

RECORD OF PROCEEDINGS

CITY OF LAFAYETTE CITY COUNCIL MEETING

September 19, 2017

Call to Order

The September 19, 2017, City Council Meeting began at 5:47 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 Alexandra Lynch, Chelsea Behanna, Merrily Mazza, and Stephanie Walton. A motion was made by Councilor Lynch and seconded by Councilor Behanna *to excuse Councilor Brad Wiesley*. The motion passed unanimously.

Also present were City Administrator Gary Klaphake, Fire Chief Dave Friedel, Public Works Director Doug Short, City Clerk Susan Koster, City Attorney Dave Williamson, Assistant City Administrator/Economic Development Director/LURA Executive Director Roger Caruso, and Planning Manager Paul Rayl.

Liquor Authority - Public Hearings

Tangerine

City Clerk Koster presented the application for a new Hotel and Restaurant Liquor License for Rain, Inc., dba Tangerine at 300 S. Public Road, Suites 101-103. She said preliminary findings support the approval of the new license and staff recommends Authority approval. Oedipus, Inc. conducted a Needs and Desires Survey of the surrounding neighborhood. Owner Tina Scott presented the results of the survey indicating support from surrounding businesses and residents. Mayor Berg invited applicant Alexander Schuler to the lectern to talk about the new restaurant. He was accompanied by Manager Justin Medlin. Mayor Berg asked if there were parties in interest who wished to question the applicant. No one responded. She opened a public hearing at 5:55 p.m. and invited interested persons to come forward. Seeing no one, she closed the hearing. City Attorney Williamson had no issues with the application. A motion was made by Councilor Lynch and seconded by Councilor Behanna *to approve Resolution No. 2017-53 / Granting a New Hotel and Restaurant Liquor License to Rain, Inc., dba Tangerine at 300 S. Public Road, Suites 101-103*. The motion passed unanimously.

MOD Pizza

City Clerk Koster presented the application for a new Beer and Wine Liquor License for Best Pizza, LLC, dba MOD Pizza at 1137 Diamond Circle, Suite 400. She said preliminary findings support the approval of the new license and staff recommends Authority approval. Oedipus, Inc. conducted a Needs and Desires Survey of the surrounding neighborhood. Owner Tina Scott presented the results of the survey indicating support from surrounding businesses and residents. Mayor Berg invited Manager Scott Schooler to the lectern to talk about the new restaurant. He was accompanied by Dill and Dill Attorney Kevin Coates. Mayor Berg asked if there were parties in interest who wished to question the applicant. No one responded. She opened a public hearing at 6:05 p.m. and invited interested persons to come forward. Seeing no one, she closed the hearing. City Attorney Williamson had no issues with the application. A motion was made by Councilor Behanna and seconded by Councilor Walton *to approve Resolution No. 2017-54 / Granting a New Beer and Wine*

Liquor License to Best Pizza, LLC, dba MOD Pizza located at 1137 Diamond Circle, Suite #400.
The motion passed unanimously.

Presentations

Senior Services Supervisor Juli Mackenzie, Senior Advisory Board Chair Cori Layton, and Niki Hayden of the Dementia-Friendly America Initiative talked about the program which supports people with dementia and their caregivers.

Via Mobility Services Board Member Debra Baskett and Via Communications Director Lyndsy Morse, presented data on basic services provided to Lafayette residents including rider profiles and destinations.

Joint workshop with Lafayette Planning Commission

Councilors and members of the Planning Commission agreed to reschedule their workshop.

Public Input

Abraheem Abu-shanab and Leidy Pineda spoke in favor of the ordinance limiting sugary drinks on children's menus. Carden White, Jackie Abu-shanab, and Julie Piller registered their support with the City Clerk.

Andrea Merida and Cliff Smedley spoke in favor of the resolution supporting the Deferred Action for Childhood Arrivals (DACA) Program.

The following individuals spoke in opposition to hydraulic fracturing activities near Lafayette: Ron Spalding, Theresa Stels, Cliff Willmeng, Cindy Lurie, Andrew J. O'Connor, Sasha Wilmeng, Emily Love, and Norah Murray.

Holland & Hart Attorney Marc Painter, representing The Peaks assisted-living facility, spoke in opposition to a 90-day moratorium on the acceptance of new applications for Special Use Review approval for facilities such as nursing homes, hospitals, and convalescent homes.

City Hall Renovations

Architect Erik Hartrnft and Assistant City Administrator / Economic Development Director / LURA Executive Director Caruso described proposed changes to the site and exterior of City Hall. City Administrator Klaphake pointed to the expense and 25-year payback for a geothermal installation. Councilors directed Mr. Klaphake to talk to members of the Energy Conservation Advisory Committee about downsides of geothermal vis-à-vis other types of renewable energy sources.

Consent Agenda

Mayor Berg read the Consent Agenda:

- H. Minutes of Regular Council Meeting of September 5, 2017
- I. Second Reading / Ordinance No. 36, 2017 / Amending Chapter 26 of the Code of Ordinances of Lafayette / Repealing and Reenacting in its Entirety and Retitling Section 26-22.5 Regarding Telecommunication Facilities

- J. Second Reading / Ordinance No. 37, 2017 / Amending Article 1 Section 30 of the Lafayette Municipal Code pertaining to the Public Art Fee and to Impact Fees for Service Expansion and Parks and Recreation and Development
- K. Resolution No. 2017-56 / Storm Water Fees
- L. Resolution No. 2017-57 / Intergovernmental Agreement with Boulder County / Surveillance System at Library Ballot Box
- M. Contract / Property Acquisition Services / Western States Land Services, Inc.
- N. Contract / Lafayette Tech Center Medians / Creative Construction by Design
- O. Resolution No. 2017-58 / Authorizing an Amendment to the Economic Development Agreement with Lafayette South Public Investors, LLC / Lafayette City Center
- P. Purchase Orders and Amendments

Items K and L were removed from the consent agenda for further discussion. A motion was made by Mayor Pro Tem Reyna and seconded by Councilor Walton *to approve the remainder of the Consent Agenda*. The motion was approved unanimously.

Item K. Public Works Director Short answered questions about the fee increases. A motion was made by Councilor Behanna and seconded by Councilor Walton *to approve Resolution No. 2017-56 / Storm Water Fees*. The motion passed unanimously.

Item L. Council tabled Resolution No. 2017-57 / Authorizing an Intergovernmental Agreement with Boulder County / Surveillance System at Library Ballot Box at the request of Library Director Melissa Hisel.

Council Appointments

Human Rights Commission

A motion was made by Councilor Lynch and seconded by Mayor Pro Tem Reyna *to appoint Nicole Sati Fardi to an Alternate Member position on the Human Rights Commission for a three-year term*. The motion passed unanimously.

Historic Preservation Board

A motion was made by Councilor Behanna and seconded by Councilor Walton *to appoint Bob Jencks as a full member on the Historic Preservation Board for a term of four years*. The motion passed unanimously.

A motion was made by Councilor Behanna and seconded by Councilor Walton *to appoint Kim Dugan as a full member on the Historic Preservation Board for a term of three years*. The motion passed unanimously.

City Administrator's Report

Ordinance No. 38, Series 2017

Approving a 90-day Moratorium on the Acceptance and Processing of New Applications for Special Use Approvals for Assisted Living Facilities, Hospitals, Nursing Homes or Convalescent Homes, and all Uses in the Senior and Special Resident (RSR) Zone District; and Declaring an Emergency.

Mr. Klaphake said the moratorium is needed to allow time to assess the City's ability to provide ambulance and emergency medical transport services to these facilities. The City currently operates ambulance services at a deficit, requiring a subsidy from the General Fund.

Mark Painter, Attorney for The Peaks at Old Laramie Trail Senior Living Facility was invited to join the discussion. His client's plans for expansion would be halted if the emergency ordinance passes.

A motion was made by Councilor Behanna and seconded by Mayor Pro Tem Reyna to approve Ordinance No. 38, Series 2017 amended to ensure that appropriate communication is made to the Fire Department, Police Department, Planning Commission, and Senior Advisory Board. City Attorney Williamson said the motion would require a unanimous vote in order to pass. A vote was taken and the motion failed 5 to 1 with Councilor Walton voting no.

A motion was made by Councilor Walton and seconded by Councilor Lynch to approve Ordinance No. 38, Series 2017 as amended and to remove the "emergency" status of the ordinance. City Attorney Williamson clarified that Council would be approving the ordinance on first reading and it would come back for second reading at the next meeting. A vote was taken and the motion passed unanimously.

East Baseline Road Addition Replat A and PUD

City Administrator Klaphake said the owner of the Lafayette Feed and Grain Store site has been unable to get the development agreement and plat changes recorded within 30-days as stipulated when Council approved the Replat and PUD. He requested Council approve an extension of 6 months, requiring recordation by March 15, 2018.

A motion was made by Councilor Lynch and seconded by Councilor Walton to approve the extension of approval of East Baseline Road Addition Replat A and PUD for 6 months. The motion passed unanimously.

Council Discussions

DRAFT Ordinance / Sugary Drinks on Children's Menus

Councilor Walton suggested a change to Sec. 55-176 (a) (2) which would exclude artificial sweeteners from milk alternatives. Council directed the City Attorney to prepare an ordinance for first reading with the recommended change.

DRAFT Resolution / Deferred Action for Childhood Arrivals (DACA)

Mayor Pro Tem Reyna and Councilor Mazza will revise the draft for reading at the next meeting.

Council Reports

Councilor Walton requested that a discussion about adopting whatever comes out of the Boulder County Affordable Housing Summit be placed on the next agenda.

A motion was made by Councilor Walton and seconded by Councilor Behanna to direct the City Attorney to draft a resolution adopting a 10% goal for deed-restricted affordable housing. The motion passed unanimously.

A motion was made by Councilor Walton and seconded by Councilor Lynch *to schedule a review of residential and commercial development fees at the first meeting in November*. The motion passed unanimously.

Mayor Berg, and Councilors Mazza and Behanna, agreed to represent Lafayette at the Consortium of Cities meetings for the rest of the year.

Adjourn

The meeting was adjourned at 10:31 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.