallagher	yes
Sheldon	yes

Vote on the Council Bill 10-2021: 4 ayes. 0 nays. The motion carried.

### **NEW BUSINESS**

#### **Resolution 30, Series 2021; Memorandum of Understanding Regarding the Canal Collaborative**

Mayor Stewart noted Councilor Sheldon had been the liaison to the High Line Canal Working Group.

Councilor Sheldon indicated he would be honored to continue in the role with the Canal Collaborative Forum.

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Parks Coordinator Black presented Resolution 30, Series 2021. She reiterated Harriet LaMair's explanation from the study session, that the resolution would approve the Memorandum of Understanding (MOU) to establish the Canal Collaborative; the MOU would solidify and formalize the way the City currently worked with the other jurisdictions, the Conservancy, and Denver Water; the MOU was not committing the City to anything new but was just the next step in formalizing the relationships to allow the work to continue; the recommended motion included appointment of a representative and alternate to the Canal Collaborative Forum.

Councilor Sheldon suggested Mayor Stewart serve as the alternate.

Mayor Stewart agreed.

Mayor Pro Tem Brown moved, seconded by Councilor Safavi, to approve Resolution 30, Series 2021, A Resolution Approving the Memorandum of Understanding Regarding the Canal Collaborative and to appoint Councilor Sheldon as the representative to the Canal Collaborative Forum, Mayor Stewart as the alternate to the Canal Collaborative Forum, and City Manager Cramer as the representative to the Canal Collaborative Leadership Team.

The motion passed unanimously.

Council Bill 11, Series 2021; Vacating the City's Interest, if any, in Certain Bridle Path Easements Located on Tract 6 of the Cantitoe Plat and Lot 3 of the Lake Cantitoe Plat (first reading)

Parks Coordinator Black presented Council Bill 11, Series 2021 on first reading. She explained the Municipal Code set forth the process for vacation of rights-of-way and easements; City Council considered a preliminary petition for vacating several easements depicted on the plats for 2 and 4 Cantitoe at their regular August 18, 2020 meeting; Council determined the preliminary petition had sufficient merit to justify further consideration and authorized the further processing of a formal petition for vacation; at this time the applicant was seeking a formalized vacation of the City's interest in these easements in an effort to clear up any ambiguity on the title of the properties; a complete submittal from Thiry-O'Leary Living Trust had been received and reviewed by City staff; the application had gone before both the Parks, Trails, and Recreation Commission and the Planning and Zoning Commission; it was before Council tonight on first reading to set the date for the public hearing and second reading; per the Code notice of tonight's meeting was sent via certified mail to all property owners within 500 feet of the properties.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon, to approve Council Bill 11, Series 2021; vacating the City's interest, if any, in certain bridle path easements located on Tract 6 of the Cantitoe Plat and Lot 3 of the Lake Cantitoe Plat, all located within the City of Cherry Hills Village, Arapahoe County, Colorado, on first reading and set the public hearing and second reading for the November 16, 2021 City Council meeting.

The following votes were recorded:

Safavi	yes
Brown	yes
Gallagher	yes
Sheldon	yes

Vote on the Council Bill 11-2021: 4 ayes. 0 nays. The motion carried.

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### Council Bill 12, Series 2021; Amending Chapter 11, Article III, Concerning City Property, Parks, and Rights-of-Way (first reading)

Parks Coordinator Black presented Council Bill 12, Series 2021 on first reading. She explained the proposed ordinance was an effort to update and clarify Article III of Chapter 11 of the Municipal Code; staff presented the changes in concept to the Parks, Trails, and Recreation Commission (PTRC) at their June meeting; then staff worked with the City Attorney to draft the specific proposed language changes, which PTRC then considered at their October meeting and recommended approval. She reviewed the three significant changes: first, allow wading in John Meade Park and Woodie Hollow Park to align with current practice; staff would work with the City's insurance provider to make sure the language on the rule signs satisfied their requirements; second, clarify that parking was only allowed in designated parking areas; and allow tables in parks and trails without a permit to remove the burden for organizations such as the High Line Canal Conservancy; third, to allow alcohol in John Meade Park and Alan Hutto Memorial Commons for City events, per Council's discussion at the July 20<sup>th</sup> study session; PTRC reiterated their support to allow alcohol for other events as well but understood Council's desire to move at a more gradual pace.

Councilor Sheldon asked what prompted these changes.

Parks Coordinator Black replied the impetus was completion of John Meade Park with the new splash area, which triggered staff's review of the entire section.

Mayor Pro Tem Brown expressed concern with allowing tables in parks and trails without a permit; she questioned if bringing a table or bench for a picnic was prohibited; she reiterated her opinion that residents should be allowed to have alcohol in parks.

Mayor Stewart asked about first amendment issues with not allowing people to set up tables.

City Attorney Guckenberger replied first amendment rights would be addressed and respected through the process of a permit from the City Manager.

Councilor Gallagher moved, seconded by Councilor Safavi, to approve Council Bill 12, Series 2021; a Bill for an Ordinance of the City of Cherry Hills Village, amending Chapter 11, Article III concerning City property, parks, and rights-of-way, on first reading.

The following votes were recorded:

Safavi	yes
Brown	no
Gallagher	yes
Sheldon	no

The vote was tied and Mayor Stewart voted yes.

Vote on the Council Bill 12-2021: 3 ayes. 2 nays. The motion carried.

### Public Hearing – Resolution 31, Series 2021; Approving a Floodplain Variance Pertaining to Parcels Owned by the Cherry Hills Country Club and Generally Located at 4125 S. University Boulevard

Senior Planner Workman presented Resolution 31, Series 2021. He noted the applicant had taken the necessary steps for public notice. He explained Cherry Hills Country Club (CHCC) proposed a project specific to the portion of Little Dry Creek on the south side of the property; the proposed work had three components: bank modification by increasing the slope of the bank and allowing vegetation rather than hardscape

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improvements to decrease erosion, channel alignment modifications to create more meander and to be consistent with historical channel locations, and pedestrian and cart bridge replacement based on age and floodplain impact; staff and their referral partners, including the City's engineering consultant Kimley-Horn, had reviewed the submitted materials; there were no outstanding comments for the applicant to address and the application met the approval criteria outlined in Municipal Code Sections 16-7-530 and 16-7-360; the Planning and Zoning Commission (P&Z) held a public hearing regarding the request at their October 12, 2021 meeting and voted unanimously to recommend approval with one condition; the condition was included in the recommended motion for Council.

Councilor Sheldon noted the staff memo stated one of the intents was to increase the slope of the bank, which was a little confusing.

Senior Planner Workman replied the intent was to flatten or soften the slopes.

Councilor Sheldon asked if staff agreed with P&Z's condition.

Senior Planner Workman replied the condition had been a staff recommendation to P&Z.

Councilor Sheldon added the P&Z minutes were not included in the packet and asked that they be included in the future.

Mayor Stewart opened the Public Hearing at 7:15 p.m. Hearing no comments the Public Hearing was closed at 7:15 p.m.

Mayor Pro Tem Brown moved, seconded by Councilor Gallagher, to approve Resolution 31, Series 2021; approving a floodplain variance pertaining to parcels owned by the Cherry Hills Country Club generally located at 4125 S. University Boulevard, based upon the finding that the approval criteria have been met, as set forth in the staff report and the evidence presented, subject to the following condition: At the conclusion of the project the applicant shall provide "as built" drawings to the City to ensure that construction was consistent with the approved plans submitted with the application.

The motion passed unanimously.

Council Bill 13, Series 2021; Authorizing the Renewal of the Existing Cable Franchise Agreement Held by Comcast of Colorado IX, LLC, and Amending Chapter 5, Article I of the Municipal Code (first reading)

City Attorney Guckenberger presented Council Bill 13, Series 2021 on first reading. She explained the proposed ordinance would renew the City's agreement with Comcast based on negotiations that Council had been informed of; although the previous agreement had expired this was deemed a renewal because Comcast was renewing their commitment to provide services; the Charter limited franchises to twenty years, the proposed agreement was for ten years; the agreement fixed compensation per the Charter; the Charter required any assignments to be approved by Council; there were currently two sections in the Municipal Code, one adopted the franchise agreement and the second approved the assignment; the proposed ordinance would change that so if approved after second reading and a public hearing, the section on assignment will be reserved for future use; a full presentation would be given at the next meeting; a public hearing was required by federal law to ensure the public had ample opportunity to review and comment.

Mayor Pro Tem Brown moved, seconded by Councilor Gallagher, to approve Council Bill 13, Series 2021: a Bill for an Ordinance of the City of Cherry Hills Village, Colorado, authorizing the renewal of the existing cable franchise agreement held by Comcast of Colorado IX, LLC, locally known as Comcast; authorizing the Mayor and City Clerk to

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execute, on behalf of the City of Cherry Hills Village, the cable franchise agreement; and amending Chapter 5, Article I of the Cherry Hills Village Municipal Code on first reading, and set the public hearing and second reading for the November 16, 2021 City Council meeting.

The following votes were recorded:

Safavi	yes
Brown	yes
Gallagher	yes
Sheldon	yes

Vote on the Council Bill 13-2021: 4 ayes. 0 nays. The motion carried.

### **DISCUSSION**

#### **Quincy Farm Next Steps**

City Manager Cramer explained the purpose of tonight's discussion was to check in with Council to ensure staff and the Cherry Hills Land Preserve (CHLP) were headed in the right direction regarding the Memorandum of Understanding (MOU) with CHLP, based on Council direction at the October 5, 2021 meeting; the memo in Council packets represented staff's initial attempt at conceptualizing an MOU; Exhibit A to the memo was CHLP's view on an MOU; there was a lot of overlap and other items that needed to be discussed; staff was seeking direction from Council on two overall concepts in order to move forward with a draft MOU, first to change Council's role to that of reviewer, and second for CHLP to present an annual plan for Quincy Farm for Council's consideration and approval. He reminded Council that the history of the process involved the Quincy Farm Committee (QFC) working on a master plan outlining the programming for both sides of Quincy Farm for the next 10 to 15 years, including capital construction costs for various improvements; that approach placed the City in the role of determining programming, which shifted to City Council when the master plan process was paused. He explained staff's proposal would shift the role of programming to CHLP, building on the programming they were already doing at Quincy Farm and bringing awareness to the Farm, and Council would respond to CHLP's planning proposals; staff would be involved in the process in partnership and collaboration with CHLP; the vehicle for that process would be the annual plan presented by CHLP; Dr. Skramstad had mentioned previously there were a lot of good models that used an annual plan; the annual plan would allow programming to inform use, improvements, and investments; the annual plan would allow for an organic and incremental process based on annual programming, instead of the master plan process which had sought to determine everything at the beginning; staff was seeking agreement from Council on this approach in order to move forward with an MOU with CHLP which would outline the City's and CHLP's roles based on the two overall concepts; the staff memo included some initial ideas for MOU contents; the City could provide funding from the Parks and Recreation Fund and pursue grant funds in partnership with CHLP; CHLP could also bring a lot of fundraising to the table; a key to the MOU would be giving CHLP authorization to pursue fundraising in earnest; staff was hopeful they could work with CHLP to bring an MOU to Council on December 8<sup>th</sup>; staff was excited to collaborate with CHLP and this represented positive forward momentum on Quincy Farm.

CHLP shared a video from their Trail Walk event at Quincy Farm.

Linda Behr, CHLP President, stated CHLP's goal was to establish a simple MOU that would put together a collaborative effort so CHLP could work with the City to establish a plan for Quincy Farm; CHLP had a lot of great ideas and enthusiasm; she was impressed by the level of interest and support generated since she had gotten involved in the issue in August 2021; CHLP was ready to work with staff and Council to establish an MOU that gave CHLP the authority and permission to come up with an annual plan

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for Quincy Farm; CHLP and the City would come up with great ideas, work in a collaborative effort; CHLP wanted to emulate a lot of what Harriet LaMair and the HLCC did; CHLP felt they were going in the right direction and had only scratched the surface; City Manager Cramer did a great job reviewing the items staff had discussed with CHLP; CHLP wanted Council to know they were committed to work with staff to come up with a comprehensive but simple MOU; from the MOU, with CHLP and Dr. Skramstad, they would come up with where they were going and the roles the City would play and the roles CHLP would play; that was the only way this would be successful and CHLP was ready to do it.

Councilor Gallagher asked if the MOU would list responsibilities.

Ms. Behr replied it would; she noted Ms. LaMair had shared with her the HLCC MOU had taken seven years; CHLP wanted to get out of their own way; they were all in this together; they wanted to make this work; the way to do that was to establish a plan and an MOU defining the roles of the City and of CHLP; once CHLP had permission through the MOU then they could formulate a plan and begin fundraising and organizing volunteers.

Councilor Sheldon asked about the change in leadership on the CHLP's board.

Ms. Behr replied she believed in CHLP; they had called her and told her she had been unanimously elected as president; she was dedicated to Quincy Farm regardless of her official title; Quincy Farm was special and CHLP wanted to make it the most wonderful environment possible for the Village.

Janney Carpenter, former CHLP President, added CHLP knew it needed to increase its capacity and was organizing around the key functions they needed; they knew fundraising would be very important; Ms. Behr had incredible energy and relationships throughout the Village and would be very valuable in that effort.

Mayor Pro Tem Brown indicated this had been a ten year process; where things really derailed was when the Quincy Farm Committee and other stakeholders could not come to an agreement and it was brought to Council to make the final decision; Council could not function at that level; she fully agreed with staff's proposal to shift Council's role to that of reviewer; the key to success was the annual plan; she hoped CHLP would be the generator of ideas and identify the programming they believed the community wanted, and what they would need in order to execute the programming, how much of the cost CHLP could provide, and how much they needed from the City; then Council could respond to the annual plan; she agreed with the overall concepts identified by staff; she agreed an organic, incremental process would be better than an overall master plan; she was anxious to see forward momentum with Quincy Farm.

Ms. Behr noted CHLP was aware Council had fatigue with Quincy Farm, but CHLP needed permission through a simple MOU before they could move forward.

Councilor Safavi agreed the programming ideas should come from CHLP. He noted he did not want the budget information for Quincy Farm presented by staff on September 21<sup>st</sup> to be lost or forgotten. He asked how much of the budget would come from the City and how much would come from CHLP on an annual basis in general and if the MOU would include that information.

City Manager Cramer replied the scenarios presented by staff at the September 21<sup>st</sup> meeting would all need to be vetted against priorities of the community and Council, which had not yet been determined; the proposed approach with an MOU and annual plan would allow CHLP programming and outreach to inform the priorities; the MOU would set out the roles for the City and CHLP; specific budget items such as the barn would not be included in the MOU but things like basic maintenance and payment of

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utility bills would likely be included; items like the barn would wait until CHLP identified that specific need due to programming.

Councilor Safavi indicated there were some issues on the property that needed to be taken care of regardless of programming and asked staff to identify where the funding would come from at a future meeting.

City Manager Cramer replied they would.

Ms. Behr explained the MOU would allow CHLP to understand their role; the annual plan would have more details but would be more focused than past plans in order to have forward momentum; she believed Councilor Safavi's concerns would be addressed.

Councilor Gallagher asked if CHLP was in agreement with the basic outline of responsibilities presented in the staff memo.

Ms. Behr replied not exactly and CHLP was working with staff on that; in her opinion CHLP was the programmer and the City was the owner.

Councilor Gallagher asked Dr. Skramstad if the process was on track.

Dr. Skramstad replied it was; he agreed with everything Ms. Behr had said; as an outside advisor he was more excited for the process now than one or two months ago; he believed CHLP's statement was reasonable that they needed authority to move ahead; the MOU would give them that authority and set out basic responsibilities; the City had owned and maintained the property for a long time; the expectation was that would continue; he agreed with City Manager Cramer that this was an organic process; he was excited and privileged to be a part of this process.

Councilor Safavi asked if Dr. Skramstad was involved in drafting the MOU.

Dr. Skramstad replied they were a team, and confirmed he was involved.

Mayor Stewart agreed staff's proposal was the right path; the need for a 501c(3) and community involvement had been identified in by the Quincy Farm Visioning Committee and now the City had that; drafts of an MOU with CHLP had been in existence for several years; CHLP needed an MOU in order to start fundraising and promoting Quincy Farm; the MOU should be high-level; CHLP would figure out what was needed and return to Council with a plan, then Council would have hard decisions to make due to the City's financial constraints.

### **REPORTS**

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

Mayor Stewart reported he had attended the Mayor's Munch and the CML board meeting. He indicated he would like Council to start working on the City Manager's annual evaluation.

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

Councilor Sheldon had no report.

Councilor Gallagher had no report.

Mayor Pro Tem Brown recommended the City add the \$50 gold membership in the Transportation Solutions Arapahoe County to the draft 2022 budget.

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Councilor Safavi reported he had been asked to join the Fitzsimons Innovation Center and Boulder Innovation Center to bring biotech pharma companies to Colorado.

### **City Manager & Staff**

Chief Tovrea announced her retirement; she would stay to assist with the process to recruit and hire the next chief; her last day would be February 22, 2022; the RFP for a recruitment firm was published yesterday.

Senior Planner Workman reported staff had mailed the Master Plan survey to all properties in the City on October 15<sup>th</sup>; as of yesterday they had received 214 responses; the survey was open through the end of November and available on the City's website.

Ms. Carpenter indicated CHLP had asked their membership to complete the survey.

City Clerk Gillespie reported the Art Commission had installed a new art show and the free reception would be tomorrow evening.

### **City Attorney**

City Attorney Guckenberger had no report.

### **EXECUTIVE SESSION**

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon, to go into Executive Session pursuant to C.R.S. Sections 24-6-402(4)(b) and 24-6-402(4)(e) for the purpose of receiving legal advice, developing strategy for negotiations, and instructing negotiators regarding the petition to vacate right-of-way abutting 3 Crest Road; and pursuant to C.R.S. Section 24-6-402(4)(b) for receiving legal advice regarding the City's interest, if any, in a Summary Title Opinion obtained by the South Fairfax Chenango Neighborhood Association.

The following votes were recorded:

Safavi	yes
Brown	yes
Gallagher	yes
Sheldon	yes

Vote on the Executive Session: 4 ayes. 0 nays. The motion carried.

The Council went into Executive Session at 8:03 p.m.

### **RETURN TO REGULAR MEETING**

City Council returned to the Regular Meeting at 8:50 p.m. Mayor Stewart stated the participants of the executive session were Councilor Safavi, Mayor Pro Tem Brown, Councilor Gallagher, Councilor Sheldon, himself, the City Manager, and the City Attorney; for the record if any person who participated in the executive session believed that any discussions were had on any matter not included in the motion to go into executive session, or that any improper actions occurred during the executive session in violation of the Open Meetings Law, he asked that they state their concerns for the record. None were heard.

Mayor Pro Tem Brown moved, seconded by Councilor Gallagher, to direct staff to pursue negotiations pursuant to Council discussion during the Executive Session regarding the vacation of right-of-way abutting 3 Crest Road and the City's interest in a Summary Title Opinion obtained by the South Fairfax Chenango Neighborhood Association.

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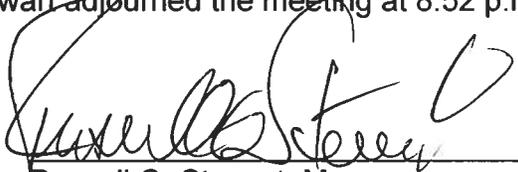
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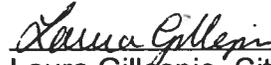
The motion passed unanimously.

**ADJOURNMENT**

Hearing no objection Mayor Stewart adjourned the meeting at 8:52 p.m.

(SEAL)

  
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Russell O. Stewart, Mayor

  
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Laura Gillespie, City Clerk