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

February 18, 2014

Call to Order
The February 18, 2014, regular City Council Meeting began at 6:35 p.m. in the Council Chambers at Lafayette City Hall, located at 1290 S. Public Road in Lafayette, Colorado.

Roll Call
Councilors in attendance included Mayor Christine Berg, Mayor Pro Tem Gustavo Reyna; and Councilors Tom Dowling, Staci Lupberger, Merrily Mazza and Alexandra Lynch. A motion was made by Councilor Lynch and seconded by Councilor Lupberger *to excuse Councilor Brad Wiesley*. The motion passed unanimously.

Also present were Acting City Administrator Phillip Patterson, Police Chief Rick Bashor, City Clerk Susan Koster, Finance Director Wade Nickerson, City Prosecutor Ralph Josephsohn, Public Works Director Doug Short, Acting City Attorney Bill Hayashi, and Director of Parks, Open Space & Golf Monte Stevenson.

Liquor Authority Hearing
City Clerk Koster said Patrick Wolfe, owner of Crossroads Bar & Tavern, was issued an Order to Show Cause and notice to appear before the Lafayette Liquor Authority on February 18, 2014 regarding violations occurring at his establishment in June of 2013. Mr. Wolfe met with Prosecuting Attorney Ralph Josephsohn on January 23, 2014 and signed a stipulation agreement in which he did not contest the allegations and agreed to mitigating measures to avoid recurrence of the violations. Prosecuting Attorney Ralph Josephson invited Mr. Wolfe to the podium and asked him to acknowledge that he did enter into a stipulation agreement. Mr. Wolfe made that acknowledgement and spoke about the tavern's history of good standing in the community. Mr. Josephson described mitigating measures that were agreed upon and reviewed options for imposing sanctions on the licensee.

A motion was made by Councilor Lynch *to approve the stipulation agreement between the City of Lafayette and Crossroads Bar & Tavern, 400 W. South Boulder Road, #2600*. The motion passed unanimously.

A motion was made by Councilor Dowling and seconded by Councilor Lynch *to impose five days suspension of the license from February 19, 2014 to February 23, 2014*. The motion passed unanimously.

A motion was made by Councilor Lupberger and seconded by Councilor Lynch *to allow the licensee to pay a fine of $273.65 in lieu of suspension not later than 3 business days before the first day of the active suspension*. The motion passed unanimously.

A motion was made by Councilor Dowling and seconded by Councilor Lupberger *to change the dates of active suspension to February 24, 2014 to February 28, 2014 to allow the licensee to pay the fine as required*. The motion passed unanimously.

A motion was made by Councilor Lynch *to approve the Order, finding that the licensee requested to pay a fine in lieu of serving 5 days of suspension not held in abeyance; finding that the payment of a fine is appropriate under Section 12-47-601CRS, and calculating the amount of the fine to be $273.65. The full amount of the fine is to be paid to the City Treasurer not later than 3 business days before the first day of active suspension, and the 5 days of suspension not held in abeyance shall be permanently stayed*. The motion passed unanimously.

Public Input
Lotus Thomas introduced herself as the new Executive Director of Project YES and spoke about the mission and activities of her organization.
Randy Moorman of Eco-cycle, urged Council to support curbside composting.
Former mayor, Frank Phillips of 278 S. Finch Avenue, spoke in favor of funding the Boulder County Youth Corps.
Library Board member Dave Belin, 174 High Country Drive, talked about the volunteer activities at the library.
Gerald Sloat, 3785 Orange Lane (Boulder) urged Council to increase the number of allowed licenses for marijuana business operations.
Boulder County Health representative Heath Harmon, 3450 N. Broadway (Boulder), suggested several regulations to include in the retail marijuana ordinance.
Karin Lazaros, 3110 Foundry Place (Boulder), spoke in favor of raising the cap on licenses for marijuana business operations.
Shawn Coleman, 3250 O'Neal Circle (Boulder), offered several suggestions pertaining to the retail marijuana ordinance.

Presentation
Open Space Advisory Committee members Erin Frazier and Dave Belin presented their committee's 2013 Annual Progress Report and 2014 Goals.

Consent Agenda
Mayor Berg read the consent agenda.

D. Minutes of Regular Council Meeting of February 4, 2014
E. Resolution No. 2014-09 / Amending Fees for Municipal Services, Exhibit A / Liquor Licensed Drugstore
F. Resolution No. 2014-10 / Authorizing an Intergovernmental Agreement / Youth Corps / Boulder County
G. Resolution No. 2014-11 / Setting Date for Annexation Hearing / Swinburg Annexation No. 1 / Twelve Acres Adjacent to and South of the Hwy 287 & Public Drive Intersection
H. Resolution No. 2012-12 / Decreasing Off-Street Parking Requirement / 101 S. Public Road

I. Second Reading / Ordinance No. 01, Series 2014 / Vacation of Utility Easement / Lot 77 Josephine Commons Replat #1 Subdivision
J. Second Reading / Ordinance No. 02, Series 2014 / Granting of Utility Easement to Public Service Company / Lots 1 and 3, Minor Subdivision Replat of part of Foltz Subdivision (City Service Center)
K. Seventh Amendment to Fourth Interim Agreement Between the Municipal Sub-district, Northern Colorado Water Conservancy District, Windy Gap Firming Project Water Activity Enterprise and the City of Lafayette / Participation in the Windy Gap Firming Project
L. Contract / Waneka Dam Inundation Study/ The Applegate Group
M. Contract / Design and Construction of Eldorado Diversion Structure / Merrick and Company
N. Contract/Water Conservation Programs / Center for ReSource Conservation
O. Contract / Engineering Coal Creek Trail Repairs at Adler-Fingru Open Space / Loris and Associates, Inc.
P. Purchase Orders and Amendments

Item H was removed from the Consent Agenda for further discussion.

A motion was made by Councilor Lynch and seconded by Councilor Mazza *to approve the remainder of the Consent Agenda*. The motion passed unanimously.

A motion was made by Councilor Lupberger and seconded by Councilor Mazza *to approve Resolution No. 2014-12 / Decreasing Off-Street Parking Requirement for Property at 101 S. Public Road*. The motion passed unanimously.

Council Appointments
A motion was made by Councilor Lynch and seconded by Councilor Lupberger *to reappoint Blanca Montppellier to a three-year term and appoint current alternates Jorge Sanchez and Cheryl Diaz to voting member status on the **Latino Advisory Board***.The motion passed unanimously.
A motion was made by Mayor Pro Tem Reyna and seconded by Councilor Lupberger *to appoint Elizabeth Lyon and Neville Harson for three-year terms, and to appoint Sheble McConnellogue and Sean Lynch as alternate members to the **Cultural Arts Commission***. The motion passed unanimously.
A motion was made by Councilor Lynch and seconded by Councilor Dowling *to appoint Sandra Bonel to a three-year term on the **Public Art Committee***. The motion passed unanimously.

Proclamation
Councilor Mazza read a proclamation designating February as 2014 **Black History Month**. A motion was made by Councilor Mazza and seconded by Councilor Lupberger *to adopt the proclamation as read*. The motion passed unanimously.

Enacting Retail Marijuana Business License Ordinance
Acting City Administrator Patterson presented Ordinance No. 04, Series 2014 / Enacting Article III of Chapter 56 of the Code of Ordinances pertaining to Retail Marijuana Business Licensing. He reminded Council that, during the workshop, they discussed including the option to co-locate medical and retail operations on a shared premise for sales to those 21 years of age and older.

A motion was made by Councilor Lynch and seconded by Councilor Dowling *to approve on first reading Ordinance No. 04, Series 2014*.

A motion was made by Councilor Lynch *to amend Section 56-270(a)((7) changing the distance restriction between centers from 750 feet to 1,000 feet*. The motion passed unanimously.

A motion was made by Councilor Lynch and seconded by Councilor Dowling *to amend Section 56-270(b)(5) by increasing from 5 to 6, the total number of physical locations that may be licensed for retail and/or medical marijuana cultivation and product manufacturing*. The motion passed by a vote of 5 to 1, with Councilor Lupberger voting no.

A motion was made by Councilor Lynch and seconded by Councilor Mazza *to amend Section 56 -270(h) to include the option of co-locating medical and retail operations on a shared premise for sales to those 21 years of age and older*. The motion passed unanimously.

A vote was taken on the original motion, as amended. It passed 5 to 1, with Councilor Lupberger voting no.

Repealing and Reenacting Medical Marijuana Business Licensing Ordinance
A motion was made by Councilor Lynch and seconded by Council Mazza t*o approve on first reading Ordinance No. 05, Series 2014 / Repealing and Reenacting in it's Entirety Article II, Chapter 56 of the Code of Ordinances pertaining to Medical Marijuana Business Licensing*.

A motion was made by Councilor Lynch *to amend Section 56-242(a)(7) changing the distance restriction between centers from 750 feet to 1,000 feet*. The motion passed unanimously.

A motion was made by Councilor Lynch and seconded by Councilor Dowling *to amend Section 56-242(b)(5) increasing from 5 to 6, the total number of physical locations that may be licensed for retail and/or medical marijuana cultivation and product manufacturing*. The motion passed by a vote of 5 to 1, with Councilor Lupberger voting no.

A motion was made by Councilor Lynch and seconded by Councilor Mazza *to amend Sec. 56-242(g) to include the option of co-locating medical and retail operations on a shared premise for sales to those 21 years of age and older*. The motion passed unanimously.

A vote was taken on the original motion, as amended. It passed unanimously.

Residential Recreational Marijuana Cultivation
Acting City Administrator Patterson presented the first reading of Ordinance No. 06, Series 2014 / Amending Chapter 70 of the Municipal Code Regarding Nuisances pertaining to Residential Marijuana Cultivation. He said the ordinance is necessary restrict the total number of plants that may be grown for recreational purposes in a single family residence to 12, no matter how many adult individuals reside there. A motion was made by Councilor Dowling and seconded by Councilor Mazza *to approve on first reading Ordinance No. 06, Series 2014 as presented*. The motion passed unanimously.

Amendment to the Recreational Marijuana Moratorium Ordinance
City Attorney Hayashi said the ordinance was amended following the first reading. Acting City Administrator Patterson pointed out the changes that were made to the title and to Section 2. A motion was made by Councilor Lynch and seconded by Councilor Mazza *to approve on second reading Ordinance No. 03, Series 2014 (as amended) / Amending the Recreational Marijuana Moratorium for the purposes of allowing existing Medical Marijuana Centers and Medical Marijuana Optional Premises Cultivation Facilities currently licensed by, or with applications under consideration by the City of Lafayette to apply to the State of Colorado to convert or co-locate, as applicable, to a Recreational Marijuana Establishment*. The motion passed 5 to 1, with Councilor Lupberger voting no.

Adjourn
The meeting was adjourned at 8:42 p.m.

CITY OF LAFAYETTE, COLORADO

_____
Christine Berg, Mayor

ATTEST

_____
Susan Koster, CMC

City Clerk

[SEAL]

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.