



CITY COUNCIL PROCEEDINGS

October 25, 2011

Civic Center
350 Kimbark Street
Longmont, CO 80501

REGULAR SESSION

The October 25, 2011, Regular Session of the Longmont City Council was called to order at 7:00 p.m. by Mayor Baum in the City Council Chambers.

1. ROLL CALL – PLEDGE OF ALLEGIANCE

Valeria Skitt, City Clerk, called the roll. Those present were Mayor Baum and Council Members Brian Hansen, Sarah Levison, Sean McCoy, Gabe Santos, and Katie Witt. Council Member Alex Sammoury was absent.

Mayor Baum and his children, Chase and Brooklyn, led the assembly in reciting the Pledge of Allegiance.

2. CHAIR REMINDER TO THE PUBLIC

The Mayor reviewed the procedures for Public Invited to be Heard and Public Hearings.

3. APPROVAL OF MINUTES

Council Member McCoy moved, seconded by Santos, to approve the minutes of the October 11, 2011, meeting as printed. Motion carried: 6-0 (Sammoury absent).

4. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS

Gordon Pedrow, City Manager, handed out a revised ordinance for Item 8B regarding permits for Ambulatory Vendors and Mobile Food Vending in the City of Longmont.

5. CITY MANAGER'S REPORT

Kimberley McKee, Executive Director of the Longmont Downtown Development Authority, updated Council on the Alleyscape project. The project will start after the first of the year in order to keep the downtown open for business without challenges during the holiday season.

Lauren Greenfield, Art in Public Places Administrator, gave an update on the relocation of the Los Arcos de Longmont relocation as part of the Downtown Alleyscape project.

Dale Rademacher, Director of Public Work and Natural Resources, provided Council with an update on the City's snow and ice removal policy given the prediction of up to a foot of snow over the next 24 hours. The plan is on the City's website for the public's benefit and has not changed significantly from prior years.

David Starnes, Redevelopment Program Manager, updated Council on an application regarding a Brownfield Assessment grant the City will submit in the next couple of weeks and requested a letter of support from the Mayor to include with the packet.

Council Member Santos moved, seconded by McCoy, to have the Mayor write a letter of support for the grant application. Motion carried: 6-0 (Sammoury absent).

6. SPECIAL REPORTS AND PRESENTATIONS

- A.** Presentation of the Distinguished Budget Presentation Award from the Government Finance Officers Association to the City of Longmont for the 2011 Operating Budget

Jim Golden, Director of Finance and Support Services, noted that the City has received the GFOA Distinguished Budget Presentation Award for 20 years in a row. Mr. Golden recognized the staff who are responsible for putting the budget together and invited Teresa Molloy to accept the award.

Council Member Santos recognized Jim Golden for his participation in the preparation of the budget and for his leadership skills.

- B.** A Proclamation Recognizing November 1, 2011 as "Boulder County and Weld County Sesquicentennial Day" in Longmont, Colorado

Mayor Baum read the proclamation recognizing November 1, 2011, as Boulder County and Weld County Sesquicentennial Day in Longmont, Colorado.

Barb Halpin, Public Information Officer for Boulder County, and Doug Rademacher, Weld County Commissioner, were both present to accept the Proclamations from the Mayor.

7. FIRST CALL – PUBLIC INVITED TO BE HEARD

Steve Donnellan, 2437 Tyrrhenian, spoke in favor of the Telecommunications Ballot item 2A and noted that the last time this was presented for public vote, it was Qwest and Comcast in opposition and now it is CenturyLink and Xfinity. He stated that they are really the only ones against 2A and that they have spent over \$500,000 to defeat 2A. He recommended that citizens vote "Yes" on ballot item 2A.

Strider Benston, 951 W. 17th, spoke in favor of the Occupy Longmont rally that took place for the fourth consecutive week this last Monday.

8. ORDINANCES ON SECOND READING AND PUBLIC HEARINGS ON ANY MATTER

A. 2012 Budget Ordinances

1. **O-2011-72**, Public Hearing and Second Reading of a Bill for an Ordinance Adopting the Budget for the City of Longmont for the Year 2012

Gordon Pedrow, City Manager, read the title of the ordinance into the record.

Teresa Molloy, Budget Manager, provided an overview of all of the budget items. She noted that Council will be acting on a total of five ordinances in order to fully adopt and authorize the 2012 budget for the City of Longmont.

Mayor Baum opened a public hearing on this item. There being no one present to address Council on this issue, the public hearing was closed.

Council Member Santos moved, seconded by Witt, to adopt Ordinance O-2011-72 on second reading. Motion carried: 6-0 (Sammoury absent).

2. **O-2011-73**, Public Hearing and Second Reading of a Bill for an Ordinance Making Appropriations for the Expenses and Liabilities of the City of Longmont for the Fiscal Year beginning January 1, 2012

Gordon Pedrow, City Manager, read the title of the ordinance into the record. There was no formal staff presentation on this item.

Mayor Baum opened a public hearing on this item. There being no one present to address Council on this issue, the public hearing was closed.

Council Member Witt moved, seconded by Levison, to adopt Ordinance O-2011-73 on second reading. Motion carried: 6-0 (Sammoury absent).

3. **O-2011-74**, Public Hearing and Second Reading of a Bill for an Ordinance Fixing and Levying Taxes Upon the Real and Personal Property within the City of Longmont for the Year 2011, to Pay Budgeted City Expenses for the 2012 Fiscal Year

Gordon Pedrow, City Manager, read the title of the ordinance into the record. There was no formal staff presentation on this item.

Mayor Baum opened a public hearing on this item. There being no one present to address Council on this issue, the public hearing was closed.

Council Member McCoy moved, seconded by Witt, to adopt Ordinance O-2011-74 on second reading. Motion carried: 6-0 (Sammoury absent).

4. **O-2011-75**, Public Hearing and Second Reading of a Bill for an Ordinance Fixing and Levying Taxes Upon the Real and Personal Property within the Longmont Downtown Development District for the Year 2011 to Pay Budgeted Expenses of the Longmont Downtown Development Authority for the 2012 Fiscal Year

Gordon Pedrow, City Manager, read the title of the ordinance into the record. There was no formal staff presentation on this item.

Mayor Baum opened a public hearing on this item. There being no one present to address Council on this issue, the public hearing was closed.

Council Member Hansen moved, seconded by McCoy, to adopt Ordinance O-2011-75 on second reading. Motion carried: 6-0 (Sammoury absent).

5. **O-2011-76**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Section 14.24.040 of the Longmont Municipal Code on Stormwater System Charges

Gordon Pedrow, City Manager, read the title of the ordinance into the record. There was no formal staff presentation on this item.

Mayor Baum opened a public hearing on this item. There being no one present to address Council on this issue, the public hearing was closed.

Council Member Levison moved, seconded by Witt, to adopt Ordinance O-2011-76 on second reading. Motion carried: 6-0 (Sammoury absent).

- B. **O-2011-77**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Sections 13.37.020, 13.37.030, 13.37.090, 13.37.140, 13.37.150, 13.37.160, 15.10.020 and Section 15.04.010 Table 15.04-A, and Repealing and Re-Enacting Section 15.04.040 of the Longmont Municipal Code Regarding Permits for Ambulatory Vendors and Retail Mobile Food Vending in the City of Longmont

Gordon Pedrow, City Manager, read the title of the ordinance into the record.

Erin Fosdick, Senior Planner, provided an overview of this item and noted that a revised ordinance was passed out to Council. The revisions included changes identified by staff and Council in previous meetings. This revised ordinance includes a \$50 fee per month to operate in the downtown, as well as changes to the phrase “mobile vending carts” to correct errors in the original ordinance.

Council Member Witt moved, seconded by Santos, to remove the \$50 monthly fee for the Longmont Downtown Development Authority (LDDA) included in the revised ordinance.

Council discussion followed regarding the 250 foot requirement for mobile vending carts, the impact of the \$50 fee on mobile vendors, and the of removing confidentiality from a memo sent from Deputy City Attorney Jay Rourke regarding this issue.

Ben Ortiz, Planner, reviewed the areas within the DDA boundary where mobile food vendors would be allowed. The map he provided showed very few locations in the downtown area where vendors could operate given the current location of existing restaurants.

Eugene Mei, City Attorney, responded to questions regarding the confidential nature of the memo sent by the Deputy City Attorney and that it concerns the relationship between a fee and the service provided.

Vote was taken on the motion and it failed: 3-3 (Hansen, Levison, and McCoy dissenting; Sammoury absent).

Council Member Santos moved, seconded by Witt, to remove the confidentiality of the Deputy City Attorney’s memo. Motion failed: 3-3 (Hansen, Levison, and McCoy dissenting; Sammoury absent).

Mayor Baum opened a public hearing on this item.

Strider Benston, 951 17th Avenue, spoke in opposition to the 250 foot limit for the distance a mobile vendor can operate from a restaurant. He also mentioned that there are special events that happen downtown and inquired whether or not special events that bring vendors to their events are in a special category.

There being no one else present to address Council on this issue, the public hearing was closed.

Council Member Witt moved, seconded by Santos, to take a five minute break. Motion passed: 4-2 (Levison and McCoy dissenting; Sammoury absent).

Council Member Witt moved, seconded by Santos, to continue this item to the next regular session.

Council Member Levison inquired as to whether or not the ordinance must be substituted before a decision can be made to continue this item at the next regular session.

Council Member Witt removed her motion.

Council Member Levison moved, seconded by Witt, to substitute the ordinance with the one distributed by staff at the start of the meeting. Motion carried: 6-0 (Sammoury absent).

Council Member Witt moved, seconded by Santos, to continue this item to next regular session. Motion carried: 4-2 (Hansen and McCoy dissenting; Sammoury absent).

- C. Presentation of Funding Recommendations for 2012 Community Development Block Grant Program, HOME Program, and Affordable Housing Funding, and Public Hearing for Citizen Input Regarding Proposed Funding

Kathy Fedler, Affordable Housing and Community Development Block Grant (CDBG) Coordinator, provided an overview of this item outlining the funding recommendations for the 2012 CDBG Program, HOME Program and Affordable Housing Program. She noted that there is a 30 day comment period required by HUD and the public hearing scheduled tonight is the start of that period.

Council discussion focused on approving the funding request in light of Thistle's default on their current loans.

Ms. Fedler noted that the financials have been thoroughly reviewed prior to submission of the application by Thistle but noted that it is Council's prerogative to change this recommendation based on past concerns with the parent company and that this additional funding is for improvements to current facilities.

General discussion followed.

Mayor Baum opened the public hearing on this item. There being no one to address Council, the public hearing was closed.

Council Member Santos moved, seconded by Witt, to remove funding for Thistle.

General discussion followed on this motion.

Vote was taken on the motion and it failed: 3-3 (Hansen, Levison, and McCoy dissenting; Sammoury absent).

Gordon Pedrow, City Manager, mentioned that this is the beginning of the 30 day comment period and that Council may reconsider this funding again at the end of the comment period when there is a full Council present.

Council Member McCoy moved, seconded by Hansen, move forward with the 30-day comment period. Motion failed: 3-3 (Baum, Santos, and Witt dissenting; Sammoury absent).

Council Member Santos moved, seconded by Baum, to remove the Affordable Housing Fund recommendations and move forward with the CDBG and HOME recommendations. Motion carried: 6-0 (Sammoury absent).

9. CONSENT AGENDA AND INTRODUCTION AND READING BY TITLE OF FIRST READING ORDINANCES

- A. O-2011-78**, A Bill for an Ordinance Making Additional Appropriations for the Expenses and Liabilities of the City of Longmont for the Fiscal Year beginning January 1, 2011 (ordinance introduced and public hearing scheduled for November 8, 2011)

- B. O-2011-79**, A Bill for an Ordinance Amending the 2011-2015 Capital Improvement Program (ordinance introduced and public hearing scheduled for November 8, 2011)

- C. O-2011-80**, A Bill for an Ordinance Amending Section 10.36.110 of the Longmont Municipal Code Regarding Possession or Consumption of Marijuana (ordinance introduced and public hearing scheduled for November 8, 2011)
- D. O-2011-81**, A Bill for an Ordinance Amending Chapters 15.03, 15.04, 15.05, and 15.10 of the Longmont Municipal Code Regarding the Creation of a Rail Park Zoning District (ordinance introduced and public hearing scheduled for November 8, 2011)
- E. R-2011-75**, A Resolution of the Longmont City Council Amending the Financial Policies of the City of Longmont for 2012 (resolution adopted)
- F. R-2011-76**, A Resolution of the Longmont City Council Approving the 2012 Classification and Pay Plan for City Employees (resolution adopted)
- G.** Adopt Amended Rules of Procedure for the City Council for the City of Longmont, Colorado (amended rules adopted)

Gordon Pedrow, City Manager, read the titles of the ordinances into the record and reviewed all of the items on the Consent Agenda.

Council Member Santos moved, seconded by McCoy, to adopt the full Consent Agenda. Motion carried: 6-0 (Sammoury absent).

10. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the Consent Agenda.

11. GENERAL BUSINESS

- A.** Longmont General Improvement District No. 1 Resolutions
 - 1. Recess as Longmont City Council and Convene as Board of Directors of the Longmont General Improvement District No. 1

Council Member Santos moved, seconded by Levison, to recess as the Longmont City Council and Convene as Board of Directors of the Longmont General Improvement District No. 1. Motion carried: 6-0 (Sammoury absent).

- 2. **RESOLUTION LGID 2011-03**, A Resolution of the Board of Directors of the Longmont General Improvement District No. 1 Adopting the Annual Budget for the District for the Fiscal Year 2012

Teresa Molloy, Budget Manager, reviewed this item for Council.

Board Member McCoy moved, seconded by Santos, to adopt Resolution LGID 2011-03 as presented. Motion carried: 6-0 (Sammoury absent).

3. **RESOLUTION LGID 2011-04**, A Resolution Fixing and Levying Taxes on the Real and Personal Property within the Longmont General Improvement District No. 1 for the Year 2011 to Pay Budgeted Expenses of the District for the 2012 Fiscal Year

Board Member McCoy moved, seconded by Santos, to adopt Resolution LGID 2011-04 as presented. Motion carried: 6-0 (Sammoury absent).

4. Adjourn as Board of Directors of the Longmont General Improvement District No. 1 and Reconvene as the Longmont City Council

Board Member Santos moved, seconded by McCoy, to adjourn as the Longmont General Improvement District No. 1 Board of Directors and reconvene as Longmont City Council. Motion carried: 6-0 (Sammoury absent).

- B. Performance Measures and Deliverables for 2012 contracts with the Longmont Area Economic Council (LAEC), the Boulder Small Business Development Center (SBDC), and the Longmont Area Visitors Association (LAVA)

Doug Bene, Economic Development Manager, provided a brief overview of this item for Council.

Council Member Santos moved, seconded by Levison, to approve the performance measures associated with the 2012 contracts within the City's Economic Development partners.

Council Member McCoy moved, seconded by Hansen, to request that a Golf Board liaison be chosen by the Golf Board to serve on the LAVA Board.

Council Member McCoy removed his motion and recommended that this could be accomplished by appointing a non-voting liaison who could attend on a regular basis.

Vote was taken on the original motion, to approve the performance measures, and it carried: 6-0 (Sammoury absent).

- C. Designation of a National League of Cities Delegate for Longmont

Sandi Seader, Assistant to the City Manager, introduced this item and explained the need for a designated delegate. She also noted that Council Members Witt and Levison are going to NLC to attend the conference in Phoenix next month.

Council Member Witt moved, seconded by Hansen, to designate Council Member Levison as the delegate and Council Member Witt as the alternate. Motion carried: 6-0 (Sammoury absent).

12. FINAL CALL – PUBLIC INVITED TO BE HEARD

Mayor Baum opened the Final Public Invited to be Heard.

Steve Donnellan, 2437 Tyrrhanian, made a suggestion for LAVA - to push the hotel availability for University of Colorado graduation and for the Boulder Bolder.

13. MAYOR AND COUNCIL COMMENTS

Council Member Santos passed on get well wishes to family members in Texas who have had medical issues and noted that a long time City of Longmont resident, Stan Barrett, passed away last night. He passed on his condolences to Mr. Barrett's family.

Council Member McCoy wanted the public to be aware that Monday is Halloween, that there will be trick-or-treaters in the neighborhoods and to please be careful.

Council Member Hansen mentioned that next Tuesday is Election Day, and stressed the regulations regarding the use of campaign posters, signs and stickers in the City's rights-of-way.

Council Member Levison mentioned that this Saturday there are a lot of really great events in the City, such as the Halloween Parade and the Day of the Dead Celebration at the Museum.

Council Member Santos added that this Saturday is Coffee with Council at Las Palmeras and that he and Council Member Hansen will be there.

14. CITY MANAGER REMARKS

The City Manager had no additional items to bring before City Council.

15. CITY ATTORNEY REMARKS

The City Attorney had no additional items to bring before City Council.

16. ADJOURN

There being no further business to come before the City Council, the meeting was adjourned at 9:02 p.m.

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk