

RECORD OF PROCEEDINGS

CITY OF LAFAYETTE CITY COUNCIL MEETING

February 6, 2018

Call to Order

The February 6, 2018, City Council Meeting began at 5:35 p.m. at Lafayette City Hall at 1290 South Public Road in Lafayette, Colorado.

Roll Call

Those in attendance included Mayor Pro Tem Gustavo Reyna, and Councilors Jaime Harkins, Stephanie Walton, Chelsea Behanna, Merrily Mazza, and Alexandra Lynch. A motion was made by Councilor Lynch and seconded by Councilor Behanna *to excuse Mayor Christine Berg who is on a family vacation*. The motion passed unanimously.

Also present were City Administrator Gary Klaphake, Police Chief Rick Bashor, Fire Marshal Norm Kellett, City Clerk Susan Koster, City Attorney Dave Williamson, Assistant City Administrator / Economic Development Director / LURA Director Roger Caruso, Public Works Director Doug Short, Planning Director Karen Westover, and Finance Director Steve McFarland.

Workshop

Municipal Judge Roger Buchholz presented the Municipal Court Annual Report including summonses issued, violations charged, trials, and warrants. He said traffic violations have increased by 40% since 2015. He noted the increased workload in Court Administration as a result.

Assistant City Administrator / Economic Development Director / LURA Director Caruso updated Council on the North Metro Enterprise Zone.

Return to Regular Session

Presentation

Coal Creek Meals on Wheels Director Sheena Sullivan and Program Manager Stacy Robertson presented a report of services provided to their Lafayette Clients.

Legislative Update

Colorado State Senator Matt Jones and Representative Mike Foote discussed key municipal issues before the 2018 General Assembly.

Public Input

Andrew J. O'Connor talked about oil and gas regulation efforts at the State level.
Becky O'Brien spoke in support of the resolution on food recovery.
Matt LeBeau spoke in support in of the resolution establishing waste diversion goals.

Public Hearing / Comprehensive Plan Land Use Map Amendment – Rural Preservation

Planning Director Westover presented the first reading of Ordinance No. 05, Series 2018 /Comprehensive Plan Land Use Map Amendment – Rural Preservation. She said the amendment will rezone a 5.56 acre parcel directly east of the Stonehenge Subdivision

Mayor Pro Tem Reyna opened a public hearing at 7:34 p.m. and invited interested parties to come forward. Jan Miller and Harry Grace spoke in support of the ordinance. The Mayor Pro Tem closed the hearing at 7:37 p.m. A motion was made by Councilor Behanna and seconded by Councilor Lynch *to approve Ordinance No. 05, Series 2018 as presented*. The motion passed unanimously.

Comprehensive Plan Land Use Plan Map

Planning Director Westover presented the first reading of Ordinance No. 06, Series 2018 / Amending the Comprehensive Plan's Land Use Plan Map and Adding a New Land Use Designation – Core Neighborhood Residential. She said the new designation is necessary to distinguish the Old Town overlay district from other high density residential areas in the city, by allowing only single-family detached, accessory dwelling units, and duplexes.

Mayor Pro Tem Reyna opened a public hearing at 7:43 p.m. and invited interested parties to come forward. Seeing no one, he closed the hearing. A motion was made by Councilor Lynch and seconded by Councilor Mazza *to approve Ordinance No. 06, Series 2018 as presented*. The motion passed unanimously.

Adoption of International Fire Code

Councilors considered the second reading of Ordinance No. 02, Series 2018 / Repealing and Re-enacting in its Entirety Sec 45-46 and Sec 45-47 of Article III of Chapter 45 of the Code of Ordinances Regarding Adoption of the International Fire Code 2015 Edition. As required by law, a public hearing must be conducted upon second reading.

Mayor Pro Tem Reyna opened a public hearing at 7:46 p.m. and invited interested parties to come forward. Seeing no one, he closed the hearing. A motion was made by Councilor Walton and seconded by Councilor Lynch *to approve on second reading Ordinance No. 02, Series 2018 as presented*. The motion passed unanimously.

Amending Code / Section 75-260 - Definitions

Police Chief Bashor presented the first reading of Ordinance No. 03, Series 2018 / Amending Section 75-260, Definitions, of the Municipal Code Regarding Offenses-Miscellaneous. He said the amendment is needed to track with the recently amended State definition of "illegal weapon." A motion was made by Councilor Walton and seconded by Councilor Lynch *to approve on first reading Ordinance No. 03, Series 2018 as presented*. The motion passed 5 to 0 as Councilor Behanna was out of the room.

2018 Budget Supplemental

Finance Director McFarland presented the first reading of Ordinance No. 04, Series 2018 / 2018 Budget – Supplemental Appropriations. He reviewed the items proposed for amendment. A motion was made by Councilor Lynch and seconded by Councilor Behanna *to approve on first reading Ordinance No. 04, Series 2018 as presented*. The motion passed unanimously.

Silo Subdivision / Deadline Extension

Planning & Building Director Westover presented the first reading of Ordinance No. 07, Series 2018 / Extending Deadlines Associated with Silo Subdivision Final Plan Approval to July 31, 2018. She said the extension is needed to allow the developer time to finalize engineering drawings in

compliance with City specifications. A motion was made by Councilor Mazza and seconded by Councilor Behanna *to approve on first reading Ordinance No. 07, Series 2018 as presented*. The motion passed unanimously.

Affordable Housing Fee

Assistant City Administrator / Economic Development Director Caruso presented the first reading of Ordinance No. 08, Series 2018 / Affordable Housing Fee. He said the increase from .30/square foot to .60/square foot replaces the affordable unit set-aside previously required by the City. A motion was made by Councilor Walton and seconded by Councilor Lynch *to approve on first reading Ordinance No. 08, Series 2018 as presented*. The motion passed unanimously.

Nonexempt and Permanently Affordable Dwelling Unit Maximums

Planning & Building Director Westover presented Resolution No. 2018-05 / Establishing the Nonexempt and Permanently (Charter) Affordable Dwelling Unit Maximums for Calendar Year 2018. She said the adoption of the nonexempt unit maximum is required by City Charter and the Code provides for up to 50 permanently affordable units per year. She provided data supporting the recommended maximums for 2018. A motion was made by Councilor Mazza and seconded by Councilor Harkins *to approve Resolution No. 2018-05 as written*. The motion passed unanimously.

Solid Waste Diversion Goals

Public Works Director Short presented Resolution No. 2018-06 / Adopting Solid Waste Diversion Goals. He said the goals are recommended by the City's Waste Reduction Advisory Committee. A motion was made by Councilor Walton and seconded by Councilor Harkins *to approve the resolution as written*. The motion passed unanimously.

Food Recovery Challenge

Public Works Director presented Resolution No. 2018-07 / Endorsing the Environmental Protection Agency's Food Recovery Challenge. He said the resolution commits City resources to several efforts in reducing food waste. A motion was made by Councilor Walton and seconded by Councilor Lynch *to approve Resolution No. 2018-07 as written*. The motion passed unanimously.

Surplus Vehicles and Equipment

Council considered Resolution No. 2018-08 / Surplus Vehicles and Equipment. The resolution declares several City-owned vehicles and pieces of equipment as surplus property so they may be disposed of, recycled, sold at auction, or donated. A motion was made by Councilor Lynch and seconded by Councilor Mazza *to approve Resolution No. 2018-08 as presented*. The motion passed unanimously.

Consent Agenda

Mayor Pro Tem Reyna read the Consent Agenda:

- P. Minutes of the January 16, 2018 City Council Meeting
- Q. Minutes of the January 20, 2018 City Council Goal-setting Session
- R. Contracts / Water Conservation Programs / Resource Central
- S. 3rd Amendment to 5th Interim Agreement / Windy Gap Firing Project
- T. Purchase Orders and Amendments

A motion was made by Councilor Walton and seconded by Councilor Harkins to approve the Consent Agenda. The motion was approved unanimously.

Council Appointments

A motion was made by Councilor Harkins and seconded by Councilor Lynch to appoint to the Lafayette Cultural Arts Commission Jessica Manzanares and Lauren Spath Luhring as full members, each serving a three year term; and to appoint JD Mangat and David Greene as alternates. The motion passed unanimously.

A motion was made by Councilor Mazza and seconded by Councilor Lynch to appoint to the Lafayette Public Art Committee Kristie Trevey, to serve as a full member for a 3-year term and to appoint Josie Knapp and Bea Glassford as alternate members. The motion passed unanimously.

City Attorney's Report

City Attorney Williamson requested Council appointment of a special legal counsel to represent the City in Erie's expected appeal of a CDOT access permit denial. A motion was made by Councilor Lynch and seconded by Councilor Walton to retain the firm of Kaplan, Kirsch & Rockwell to provide legal representation in conjunction with the Town of Erie's appeal of the denial of an access permit from the Colorado Department of Transportation to U.S. Highway 287, south of Arapahoe Road, which is in Lafayette. The hourly rate associated with such representation shall not exceed \$425 per hour. The mayor is authorized to enter into an engagement letter consistent with this motion. The motion passed unanimously.

City Attorney Williams asked Council to authorize a joint defense agreement between Lafayette and Boulder County that will allow discussions between attorneys to remain confidential per the attorney/client privilege in the event of litigation arising from oil & gas regulations. A motion was made by Councilor Walton and seconded by Councilor Mazza authorizing the Mayor Pro Tem to sign a Common Interest Privileged Communications & Joint Defense Agreement on behalf of the City and with Boulder County, pertaining to the development, enactment and implementation of oil and gas regulations. The motion passed unanimously.

Adjourn

The meeting adjourned at 8:26 p.m.

CITY OF LAFAYETTE, COLORADO

ATTEST

Gustavo Reyna, Mayor Pro Tem

Susan Koster, 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.