

RECORD OF PROCEEDINGS

CITY OF LAFAYETTE CITY COUNCIL MEETING

September 5, 2017

Call to Order

The September 5, 2017, City Council Meeting began at 5:33 p.m. at Lafayette City Hall at 1290 South Public Road in Lafayette, Colorado.

Roll Call

Those in attendance included Mayor Christine Berg, Mayor Pro Tem Gustavo Reyna, and Councilors Brad Wiesley, Alexandra Lynch, Chelsea Behanna, Merrily Mazza, and Stephanie Walton.

Also present were City Administrator Gary Klaphake, Police Chief Rick Bashor, Public Works Director Doug Short, Finance Director Steve McFarland, City Clerk Susan Koster, City Attorney Dave Williamson, Planning and Building Director Karen Westover, Recreation and Facilities Superintendent Tammy Tucker, and Parks, Recreation, and Open Space Director Monte Stevenson.

Liquor Authority - Public Hearing

City Clerk Koster presented the application for a new Retail Liquor Store License for Thapa LLC dba Beer and Wine at 1208 Centaur Village Drive, Suite B. She said preliminary findings support the approval of the new license and staff recommends Authority approval. Applicant Padam Thapa conducted a Needs and Desires Survey of the surrounding neighborhood. Results indicate support from residents and businesses for issuance of the license. Mayor Berg invited Mr. Thapa to the lectern to talk about his business. Bob Magin accompanied Mr. Thapa. Following Council questions, Mayor Berg opened a public hearing at 5:38 p.m. and invited interested persons to come forward. Seeing no one, she closed the hearing. A motion was made by Councilor Mazza and seconded by Councilor Lynch to approve Resolution No. 2017-45/ Granting a New Retail Liquor Store License / Thapa LLC dba Beer and Wine, 1208 Centaur Village Drive, Suite B, Lafayette, Colorado. The motion passed 6 to 1 with Councilor Wiesley voting no.

Recognition

Water Superintendent Ed Zimbleman was recognized for 35 years of service with the City of Lafayette.

Workshop

Finance Director McFarland led a workshop on the 2018 Budget. He reviewed the general fund budget, community support expenditures, capital outlay requests, and fund balance.

Presentations

The Youth Advisory Board talked with Council about a program to limit the amount of sugary drinks consumed by young people. They requested an ordinance that would prevent children's menus from offering sugary drinks and will bring a draft to the September 19, 2017 meeting.

Adam Gianola, Chair of the Waste Reduction Advisory Committee, presented their annual report and goals for the coming year.

Antoinette Maes, Dawn Moyer, and Dan Cross, from the Energy Sustainability Advisory Committee presented their annual report and goals for the coming year.

Public Works Director Short proposed a Storm Water Fee Structure change, including a 30% increase to pay for major projects by 2029/2030.

Public Input

Jake Williams (Lafayette) spoke in support of an ordinance to limit sugary drinks.

Amy Bennett (Lafayette) shared concerns about strict changes in the Old Town Residential (OTR) regulations.

Larry Harkreader (Lafayette) asked about grandfathering existing homes in case of fire or natural disaster.

Sonia Martinez (Lafayette) spoke in opposition to the OTR code changes.

Seth White (Lafayette) spoke in support of the OTR code changes.

Vicky Uhland (Lafayette) spoke in support of the OTR code changes and shared concerns about Planning Commissioner leadership.

Rebecca Schwendler (Lafayette) spoke in favor of OTR code changes and for landmarking the Circle Motel.

Kurt Munding (Lafayette) in opposition to the OTR code changes.

Lynda Ladwig and Jarrett Tishmack (Lafayette) spoke in opposition to the landmarking of the Circle Motel.

The following individuals did not wish to speak but registered their opposition with the City Clerk against landmarking the Circle Motel: Edward Monahan, Judith Sutter, Peter Stanbitz, and

Mary Pat Munding. Pete d'Oronzio registered his opposition to Ordinance 30 with the City Clerk.

The following people did not wish to speak but registered their support with the City Clerk for an ordinance to restrict restaurants from listing sugary drinks on children's menus: Bobby Pangilinan,

Julie Piller, Kathleen Marr, Mary Pat Munding, and Kurt Munding.

Circle Motel Historic Landmark Application / Decision

Mayor Berg and Councilor Wiesley recused themselves and left the room.

A motion was made by Councilor Mazza and seconded by Councilor Walton *to approve Resolution No. 2017-48 / Denying a Third Party Application to Designate Structures on Property at 200 W. Baseline Road as a Local Historic Landmark*. The motion passed 3 to 2 with Mayor Pro Tem Reyna and Councilor Behanna voting no.

As a result, Ordinance No 35, Series 2017 / Designating Certain Structures at 200 W. Baseline Road as a Local Historic Landmark Pursuant to Chapter 47 of the Municipal Code was not entertained by Council.

Public Hearing

Planning and Building Director Westover presented the first reading of Ordinance No. 36, Series 2017 / Amending Chapter 26 of the Code of Ordinances / Repealing and Reenacting in its Entirety and Retitling Section 26-22.5 regarding Telecommunication Facilities. She said the new section provides staff with review procedures for expansion of existing facilities as well as design standards for new facilities including alternative tower structures, towers and small cell facilities.

Mayor Berg opened a public hearing at 9:06 and invited interested parties to come forward. Seeing no one, she closed the hearing.

A motion was made by Councilor Lynch and seconded by Councilor Mazza *to approve on first reading Ordinance No. 36, Series 2017* as presented. The motion passed unanimously.

Ordinance – Impact Fees for Service Expansion

First Reading / Ordinance No. 37, Series 2017 / Amending Article 1, Section 30 of the Municipal Code pertaining to the Public Art Fee and to Impact Fees for Service Expansion and Parks and Recreation Development. City Administrator Klaphake and City Attorney Williamson presented the ordinance, which ensures that new development bears a proportionate share of the costs of capital expenditures necessitated by the development.

A motion was made by Councilor Behanna and seconded by Mayor Pro Tem Reyna *to approve on first reading Ordinance No. 37, Series 2017 as presented*. The motion passed unanimously.

Resolution – Building Permit Allocation / Trails at Coal Creek

Planning Director Westover presented Resolution No. 2017-49 / Amending Building Permit Allocation / Trails at Coal Creek Subdivision. She said the developer requested an additional 59 permits this year which will shorten the construction zone period for residents and provide predictability in permit allocations for the next 6-year cycle. A motion was made by Councilor Mazza and seconded by Councilor Lynch to approve Resolution No. 2017-49 as presented. The motion passed 6 to 1 with Mayor Pro Tem Reyna voting no.

Proclamation – Constitution Week

Councilor Behanna read a proclamation designating September 17-23 as Constitution Week. A motion was made by Councilor Behanna and seconded by Mayor Pro Tem Reyna to approve proclamation as read. The motion passed unanimously.

Consent Agenda

Mayor Berg read the Consent Agenda:

- M. Minutes of Regular Council Meeting of August 15, 2017
- N. Second Reading / Ordinance No. 30, Series 2017 / Amending Chapter 26 – Development Code / Old Town Design Criteria
- O. Resolution No. 2017-50 / Residential Refuse and Recycling Collection Service Fees
- P. Resolution No. 2017-51 / Authorizing Intergovernmental Agreement Amendment / 111th Culvert and Road Widening Project / Urban Drainage and Flood Control District
- Q. Resolution No. 2017-52 / Acceptance of Easement / Trails at Coal Creek
- R. Reschedule November 7, 2017 Council Meeting to Monday, November 6, 2017 due to Election
- S. 504 East Oak Street Minor Subdivision and P.U.D. / 504 East Oak Street (East 3/4 Lot 5 & West 1/2 Lot 4 BLK 1 First Union Subdivision)
- T. Easement Agreement / City Center Regional Trail / Lafayette South Public Invest LLC & Lafayette City Center Development LLC
- U. Contract / City Hall Solar Removal and Reinstallation at Goose Haven Reservoir / Custom Solar
- V. Change Order / Orange Zone Water Line Construction / T Lowell Construction
- W. East Baseline Road Addition Replat A / Planned Unit Development
- X. Purchase Orders and Amendments

Items N, R, and X were removed from the consent agenda for further discussion. A motion was made by Councilor Wiesley and seconded by Councilor Lynch to approve the remainder of the Consent Agenda. The motion was approved unanimously.

Item N. Second Reading / Ordinance No. 30, Series 2017 / Amending Chapter 26 – Development Code / Old Town Design Criteria

Councilors asked about the request to grandfather existing structures in case of total loss due to catastrophic events. City Attorney Williamson said homeowners are protected by the non-conforming use statute.

A motion was made by Councilor Walton and seconded by Mayor Pro Tem Reyna to approve the ordinance on second reading as presented. A motion was made by Councilor Walton and seconded by Councilor Behanna to amend the ordinance by adding language to Section 26-18.1-3(d) “For lots where the rear lot line does not abut an alley, the “bulk plane” shall apply from the rear lot line.” The motion passed unanimously. A motion was made by Councilor Walton and seconded by Mayor Pro Tem Reyna to amend the ordinance by changing “two (2) percent” to “two and one-half (2 ½) percent” in Section 26-18.1-3(b)(2). The motion passed unanimously. A vote was taken on the original motion and it passed 4 to 3 with Councilors Wiesley, Mazza, and Lynch voting no.

Item R. Rescheduling Meetings

A motion was made by Councilor Wiesley and seconded by Mayor Pro Tem Reyna to reschedule the November 7, 2017 Council Meeting to Monday, November 6, 2017 due to the election and to reschedule the November 21, 2017 Council meeting to Monday, November 20, 2017. The motion passed unanimously.

Item X. Purchase Orders and Amendments

A motion was made by Councilor Mazza and seconded by Councilor Wiesley to approve an expenditure of \$89,960.82 for new stamped recycle cart lids to Toter LLC. The motion passed 6 to 1 with Councilor Walton voting no.

Council Appointments

Cultural Arts Commission

A motion was made by Mayor Pro Tem Reyna and seconded by Councilor Behanna to appoint Victoria Medina and Patricia Kelly as full members, each serving a three-year term, and MaryLee Geary as an alternate member, to the Cultural Arts Commission. The motion passed unanimously.

Public Art Committee

A motion was made by Councilor Mazza and seconded by Councilor Lynch to appoint Pamela Sherrick to serve as a full member on the Public Art Committee until August of 2020. The motion passed unanimously.

Youth Advisory Committee

A motion was made by Mayor Pro Tem Reyna and seconded by Councilor Walton to reappoint the following individuals to the Lafayette Youth Advisory Committee for 1-year terms: Abraheem Abu-Shanab, Arina Caro, Julia Cook, Hailey Ettinger, Fiona Grimard, Adriana Iturbe, Astrid Juarez, Liam Muller, John Painter, Eros Piller, Leidy Pineda, Alejandra Ramirez Zavala, Megan Schmid, Ximena Silva, Yossdy Tec Verde, Jessica Valle, and Paul Zimmers; and to approve the new appointments for Grace Colin, Matthew Carl Hinojosa, Christopher Jachimiak, Alexis McKay, Enihs Medrano, and Javier Reta; and to approve alternates Rajina Caparachini, and Ian Munding. The motion passed unanimously.

Council Reports

Mayor Pro Tem Reyna read a statement from the Boulder County Commissioners denouncing the Trump administration's decision to rescind the Deferred Action for Childhood Arrivals (DACA) program. He will draft a similar statement for Council consideration at the next meeting. Mr. Reyna said he would like to revisit Resolution No. 2016-14 / Supporting the Colorado Community Rights State Constitutional Amendment, to see if there is language that could become part of the Municipal Code.

Adjourn

The meeting was adjourned at 10:12 p.m.

CITY OF LAFAYETTE, COLORADO

ATTEST

Christine Berg, Mayor

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 the text appearing in quotation marks are verbatim.