
The regular meeting of the Vail Town Council was called to order at approximately 6:00 P.M. by Mayor Chapin.

Members present:

Dave Chapin, Mayor
Jenn Bruno, Mayor Pro Tem
Travis Coggin
Kevin Foley
Kim Langmaid
Jen Mason
Greg Moffet

Staff members present:

Greg Clifton, Town Manager
Patty McKenny, Assistant Town Manager
Matt Mire, Town Attorney
Tammy Nagel, Town Clerk

1. Citizen Participation

Jeff Babb, representing Vail Resorts, reminded council of the last 10th Mountain Legacy Parade taking place on Friday, March 8th at 7pm. This event has exceeded expectations! Babb thanked the town and the Commission on Special Events for a great partnership.

2. Proclamations

2.1. Proclamation No. 4, Series of 2019, In Recognition of Vail's Trailblazer Award Recipient Glenn Porzak

Presenter(s): Dave Chapin, Mayor

Action Requested of Council: Read and approve proclamation. Background: Glenn Porzak was chosen as the fourth recipient of the Vail Trailblazer Award, a water rights attorney who worked tirelessly through the decades to advance and protect water rights for Vail.

Each council member read a portion of Proclamation No. 4 into the record. Unfortunately Glenn Porzak was unable to attend the meeting due to weather and pass closures. Rick Sackbauer, Vail resident, spoke about Porzak's water rights accomplishments and reasons why Porzak deserved the 2019 Trailblazer Award. Porzak, a noted water rights attorney, would be recognized at the Annual Community Meeting on March 12th at Donovan Pavilion.

Moffet made a motion to approve Proclamation No. 4, Series of 2019; Foley seconded the motion passed (7-0).

3. Presentations / Discussion

3.1. Eagle County Law Enforcement Agencies awarded the 2018 “Serve Us” Award from the Colorado Special Olympics

Presenter(s): Town of Vail Dispatcher Fernando Almanza and Officer Nick Deering

Background: The Eagle County law enforcement agencies were awarded the 2018 “Serve Us” Award from the Colorado Special Olympics. The Vail Police Department participates in a number of events to raise funds for the Special Olympics including; Tip a Cop, Torch Run and the Polar Plunge. Dispatcher Fernando Almanza and Officer Nick Deering will update the Council on the award and upcoming events.

Dispatcher Almanza and Officer Deering told council about the Police Department’s participation in a number of events to raise funds for the Special Olympics including Tip a Cop, Torch Run and the Polar Plunge. They requested council members to join them at the Polar Plunge at Nottingham Lake on March 30th.

4. Appointments for Boards and Commissions

4.1. Appoint 3 Members to the Building and Fire Codes Appeals Board (B&FCA)

Presenter(s): Dave Chapin, Mayor

Action Requested of Council: Make a motion to appoint three persons to serve as the “regular member” and appoint two people to serve as alternates on the Building & Fire Code Appeals Board for a five year term ending March 31, 2023.

Bruno made a motion Rollie Kjesbo, Steve Loftus and Kyle Webb to the Building and Fire Code Appeals Board; Langmaid seconded the motion passed (7-0).

5. Any action as a result of executive session

Council asked that a potential pre-development agreement for acquisition of deed-restrictions associated with the East Vail parcel be scheduled for discussion at the March 19 meeting and that the proposed term sheet be released for public review as soon as possible.

6. Consent Agenda

6.1. Resolution No. 12, Series of 2019, A Resolution Approving a Third Amendment to Agreement Between Eagle County Housing and Development Authority and The Town of Vail.

Moffet made a motion to pass Resolution No. 12, Series of 2019; Foley seconded d the motion passed (7-0).

6.2. Resolution No. 13, Series of 2019, A Resolution Adopting the 2018 Eagle County CO Hazard Mitigation Plan Update

Moffet made a motion to pass Resolution No. 13, Series of 2019; Foley seconded d the motion passed (7-0).

6.3. February 5, 2019 Town Council Meeting Minutes

Foley made a motion to pass February 5, 2019 meeting minutes; Mason seconded the motion passed 6-0 (Moffet was absent from the February 5 meeting).

6.4. February 19, 2019 Town Council Meeting Minutes

Moffet made a motion to pass the February 19, 2019 meeting minutes; Foley seconded the motion passed (7-0).

6.5. Stephens Park Water Quality Contract Award

Moffet made a motion to authorize the Town Manager to enter into an agreement with Icon Inc. in the amount of \$70,000.00; Mason seconded the motion passed (7-0).

6.6. Contract Award Ford Park Weather Shelter

Background: The purpose of this item is to request the Town Council to direct the Town Manager to enter into a construction contract with RA Nelson, Inc. in an amount not to exceed \$535,527 for the construction of the Ford Park Softball Field Weather Shelter.

Moffet made a motion to authorize the Town Manager to enter into an agreement with RA Nelson in the amount of \$535,527.00; Mason seconded the motion passed (7-0).

6.7. Contract Award 2019 Landscape Improvement Projects at Buffehr Creek Park and Ford Park

Background: The purpose of this item is to request the Town Council to direct the Town Manager to enter into a construction contract with GH Daniels III and Associates, Inc. in an amount not to exceed \$94,089.19 for the 2019 Landscape Improvement Projects. Projects include Turf Reduction Pilot Project at Buffehr Creek Park and Ford Park Frontage Road Landscaping.

Moffet made a motion to authorize the Town Manager to enter into an agreement with GH Daniels in the amount of \$94,089.19; Mason seconded the motion passed (7-0).

6.8. Design Contract Award for Gore Valley Trail Improvements along Vail Valley Drive

Background: This past fall Council budgeted funds for 2019 to move forward with a public design process to evaluate concepts that might provide a safer experience for pedestrians and motorists along Vail Valley Drive. The goal will be to find an acceptable improved solution for Vail Valley Drive from the Ford Park Soccer field lot to Ptarmigan Road east, and possibly the entire length out to Sunburst Drive. Town staff recommends that Council Authorize the Town Manager to enter into a design contract, in a form approved by the town attorney, with Roaring Fork Engineering & Norris Design in the amount of \$69,542.

Moffet made a motion to authorize the Town Manager to enter into an agreement with Roaring Fork Engineering & Norris Design in the amount of \$69,542; Mason seconded the motion passed (7-0).

6.9. 2019 Vail Concrete Replacement Project Contract Award

Background: The Town of Vail publically bid the replacement of concrete in various locations throughout town, most notably; the Vail Transportation Center bus ramps, the Public Works bus wash heated concrete apron and the lower portion of the heated concrete stairs adjacent to Concert Hall Plaza. The Town received three bids. Town staff recommends that Council authorize the Town Manager to enter into a construction contract, in a form approved by the Town Attorney, with Icon Inc. in the amount of \$207,626.

Moffet made a motion to authorize the Town Manager to enter into an agreement with Icon Inc. in the amount of \$207,626.00; Mason seconded the motion passed (7-0).

7. Town Manager Report

7.1. Business Solicitation in Commercial Zoning Districts

The Town Manager reviewed his report with council. Additionally, Clifton spoke to council about complaints his office had been receiving regarding solicitation in the Village. Clifton recommended bringing an ordinance for Council's consideration that would make certain business solicitation techniques more enforceable. Council agreed, but wanted to see enforcement to continue.

8. Action Items

8.1. Award of three construction contracts for four Riparian Buffer Planting Projects along Gore Creek

Presenter(s): Gregg Barrie, Senior Landscape Architect
Action Requested of Council: Staff requests the following:

1. Acknowledge, by show of hands, that awarding the contracts listed below will require re-appropriation of 2018 funds to the 2019 budget during the next Supplemental Budget Appropriation in April of 2019.
2. Authorize the Town Manager to enter into a contract with Energies Services, LLC in the amount of \$ 21,639.15 for Project 1: Vail Golf Course
3. Authorize the Town Manager to enter into a contract with SHC Landscape Company in the amount of \$ 34,110.10 for Project 2: Vail Village
4. Authorize the Town Manager to enter into a contract with Rocky Mt Custom Landscapes in the amount of \$ 92,006.27 for Project 3: Lionshead West and the East Vail Interchange

Background: See Memorandum

Staff Recommendation: Staff recommends awarding the contracts as outlined in the memorandum

Gregg Barrie, Senior Landscape Architect, provided council a brief review of the design and bid process for more than three miles of stream bank vegetation work had been completed for four separate project areas. The work includes the installation of more than 5,000 individual plants, drainage work, signage, irrigation and native seeding.

The project areas include:

- ✓ East Vail Interchange to Bridge Rd,
- ✓ areas of the Vail Golf Course,
- ✓ Ford Park to Vail Rd and
- ✓ Lionshead Skier Bridge to Cascade Village.

Some areas will be planted for the first time and some areas will see plants added to 2017 projects to ensure their success. The projects would be installed throughout the summer starting in late April and finishing in early August depending on the type of work, the project location and the plants' proximity to the ordinary high-water mark.

Barrie explained very little planting work was completed during 2018 due to drought conditions. During the 2019 budget discussions, staff requested only \$100,000 (down from \$400,000 in the 5-year Plan) for 2019 with the idea that unspent 2018 Gore Creek Restoration funds could be re-appropriated. In order to sign contracts for the 2019 projects the Town Council would need to re-appropriate 2018 funds to 2019 at the next Supplemental Budget Appropriations anticipated to occur in April. Barrie stated to get contracts signed and to be prepared to begin work in April Council was acknowledging they would re-appropriate the 2018 funds for these contracts in 2019.

There was no public comment.

Moffet made a motion to:

- acknowledge the re-appropriation of 2018 funds to the 2019 budget during the next Supplemental Budget Appropriation in April of 2019;
- Authorize the Town Manager to enter into a contract with Energes Services, LLC in the amount of \$ 21,639.15 for Project 1: Vail Golf Course;
- Authorize the Town Manager to enter into a contract with SHC Landscape Company in the amount of \$ 34,110.10 for Project 2: Vail Village; and
- Authorize the Town Manager to enter into a contract with Rocky Mt Custom Landscapes in the amount of \$ 92,006.27 for Project 3: Lionshead West and the East Vail Interchange; Bruno seconded the motion passed (7-0).

8.2. Lion Square Lodge - Permission to Proceed

Presenter(s): Chris Neubecker

Action Requested of Council: The Community Development Department requests that the Town Council evaluate the proposal to utilize Town of Vail property for the purposes of vehicular access to the Lion Square Lodge parking lot. This utilization of Town of Vail property would be subject to the terms of an Access Easement, which will be scheduled for a future Town Council meeting.

Staff Recommendation: The Lion Square Lodge building current has a parking lot on the northwest side of the building, with access taken from Lionshead Place. The existing driveway entering the parking lot is at the north end of the lot, and is close to the Arrabelle property. The new driveway location will improve vehicular and pedestrian safety in the area.

Chris Neubecker, Community Development Planning Manager, explained the Executive General Manager of the Lion Square Lodge, located at 660 Lionshead Place, requested permission to proceed through the Design Review process for improvements to the building's parking lot access located partially on Town of Vail property (Tract A, Vail Lionshead Filing 3). The applicant requests permission to proceed through the Design Review Board processes and, if approved, to obtain an Access Easement from the Town of Vail for the improvements. The Council was being asked to authorize the applicant to move forward with a planning application that utilizes Town owned property for commercial uses. The access easement would be presented at a future meeting date, and granting approval to proceed through the Design Review process does not obligate the Town to granting the easement.

Moffet made a motion to allow Lions Square Lodge to proceed through the DRB process; Foley seconded the motion passed (6-0 Coggin opposed).

8.3. Ordinance No. 4, Series of 2019, First Reading, An Ordinance Amending Section 12-7H-12, Density, Vail Town Code, and Section 14-8-1, Vail Town Code, to Remove the Dwelling Units per Acre Maximum While Maintaining the Existing Dimensional Standards Including GRFA and Building Height in the Lionshead Mixed Use-1 Zone District.

Presenter(s): Chris Neubecker, Community Development Planning Manager

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 4, Series of 2019, upon first reading.

Background: The proposed change to the density maximum in Lionshead Mixed Use-1 zone district will encourage redevelopment of properties in the Lionshead area, as encouraged by the Lionshead Redevelopment Master Plan.

Staff Recommendation: The Community Development Department recommends approval of Ordinance No. 4, Series of 2019 on First Reading.

Chris Neubecker, provided council a review of the zoning code amendment explaining that Lionshead mix use 1 would be the only zone district affected by this ordinance amendment. The applicant, the Treetops Condominium Association, represented by Mauriello Planning Group, was proposing to remove the maximum number of dwelling units per acre (density) within the Lionshead Mixed Use-1 (LMU-1) zone district, so that there would be no limit on density. No changes are proposed to the existing limits on Gross Residential Floor Area (GRFA), building heights, setbacks, site coverage, landscaping, or any other dimensional standard. The proposed text amendment would apply only to properties within the Lionshead Mixed Use-1 (LMU-1) zone district. Would change the number of units you could have. Provide flexibility for redevelopment. It would allow the developer to decide how many units. The building itself would stay the same, but the units inside would change. Dominic Mauriello, representing the Treetops Condominium provided a PowerPoint of the proposed redevelopment of the Treetops and how the original footprint would stay the same, but how there were unlimited uses of the space within the building.

Public comment was called.

A representative from Slifer Smith & Frampton Real Estate is also offering support for the ordinance, noting the current difficulties involved in fractional fee product types.

A property owner at Concert Hall Plaza also expressed support for the ordinance.

Council members agreed Lionshead needed updating and bringing more people to the core area, but expressed concern with the wording “unlimited” and would like a more definite number and additional information on the impacts on water and parking at the April 2 council meeting.

Moffet made a motion to approve, on first reading, Ordinance No. 4, Series of 2019 with more information to presented during second reading at the April 2nd Council meeting; Coggin seconded the motion passed (5-2 Foley and Langmaid opposed).

9. Public Hearings

9.1. Ordinance No. 1, Series of 2019, Second Reading, An ordinance for a Zone District Boundary Amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code to allow the rezoning of 4722 Meadow Drive (Bighorn Townhouses “Parking Easement” Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Low Density Multiple-Family District and setting forth details in regard thereto.

Presenter(s): Jonathan Spence, Senior Planner

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 1, Series of 2019, upon second reading.

Background: The applicant, Bighorn Townhouse Association, represented by Mauriello Planning Group, is requesting a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the rezoning of 4722 Meadow Drive (Bighorn Townhouses “Parking Easement” Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Low Density Multiple- Family District (LDMF). This application is being processed concurrently with a Land Use Plan Amendment (PEC18-0046) that will facilitate, if approved by the Town Council, an application for the development of the subject property for residential garages.

Staff Recommendation: On January 14, 2019, the Planning and Environmental Commission (PEC) forwarded a unanimous recommendation, for approval, for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code.

Jonathan Spence, Senior Planner, confirmed there were no changes since first reading.

There was no public comment.

Moffet made a motion to approve Ordinance No. 1, Series of 2019 upon second reading; Foley second the motion passed (7-0).

9.2. Ordinance No. 2, Series 2019, Second Reading, An Ordinance Amending Portions of Title 4, Chapter 3, of the Vail Town Code Related to Sales Tax to Adopt Certain Statewide Standardized Definitions and to Make Revenue- Neutral Amendments Needed to Implement Those Definitions.

Presenter(s): Carlie Smith, Financial Services Manager and Alex Jakubiec, Sale Tax Administrator

Action Requested of Council: Approve or Approve with Amendments Ordinance No.2, Series 2019 Upon 2nd Reading.

Background: Please See Attached Memo.

Staff Recommendation: Approve or Approve with Amendments Ordinance No.2, Series 2019 Upon 2nd Reading.

Alex Jakubiec, Sales Tax Administrator, stated there were no changes since first reading.

There was no public comment.

Moffet made a motion to approve Ordinance No. 2, Series of 2019 upon second reading; Foley seconded the motion approved (7-0).

10. Adjournment

There being no further business to come before the council, Moffet moved to adjourn the meeting and Foley seconded the motion which passed (7-0) and the meeting adjourned at 7:35 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Tammy Nagel, Town Clerk