



CITY COUNCIL PROCEEDINGS

August 9, 2011

Civic Center
350 Kimbark Street
Longmont, CO 80501

REGULAR SESSION

The August 9, 2011, Regular Session of the Longmont City Council was called to order at 7:00 p.m. by Mayor Bryan Baum in the City Council Chambers.

1. ROLL CALL – PLEDGE OF ALLEGIANCE

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

Mayor Baum 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 July 26, 2011, meeting as printed. Motion carried: 7-0.

4. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS

Gordon Pedrow, City Manager, noted that a description of services from housing research and advisory services and an additional application for the Ad Hoc Workforce Housing Task Force was e-mailed to Council Members yesterday and placed at the Council desks this evening. This application was received by the deadline but was inadvertently left out of Council's packet on Friday.

5. CITY MANAGER'S REPORT

The City Manager did not have a report.

6. SPECIAL REPORTS AND PRESENTATIONS

- A.** VFW Longmont Police Officer, Firefighter, and Medic of the Year Special Presentation

Mike Butler, Public Safety Chief, introduced members of the VFW who selected a Firefighter of the Year, Police Office of the Year, and Paramedic of the Year.

Jim Mauck, Representative of VFW Post 2601, 2130 Squires Street, briefly talked about each of the award recipient: Bruce Vaughn, Police Officer of the Year for State of Colorado; Ed Smith, Paramedic of the Year for the State of Colorado; and, Lt. Martin McFarlane, Firefighter of the Year Runner-up for the State of Colorado. Mr. Mauck introduced other members of the VFW who were present in the audience.

- B.** Sister Cities — Introduction of 2011 Mexico and Japan Student Ambassadors and Chaperones, and two members of Cd. Guzman’s City Council

Esther Davies, Longmont Sister Cities Association President, talked briefly about the student exchange with both Chino, Japan, and Ciudad Guzman, Jalisco, Mexico. The students from Chino and Guzman were introduced. Each student introduced themselves to Council and said a few words.

7. FIRST CALL – PUBLIC INVITED TO BE HEARD

Strider Benston, 951 W. 17th Avenue, spoke about the American Legislative Exchange Council (ALEC) and the effect that funding has on political decisions in the country.

Jonathon Singer, 2201 14th Avenue, #5-307, talked about the Ad Hoc Workforce Housing Task Force and addressed specifically his application to become a member of the task force.

Andrew McNeely, 728 Emery Street, Operations Director at the OUR Center, talked about his desire to serve on the Ad Hoc Workforce Housing Task Force and his desire to make sure the OUR Center clients and their needs are represented.

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

- A.** **O-2011-49**, Public Hearing and Second Reading of 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

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

Council Member Witt asked for an explanation of what the True Cam is. Public Safety Chief explained that this another type of radar speed utilizing laser and that the City received a grant for the equipment.

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 McCoy, to adopt Ordinance O-2011-49 on second reading. Motion carried: 7-0.

- B. O-2011-50, Public Hearing and Second Reading of a Bill for an Ordinance Amending the 2011 - 2015 Capital Improvement Program**

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 Levison, to adopt Ordinance O-2011-50 on second reading. Motion carried: 7-0.

- C. O-2011-51, Public Hearing and Second Reading of a Bill for an Ordinance Conditionally Approving the Hover West 4th Filing (2417 3rd Avenue Place) Rezoning from BLI (Business Light Industrial) to PUD-I (Industrial Planned Unit Development), Generally Located West of Hover Street and South of 3rd Avenue Place**

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

Ben Ortiz, Planner, reviewed this item and Item D which is a companion piece for this item.

Council Member discussion focused on concerns about the process, about the vegetation longevity, the landscape planning, and whether or not the city can require a landowner to comply with items that are not explicitly stated in the Comprehensive Plan.

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 Sammoury, to adopt Ordinance O-2011-51 on second reading. Motion carried: 7-0.

- D. O-2011-52, Public Hearing and Second Reading of a Bill for an Ordinance Conditionally Approving the Vacation of a Ten Foot Electric Easement and a Ten Foot Drainage and Utility Easement in the Hover West 4th Filing, Generally Located South of 3rd Avenue Place and West of Hover Street**

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

The staff presentation on this item was reviewed during the presentation of Item 8C.

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-2011-52 on second reading. Motion carried: 7-0.

- E. O-2011-53**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Sections 15.03.060.E., 15.03.090.D., 15.03.150.F., 15.05.020.H., 15.05.040, and 15.05.090 of the Longmont Municipal Code on Landscape Regulations

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

Don Burchett, Planner, reviewed this item for City Council.

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-2011-53 on second reading. Motion carried: 7-0.

- F. O-2011-54**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Chapters 13.37, 15.05, and 15.06 of the Longmont Municipal Code on Business Use of Public Property

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

Brien Schumacher, Planner, reviewed this item for City Council.

Council Member discussion focused on the impacts of permitting businesses to display merchandise in the right-of-way.

Jon Clarke, Community and Neighborhood Resources Supervisor, noted that Code Enforcement is willing to work with businesses to maintain compliance and enforce the permit restrictions when and where necessary.

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 Santos, to adopt Ordinance O-2011-54 on second reading. Motion carried: 7-0.

- G. O-2011-55**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Chapter 6.56 of the Longmont Municipal Code on Pawnbrokers

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-2011-55 on second reading. Motion carried: 7-0.

- H. **O-2011-56**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Chapter 2.20 of the Longmont Municipal Code on Sexual Offender Registration Fees

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

Mike Butler, Public Safety Chief, clarified that the City's ordinances have to be at least as restrictive as State Statute. This ordinance attempts to bring local ordinances into alignment with the State.

Eugene Mei, City Attorney, indicated that the City Attorney's recommendation is to bring the local ordinance into alignment with the state.

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 Levison, to adopt Ordinance O-2011-56 on second reading. Motion failed: 3-4 (Baum, McCoy, Sammoury, and Witt dissenting).

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

- A. **O-2011-57**, A Bill for an Ordinance Amending Sections 15.05.220. C. and E. of the Longmont Municipal Code on Affordable Housing Inclusionary Zoning (item removed from Consent Agenda)
- B. **O-2011-58**, A Bill for an Ordinance Repealing and Reenacting Chapter 14.26 of the Longmont Municipal Code on Stormwater Quality (ordinance introduced and public hearing scheduled for August 23, 2011)
- C. **O-2011-59**, A Bill for an Ordinance Submitting to the Registered Electors of the City of Longmont at the November 2011 Regular Election a Ballot Question Regarding Whether the City May Re-Establish Its Right to Provide Telecommunications Services, Advanced Services, and Cable Television Services Either Directly or Indirectly with Public or Private Sector Partners (ordinance introduced and public hearing scheduled for August 23, 2011)
- D. **R-2011-56**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement by and between the City of Longmont, Colorado, and the Boulder County Clerk and Recorder for the Conduct and Administration of the 2011 Coordinated Election to be Held November 1, 2011 (resolution adopted)
- E. **R-2011-57**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City of Longmont and the Board of County Commissioners of the County of Weld and the Weld County Clerk and Recorder for Conduct of the November 1, 2011, Coordinated Election (resolution adopted)

- F. **R-2011-58**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the Colorado Department of Transportation for Maintenance of State Highway 287 and State Highway 119 within the City of Longmont (resolution adopted)
- G. **R-2011-59**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and Boulder County, the City and County of Broomfield, the Cities of Boulder, Lafayette and Louisville, and the Towns of Erie and Superior, for a Restrictive Covenant for a Hazardous Materials Management Facility (resolution adopted)
- H. Approve and Authorize the Mayor to Sign the Memorandum of Renewal for the T-Mobile Cell Phone Tower Permit at Vance Brand Airport (item removed from Consent Agenda)
- I. Accept Public Improvements for Vance Brand Airport Southeast Area Hangars, Phase 3 (public improvements accepted)

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 Witt, to adopt the Consent Agenda with the exception of Items A and H which were pulled for additional discussion. Motion carried: 7-0.

10. ITEMS REMOVED FROM CONSENT AGENDA

- A. **O-2011-57**, A Bill for an Ordinance Amending Sections 15.05.220. C. and E. of the Longmont Municipal Code on Affordable Housing Inclusionary Zoning

Kathy Fedler, Community Development Block Grant Coordinator, was present to answer Council's questions. She mentioned that homeowners could sell once the deed restriction or covenant is released and that the Ad Hoc Workforce Housing Task Force is designed with the specific intent of looking into some of the problems of eliminating the affordable housing program.

Council Member questions focused on the distribution of housing with deed restrictions, whether or not these homes can be immediately placed on the market, and how the elimination of the program will affect distribution of affordable homes in higher income neighborhoods. Further discussion addressed the cash-in-lieu policy for builders and the quantity of affordable homes available in the City.

Council Member Santos moved, seconded by Sammoury, to introduce Ordinance O-2011-57 on first reading. Motion carried: 4-3 (Hansen, Levison, and McCoy dissenting).

- H. Approve and Authorize the Mayor to Sign the Memorandum of Renewal for the T-Mobile Cell Phone Tower Permit at Vance Brand Airport

Tim Barth, Airport Manager, answered Council's questions regarding the possible interference associated with Light Squared Wireless services jamming or diminishing capabilities of GPS systems, the upcoming meeting with both Light Squared and T-Mobile, and co-locations of towers at the Airport and Sunset Golf Course.

Council Member Levison moved, seconded by Witt, to approve and authorize the Mayor to sign the Memorandum of Renewal for the T-Mobile Cell Phone Tower Permit at Vance Brand Airport. Motion carried: 7-0.

11. GENERAL BUSINESS

- A. Ad Hoc Workforce Housing Task Force Applicants for Selection and Appointment**

Kathy Fedler, Community Development Block Grant Coordinator, introduced the item and reviewed the purpose of the task force. She noted that an independent facilitator and a consultant are needed to conduct a needs assessment and will be utilized as part of the process.

Council Member Levison recommended using the National Housing Conference's Center for Housing Policy for customized research and technical services.

Council Member Levison moved, seconded by Hansen, to expand the number of applicants for the Ad Hock Housing Task Force to include: affordable homeowners (1 more representative), Boulder County Housing and Human Services (add 2 more representatives), Longmont Housing and Human Services Agency representatives (add 3 more), and add one contact from Housing and Urban Development (HUD).

Council Member discussion focused on the number of applications desired for the Task Force, adding new categories to the Task Force group, utilizing City of Longmont employees, and utilizing the knowledge of the Housing Policy Group, and the impact of making the group too large to be effective.

Council Member Levison withdrew her motion.

Council Member Levison moved to open the application period again and specifically try to recruit additional applications from affordable homeowners, to add a Community Development Cooperative or Land Trust category, and to the City's official Housing and Urban Development (HUD) person to see if they could participate in the process. Motion died for lack of second.

Council Member discussion focused on the complication of the motion as stated, leaving the application process open for a month, including Council Member Levison's original motion to include more groups and the necessity of HUD being involved.

Council Member McCoy moved, seconded by Witt, to open the application period for thirty days to collect more applicants in the areas identified thus far. Motion carried: 7-0.

Council Member McCoy moved, seconded by Sammoury, to add the areas identified by council member Levison earlier. Motion carried: 6-1 (Santos dissenting).

Council Member McCoy moved, seconded by Hansen, to extend the opportunity to our official representative from HUD to participate in our task force. Motion carried: 4-3 (Santos, Baum, and Witt dissenting).

Council Member Levison moved, seconded by Hansen, to extend an invitation to a community land trust entity to participate in the task force. Motion failed: 3-4 (Baum, Santos, Sammoury, and Witt dissenting).

Council Member Witt moved, seconded by Hansen, to use in-house facilitators. Motion carried: 7-0.

Council Member Levison moved, seconded by Witt, to direct staff to contact the center for housing policy, engage them in a discussion about their service, and to bring back information about what kind of services they can provide us in the process and the cost for those services.

Council Member Witt withdrew her second, therefore, the motion died for lack of a second.

Council Member McCoy moved, seconded by Hansen, to send out a Request for Proposal (RFP) to find a group to support us in the identified way and collect bids.

Council Member McCoy withdrew his motion.

Council Member Witt moved, seconded by Hansen, to extend the meeting to address the remainder of the agenda. Motion carried: 6-1 (McCoy dissenting).

- B. Request for Council “Determination of Benefit” Concerning Two Outside Water Tap Applications for the Willis Property**

Ken Huson, Water Resources Administrator, reviewed this request for a determination of benefit for two outside water tap applications and answered Council’s questions.

Council discussion focused on the minimal impact to residents in the neighborhood, water dedication requirements, type of wastewater services, and impact on agricultural uses.

Council Member Witt moved, seconded by Santos, to proceed with option 1 and determine that granting the two outside water taps will clearly benefit the inhabitants of the City and direct staff to move forward with processing the outside water tap requests. Motion carried: 7-0.

- C. *Focus on Longmont Strategic Plan Update***

Karen Roney, Community Services Director, reviewed this item and noted that the department is looking for general direction on the process and that it is in the interests of the City to engage as large a group of the general population as possible.

Council Member McCoy moved, seconded by Santos, to take staff's recommendations presented here tonight and designate up to \$20,000 from the Council contingency fund for this effort. Motion carried: 7-0.

12. FINAL CALL – PUBLIC INVITED TO BE HEARD

Eric Sutherland, resident of Fort Collins, spoke about the approach the City of Fort Collins has taken with the Platte River Power Authority and their recent decision to place power lines on open space territory.

13. MAYOR AND COUNCIL COMMENTS

Council Member McCoy gave a “shout out” to all the Longmont students heading off to college in the next few weeks.

Council Member Witt mentioned a upcoming events: a meeting of Council Members at St. Vrain Park at 6 p.m. on Friday, and the Longmont Fire Muster this Saturday. She noted that the parade starts at 10 a.m. and then moves on to Roosevelt Park for the Muster.

Council Member Hansen cautioned citizens about a notice many residents have received in the mail regarding insurance for their water line in their yard. The insurance covers the water line from the sidewalk to the house and he cautioned homeowners to look at that very carefully.

Mayor Baum moved, seconded by Witt, to direct staff to start getting Council packets to Council Members on Tuesday evening, after the Council Meeting.

Council Member discussion focused on the impact this would have on staff members and whether or not it would actually positively impact the process or create more recalls of information. Further discussion focused on the timing of the change due to budget discussions.

Vote was taken on the Motion and it carried: 4-3 (Hansen, Levison, and McCoy dissenting).

Council decided that implementation will take place shortly after budget discussions are completed.

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 11:48 p.m.

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk