

CITY OF FLORENCE  
SPECIAL CITY COUNCIL MEETING  
October 31, 2016

1. Mayor Ore called the special meeting of the Florence City Council to order at 11:00 a.m. with the Pledge of Allegiance.

2. Roll call	-	Mayor Ore	-	Present
		Councilman Baker	-	Present
		Councilman Vendetti	-	Present
		Councilman Upton	-	Present
		Councilwoman Smith	-	Present
		Councilwoman Henager	-	Present
		Councilman Villagrana	-	Present

Others present – City Manager Mike Patterson, City Planning Director Wade Broadhead, Water Superintendant Brandon Harris, Public Works Director Sam Elstun, Police Chief Mike Delaurentis, Finance Officer Mary Dice, and City Clerk Dena Lozano.

3. Discussion on Ballot Question Response Letter- City Manager Mike Patterson started meeting by stating a response letter to Councilor Smith’s statement that was in the newspaper was drafted per City Council. Mr. Patterson stated that in the statement Councilor Smith identifies herself as a council member, making a statement that can be construed as the entire council making the statement. Mr. Patterson stated that other council members were upset by the statement and felt like this was something that they would like to address. Mr. Patterson stated that staff has reviewed minutes and that all council members seemed clear that this was an advisory vote. Council has also repeatedly stated that council will support whatever direction the vote goes.

Mayor Ore requested that Mr. Patterson read the letter aloud. Mayor Ore asked for council’s response.

Councilor Villagrana stated that after the paper came out he had four calls asking what was going on with the city council members and six people come to his house and ask if he knew what the City Council was doing. Councilor Villagrana stated that he assured all parties that all members of council would support the results of the election and honor the citizens vote. Councilor Villagrana stated that he will accept the wish of the voters.

Mayor Ore stated that this would have been better had it been discussed as a council or Councilor Smith had not represented herself as a council member. Councilor Smith stated she identified herself as a council person because she is part of the council.

Councilor Smith addressed council stating that she felt that the second sentence in letter was incorrect and that she voted in favor of the ordinance to be put on the ballot.

Councilor Smith claimed that she has never heard anything about the advisory vote.

Councilor Smith stated that her intention was to have an absolute vote, but in discussion with City Attorney Bryan Fredrickson she discovered that the verbiage is incorrect in order to have an absolute vote. Councilor Smith stated in her letter to the paper she explained what an advisory vote was, but that she was not unhappy that the question was

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on the ballot. Councilor Smith stated that she felt Mr. Patterson needed to remove the second sentence of statement.

Councilor Henager stated that when council was first discussing whether marijuana question should go on the ballot or not, herself and Councilor Vendetti had suggested using survey monkey to take a poll of the voters and save the city money. When Council decided to do the excise tax ballot question then it made sense to put both on the ballot due to the fact that we would not be paying out any extra money. Councilor Henager stated at that time she voted in favor of putting the question to the voters. Councilor Henager stated she would like the advisory vote to avoid what Pueblo County is going through. Councilor Henager stated that this has always been expressed to council as an advisory vote, and that this has never been a binding vote.

City Manager Mike Patterson stated that it has always been very clear from Bryan Fredrickson that it can only be an advisory vote. There is no legal way to have a binding vote on the issue.

Councilor Smith then stated that she had an issue with the second to last sentence in the second paragraph. Councilor Smith stated that she felt like the sentence contradicts the second sentence in the statement.

City Manager Mike Patterson stated that what the statement is saying in those areas is that Councilor Smith's position has flipped.

Councilor Henager requested that Councilor Smith's statement be read aloud to council. Councilor Henager stated we have the meeting minutes that all council members approved. Councilor Henager stated she has reviewed the minutes in detail and has found that it states in the minutes that this is an advisory vote. Councilor Henager stated that this has always been discussed as an advisory vote. Councilor Henager asked all of council if this was clear to them as well.

Councilor Baker stated this has always been very clear to him that this is an advisory vote. Councilor Baker stated that when approached by citizens he makes it very clear that council has agreed to follow the wish of the voters.

Councilor Upton also stated this that he understood this to be an advisory vote as well.

Councilor Vendetti stated he is unhappy with ballot title but as a council member he will go whichever way that the vote goes. Councilor Vendetti stated that he has always understood this to be an advisory vote.

City Manager Mike Patterson stated that when council approves minutes as a council member part of what they are approving is the content and accuracy of the minutes and Ms. Smith had voted yes on several meeting minutes where the vote is referred to as an advisory vote.

Councilor Upton stated one of the issues he has with Councilor Smith's statement is that it indicates that all of council supports Councilor Smith's statement or at least that is what people may perceive.

Councilor Henager stated that council all went through Cirsa training and have been told that all council members are to represent themselves alone unless they are acting as a council. Councilor Henager stated that she agrees strongly with the third paragraph of response letter stating Councilor Smith is either derelict in her duties as a council

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member, she paid no attention, or she is being intentionally untruthful. Councilor Henager stated as a private citizen, she feels Councilor Smith needs to resign. Councilor Henager stated it is important to have people that are paying attention to what is going on within the city as well as what is happening with the meeting minutes. Councilor Henager stated Councilor Smith's letter makes us look incompetent.

Councilor Vendetti stated that when asked by citizens at the meetings if they were going to follow the results of the vote, council stated repeatedly that they would.

Councilor Baker asked for a clarification in response statement to address that ballot question is for retail cultivation not sales within Florence.

Mayor Ore addressed Councilor Smith and stated that as she can tell council as a whole is very upset about her statement in the paper.

Councilor Smith stated that she was trying to explain what an advisory vote was to the public. Councilor Smith stated that next time she wants to put something in the paper she will run it by the council.

Mayor Ore stated that it feels like Councilor Smith threw council under the bus.

Councilor Villagrana stated this has the public wondering if council knows what it is doing.

Councilor Henager asked staff to look into the process of sanctioning a council person.

Councilor Henager stated that she feels like if Councilor Smith is not going to resign then she feels council should start the sanctioning process.

City Manager Mike Patterson read council the changes in the response statement. City Clerk Dena Lozano stated that council may want to refer to this as a ballot question not issue.

Councilor Smith addressed the sentences in the response statement that she did not agree with,

City Manager Mike Patterson again read the statement to Councilor Smith. Councilor Smith stated that she understood clarification and understood what those lines were stating now.

Councilor Villagrana moved to approve response statement with additional lines added in that Mayor Ore will review with City Manager Mike Patterson. Councilor Henager seconded the motion. Roll Call Vote- Councilor Villagrana-yes, Councilor Henager-yes, Councilor Vendetti-yes, Councilor Baker-yes, Councilor Smith-yes, Councilor Upton-yes, Mayor Ore-yes

4. There being no further business the meeting was adjourned at 11:40 a.m.