# R E C O R D  O F  P R O C E E D I N G S

## CITY OF LAFAYETTE
## CITY COUNCIL MEETING

August 7, 2012

**Call to Order**
Mayor Carolyn Cutler called the August 7, 2012 regular City Council Meeting to order at 5:36 p.m. in the Council Chambers at 1290 South Public Road, Lafayette, Colorado.

Those present and answering roll call were Mayor Cutler, Mayor Pro Tem Steve Kracha and Councilors Alexandra Lynch, Pete d'Oronzio, Staci Lupberger, Brad Wiesley, and Christine Berg.

Also present were City Administrator Gary Klaphake, Fire Chief Gerry Morrell, Acting Police Chief Brian Rosipajla, City Attorney Dave Williamson, Community Development Director Phillip Patterson, City Clerk Susan Koster, Library Director Betsy Stroomer, Public Works Director Doug Short, Finance Director Bob Wright and Parks, Open Space and Golf Director Monte Stevenson.

**Executive Sessions**

At 5:37 p.m., a motion was made by Councilor Lynch and seconded by Councilor d'Oronzio *to adjourn to Executive Sessions according to C.R.S. 24-6-402(4)(a) for the purchase, acquisition, lease, transfer or sale of any real, personal, or other property interest, pertaining to the Lafayette Historical Society Lease and according to C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators pertaining to the Coal Creek Shopping Center / Plaza Lafayette*. The motion passed unanimously.

**Reconvene Regular Council Meeting**

At 6:58 p.m. Mayor Cutler stated that the first Executive Session had been concluded. The participants in the first session were Councilors d'Oronzio, Wiesley, Berg, Lupberger, Lynch, Mayor Pro Tem Kracha, Mayor Cutler, City Attorney Williamson and City Administrator Klaphake.

The Mayor asked anyone who participated in the first session who believed that substantial discussion of any matters not included in the motion to go into the session occurred during the session, or that any improper action occurred during the session in violation of the Open Meetings Law, to state their concerns. No concerns were voiced.

Mayor Cutler said that the second Executive Session had been concluded. The participants in the second session were Councilors Wiesley, Berg, Lupberger, Lynch, Mayor Pro Tem Kracha, Mayor Cutler, City Attorney Williamson and City Administrator Klaphake. Councilor d'Oronzio said he recused himself from participating in the second session because part of the conversation included Jax Mercantile, where his wife is employed.

The Mayor asked anyone who participated in the second session who believed that substantial discussion of any matters not included in the motion to go into the session occurred during the session, or that any improper action occurred during the session in violation of the Open Meetings Law, to state their concerns. No concerns were voiced.

**Items from the Public**

Rosie Skiles, 803 Quail Cove, complained about provisions of a new lease presented to the residents of Arbordale Acres. She noted that responsibility for maintenance, trimming and removal of the trees in the park is being passed along to the tenants, many of whom are elderly and on a fixed income.

Tom McCurdy, 809 Robin Cove, agreed with Ms. Skiles and spoke about the poor condition of the trees at Arbordale Acres, many of which are dead or dying and pose a danger to residents. He asked for City help in dealing with the management company on this issue of public safety.

City Administrator Klaphake said that he and the City Attorney would contact the management company on behalf of the residents of Arbordale Acres regarding health and safety concerns.

**Lafayette Liquor Authority**
Public Hearing / New Hotel and Restaurant Liquor License / Asian King Buffet
City Clerk Koster presented an application for a new Hotel and Restaurant Liquor License from Asian King Buffet, Inc., d/b/a Asian King Buffet at 199 W. South Boulder Road. Ms. Koster summarized results of a survey conducted by the applicant demonstrating neighborhood support for the issuance of the license. She said staff recommends Authority approval of the application based on preliminary findings by the City Clerk's Office.

Mayor Cutler called a public hearing to order at 7:18 p.m. and asked interested parties to identify themselves. There were no interested parties present. Owner Mei Hau Zhang and Consultant Esther Choi were available for questions from the Authority and City Attorney.

Mayor Cutler closed the public hearing at 7:28 p.m.

A motion was made by Councilor Lupberger and seconded by Councilor Lynch *to approve Resolution No. 2012-35 / Granting a New Hotel & Restaurant Liquor License to Asian King Buffet, Inc., d/b/a Asian King Buffet, 199 W. South Boulder Road, Lafayette, Colorado*. The motion passed unanimously.

**Public Hearing – Ordinance No. 20, Series 2012**
Community Development Director Patterson presented the first reading of Ordinance No. 20, Series 2012 / Amending Chapters 26-14-14 and 26-17-6 of the Municipal Code. He said the amendment to 14-14 creates provisions for the storage of trailers, similar to those for the storage of recreational vehicles. He said the ordinance also amends signature requirements for final plans and plats.

Mayor Cutler called a public hearing to order at 7:34 p.m. and noted that Ron Spalding of 597 Casper Drive, submitted a speaker's form in favor of the amendment regarding storage of trailers but did not wish to speak. No other individuals were present for the public hearing. The mayor closed the public hearing.

A motion was made by Councilor Lupberger and seconded by Councilor Wiesley *to approve on first reading Ordinance No. 20, Series 2012*. A motion to amend was made by Councilor d'Oronzio and seconded by Mayor Pro Tem Kracha *to change the language in Chapter 26-14-14 to read "no more than one recreational vehicle and one trailer may be stored in the front yard"*. The makers of the original motion accepted the amendment. A vote was taken and the amended motion passed six to one, with Mayor Cutler voting no.

**Council Minutes**
A motion was made by Councilor Lynch and seconded by Councilor d'Oronzio *to approve the minutes of the Workshop Meeting of July 25, 2012 as written*. The motion passed unanimously.

A motion was made by Councilor Lynch and seconded by Councilor Wiesley *to approve the minutes of the Regular Meeting of July 25, 2012 as written*. The motion passed unanimously.

**Consent Agenda**
Mayor Cutler read the consent agenda:

E. Resolution No. 2012-36 / Approval of Street Closure / Peach Festival
F. Resolution No. 2012-37 / Approval of IGA for Lafayette Road Improvements / Boulder County Transportation
G. Resolution No. 2012-38 / Acceptance of GOCO Planning Grant Award / Parks, Recreation, Open Space and Trails Master Plan Update
H. Approval of Contract / Parks, Recreation, Open Space and Trails Master Plan Updates / GreenPlay LLC
I. Approval of Contract / Library Renovation – Painting / Kelly's Painting & Remodeling, LLC
J. Approval of Contract / Library Renovation – Furniture and Shelving Moving / PS Installations, Inc.
K. Approval of Contract / 2012 City-Wide Streets Rehabilitation Project
L. Approval of Contract / Time Clock System and Software / Data Management, Inc.
M. Second Reading / Ordinance No 17, Series 2012 / Establishing the Waste Reduction Advisory Committee
N. Reschedule November 6, 2012 Council Meeting to November 5, 2012 / Election Night
O. Purchase Orders & Purchase Order Amendments

Items E, I, G, M and N were pulled from the Consent Agenda for further discussion.

A motion was made by Councilor Wiesley and seconded by Councilor d'Oronzio *to approve the remainder of the Consent Agenda*. The motion passed unanimously.

**Item E. Street Closure for Peach Festival** A motion was made by Councilor Lupberger and seconded by Councilor d'Oronzio *to approve Resolution No. 2012-36 / Authorizing Street Closure for the Peach Festival*. The motion passed unanimously.

**Item G. GOCO Grant Award** A motion was made by Councilor d'Oronzio and seconded by Councilor Berg *to approve Resolution No. 2012-38 / Accepting a GOCO Grant for Parks, Recreation, Open Space and Trails Master Plan Update*. The motion passed unanimously.

**Item I. Library Renovations**
A motion was made by Councilor Lupberger and seconded by Councilor Wiesley *to approve the contract with Kelly's Painting & Remodeling, LLC for the Library renovation*. The motion passed unanimously.

**Item M. Waste Reduction Advisory Committee**
Councilor d'Oronzio noted that the Waste Reduction Advisory Committee discussed membership at their recent meeting and agreed to recommend that Council amend Ordinance No. 17, Series 2012 on second reading by setting the number of alternate members at two. A motion was made by Councilor d'Oronzio and seconded by Mayor Cutler *to amend the ordinance on second reading accordingly*. The motion passed unanimously.

**Item N. Council Meeting Rescheduling / Election Night**
A motion was made by Mayor Cutler and seconded by Councilor Lynch *to approve the rescheduling of the November 6, 2012 Council Meeting to Monday, November 5, 2012*. The motion passed unanimously.

**Ordinance No. 21, Series 2012 / Rezoning Portion of Indian Peaks Final PUD Filing No. 17**
Community Development Director Patterson detailed the review and approval history for Filing No 17, leading up to the application for rezoning. The Planning Commission held a public hearing on May 23, 2012 and, after considering all the relevant facts, recommended approval of the rezoning to City Council. Mr. Patterson said a public hearing before Council has been scheduled for the second reading of this ordinance.

A motion was made by Councilor Lynch and seconded by Councilor d'Oronzio *to approve on first reading Ordinance No. 21, Series 2012 as presented*. The motion passed unanimously.

**Ordinance No. 22, Series 2012 / Submitting to the Voters at a General Election on November 6, 2012, an Amendment to the Home Rule Charter, and Setting the Ballot Title pertaining to an Amendment to the Home Rule Charter Pertaining to Residential Growth Management**
City Attorney Williamson said the ordinance was prepared at Council request. It calls an election and sets the ballot title and text for an amendment to the City's Home Rule Charter pertaining to residential Growth management. Mr. Williamson reviewed the details of the ordinance.

Mayor Cutler asked staff to include another recital in the ordinance for second reading, giving Council the ability to address changing housing needs in response to changing market demands. Councilors directed staff to revise the ballot title to clarify that the total number of permits allowed over 6 years would be 1,200.

A motion was made by Councilor Lupberger and seconded by Councilor d'Oronzio *to approve on first reading Ordinance No. 22, Series 2012 with a change in the ballot title from the word "six" to the number "6"*. The motion passed unanimously.

**City Administrator's Report**

LURA Budget
City Administrator Klaphake reviewed the 2013 Urban Renewal Authority Budget and asked for Council comments to be relayed to the Board. Community Development Director Patterson explained the budget further. Councilor Wiesley said he would like to see the sign at 287 and South Boulder Road replaced sooner rather than later.

Economic Development Agreement / Coal Creek Shopping Center / Plaza Lafayette
Councilor d'Oronzio recused himself because his wife works at Jax Mercantile, which is a party to the Agreement before Council. Mr. d'Oronzio left the meeting. City Administrator Klaphake said Jax Mercantile is interested in creating a second store in Lafayette which would focus on ranch and home merchandise. They are proposing to buy Plaza Lafayette, ahead of foreclosure, and locate the new store there. The Economic Development includes a 50% rebate in sales tax over the first 10 years of operation and some assistance with the road that abuts the property. City Attorney Williamson said two changes were made to the draft agreement. One sets a time limit for the start of the 10-year period and a clarification that LURA would reimburse sales tax funds to the City if they receive an amount above the base annual amount.

A motion was made by Councilor Wiesley and seconded by Councilor Berg *to approve the Economic Development Agreement with Jax Mercantile as presented*. The motion passed unanimously.

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Mayor

ATTEST:

_____
Susan Koster, CMC
City Clerk

The minutes herein are a summary of the business conducted at this meeting, not a verbatim transcription. Only the actions taken and text appearing within quotation marks are verbatim.