



CITY COUNCIL PROCEEDINGS

April 12, 2011

**Civic Center
350 Kimbark Street
Longmont, CO 80501**

REGULAR SESSION

The April 12, 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 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 March 22, 2011, meeting as printed. Motion carried: 7-0.

4. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS

Gordon Pedrow, City Manager, stated that Eugene Mei, City Attorney, placed a Notice of Rulemaking regarding the Fair Campaign Practices Act on Council's desks for discussion on Item 8B.

5. CITY MANAGER'S REPORT

The City Manager did not have a report.

6. SPECIAL REPORTS AND PRESENTATIONS

- A. A Proclamation Designating April 20 – May 1, 2011 as "Community Food Share Food Drive Weeks" In Longmont, Colorado**

Mayor Baum read into the record a proclamation designating April 20 through May 1, 2011, as “Community Food Share Drive Weeks” in Longmont, Colorado.

Suzanne Barrett, Lehman Corporation & Community Food Share, accepted the proclamation on behalf of the board of directors for Community Food Share.

B. Final Report on Longmont Downtown Development Authority (LDDA) Arts and Entertainment District

Kimberlee McKee, Executive Director of the Longmont Downtown Development Authority (LDDA), explained that the LDDA started working with consultants to get an idea of what downtown Longmont would look like as an Arts and Entertainment District, and reviewed the process utilized to thoroughly discuss this idea.

Sharon Smith-Eisler, LDDA Board Member, thanked all the people who were responsible for getting this project started and moving it forward. She then introduced Dana Crawford, the consultant who assisted the LDDA with developing the plan and final report.

Ms. Crawford presented highlights and recommendations contained within the report.

Bob Goff, LDDA Director, thanked Council for their thoughts, concerns, and suggestions regarding the Arts and Entertainment District and asked for their support for this critical project.

7. FIRST CALL – PUBLIC INVITED TO BE HEARD

Kevin Clowers, 1002 Spencer Street, spoke about the shooting range and the amount of money it will take to build it.

Tony Woods, Home Run Heating, 725 Main Street, spoke in favor of medical marijuana dispensaries.

Edward Vanagas, Suburban Hill, Prospect, stated that there should be a new regulation regarding hot trucks on public property, and spoke briefly about Prospect’s “First Monday” event where hot trucks come to the Prospect Park on the first Monday of the month.

Bob Norris, 532 Rider Ridge Drive, expressed disappoint that the Colorado Asset Resolution would not be discussed.

Marie Zapata, 2207 Dexter Drive, explained that she has been diagnosed with cancer for a second time and has been prescribed medical marijuana for the pain; she urged Council not to close down dispensaries.

Beverly Springer, 1814 Signature Court, thanked Council for the work they do and to think long and careful before casting a vote on inclusionary zoning.

Deb Roberts, 2340 Alpine Street, Erie, Executive Director of Alternatives for Youth (AFY), explained that she is very excited that AFY will be starting a drug and alcohol treatment program for youth and talked about supporting the regulations on medical marijuana dispensaries.

Debbie Adams, 1048 Morning Dove Drive, introduced the Teen Photo Program and explained that the contest creates a collaborative photographic mosaic and is open to all students ages 12 to 18.

Joanne Kirves, 1231 Monarch Drive, Director of Longmont Council for the Arts, shared her support for the Arts and Entertainment District.

Michael Reese, 1228 Main Street, Executive Director of the Longmont Housing Authority, stated that he is in support of placing a moratorium on the inclusionary zoning program and looking at all the components of the housing program.

Cotton Burden, 8437 Sawtooth Lane, explained that he was part of the Arts and Entertainment District steering committee and is looking forward to the opportunity to design the project with them.

Stan Tolle, Longmont, thanked the people who have helped him and provided him with shelter during the last few weeks and spoke about an abusive process with Code Enforcement.

Sel Goldstein, 649 Wade Road, spoke in favor of medical marijuana dispensaries.

Strider Benston, 951 17th Avenue, talked about Senator John Call's ideological sentiment regarding abortion.

Duane Liese, 2686 Pearl Howlett Road, spoke in favor of the Arts and Entertainment District.

Paul Tiger, 452 Dickson Street, talked about the medical marijuana ordinance and regulations, as well as clean environment programs that come from Boulder County through an Intergovernmental Agreement.

Marilyn Hughes, 1126 4th Avenue, talked about the Asset Legislation and noted that the important thing about this bill is that it is a Colorado bill not a federal bill.

Douglas Ostroff, 440 Kimbark Street, Glass Artist in Longmont, spoke about the Arts and Entertainment District and medical marijuana dispensaries.

Henri Moran, 206 Lucerne Way, Lafayette, stated that many people are benefitting from medical marijuana and if dispensaries are forced to close people will lose their jobs.

Hemine Haboya, 5th Avenue, expressed concern about the Longmont Fair Campaign Practices Act.

Alison Fryler, 1260 S. Hover Street, expressed concern that if dispensaries close she would not be able to provide for her patients, customers and friends.

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

- A. O-2011-15**, Continuation of the Public Hearing and Second Reading of a Bill for an Ordinance Amending Section 3.04.885 of the Longmont Municipal Code, Adopting Amended and Restated City of Longmont “Old Hire” Firefighters’ Pension Plan

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

Jim Golden, Director of Finance and Support Services, reviewed 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 Hansen, to adopt Ordinance O-2011-15 on second reading. Motion carried: 7-0.

- B. O-2011-17**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Title 2, Chapter 2.04 of the Longmont Municipal Code on the Longmont Fair Campaign Practices Act

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

Eugene Mei, City Attorney, reviewed this item stating that this Ordinance proposes to eliminate the reporting requirements for issue committees and stated that in his professional opinion, it would be best to remove the disclosure requirements because of the uncertainty surrounding the issue.

Council Member McCoy moved, to table this item until after the Secretary of State has made a decision and has had a rulemaking hearing. Motion died for lack of a second.

Mr. Mei stated that the matter has been set for public hearing for May 3, 2011.

General discussion followed.

Mayor Baum opened a public hearing on this item.

Kaye Fissinger, 2199 Creekside Drive, read from a handout she provided to Council about the ruling in Samson v Busher about disclosure requirements.

Paul Tiger, 452 Dickson, indicated that there needs to be a threshold on issue committees doing independent expenditures.

Jonathan Singer, 2102 14th Avenue, stated that one of the interesting things here is the fact that citizens are asked to state their name and address and asked why is that required if disclosure is not important. Council needs to take a look at things in context and hoped that this issue is postponed until it can be looked at better.

Marilyn Hughes, 1124 4th Avenue, thanked Council for postponing the Longmont Fair Campaign Practices Act item to gather more information.

Strider Benston, 951 W. 17th Avenue, said he very much appreciates the tenor of Council's discussion.

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

Council Member Santos moved, seconded by McCoy, to postpone Ordinance O-2011-17 to the May 10, 2011, Council meeting. Motion carried: 6-1 (Levison dissenting).

Council Member Santos moved, seconded by McCoy, to direct a member of staff to attend the May 3rd, hearing at the Secretary of State's office, and to have an agenda topic for the May 3rd Study Session. Motion carried: 7-0.

Council Member McCoy moved, seconded by Levison, to postpone General Business Items A and D to the next Regular Session. Motion failed: 3-4 (Baum, Sammoury, Santos, and Witt dissenting).

C. ADRIAN ANNEXATION

1. **O-2011-18**, Public Hearing and Second Reading of a Bill for an Ordinance Conditionally Approving the Adrian Annexation No. 1 (Generally Located East of County Line Road, Including the Right-of-Way on County Line Road, North of 9th Avenue, South of Mountain View Avenue, West of the Union Reservoir), and Zoning the Property A (Agricultural)
2. **O-2011-19**, Public Hearing and Second Reading of a Bill for an Ordinance Conditionally Approving the Adrian Annexation No. 2 (Generally Located East of County Line Road, Including the Right-of-Way on County Line Road, North of the Great Western Railroad Tracks, South of 9th Avenue, West of the Union Reservoir), and Zoning the Property A (Agricultural)

Gordon Pedrow, City Manager, read the titles of the two ordinances into the record.

Brad Schol, Planning Manager, briefly reviewed the information found in the Council communication.

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 Hansen, to adopt Ordinance O-2011-18 on second reading. Motion carried: 6-0 (McCoy absent).

Council Member Santos moved, seconded by Witt, to adopt Ordinance O-2011-19 on second reading. Motion carried: 6-0 (McCoy absent).

- D. O-2011-20**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Ordinance O-2009-58 Conditionally Approving the Ward Annexation (Generally Located at 9165 Nelson Road), and Zoning the Property BLI (Business Light Industrial)

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

Joni Marsh, Senior Planner, reviewed the information in the Council communication.

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-2011-20 on second reading. Motion carried: 7-0.

- E. O-2011-21**, Public Hearing and Second Reading of a Bill for a Conditional Ordinance Amending Section 15.02.150 of the Longmont Municipal Code Authorizing Approval of the Coordinated Development Plan Intergovernmental Agreements between the City of Longmont and the Town of Frederick

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

Brad Schol, Planning Manager, reviewed 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 Sammoury moved, seconded by Levison, to adopt Ordinance O-2011-21 on second reading. Motion carried: 7-0.

- F. O-2011-22**, Public Hearing and Second Reading of a Bill for an Ordinance Authorizing the City of Longmont to Enter Into an Agreement with Longmont Meals on Wheels, Inc.

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

Michele Waite, Senior Services Manager, reviewed 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-2011-22 on second reading. Motion carried: 7-0.

- G. R-2011-24**, Public Hearing regarding a Resolution Finding a Parcel of Land known as Hildebrandt Annexation, (Generally Located East of Sunset Street and North of Izaak Walton Park) Eligible for Annexation

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

Brien Schumacher, Senior Planner, reviewed 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 Santos, to adopt Resolution R-2011-24 finding that the Hildebrandt Annexation is eligible for annexation. Motion carried: 7-0.

- H. R-2011-25**, Public Hearing regarding a Resolution Finding a Parcel of Land known as Parker Annexation, (Generally Located South of 3rd Avenue and West of Sunset Golf Course) Eligible for Annexation

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

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 Resolution R-2011-25 finding that the Parker Annexation is eligible for annexation. Motion carried: 7-0.

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

- A. O-2011-23**, 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 (Removed from Consent Agenda)
- B. O-2011-24**, A Bill for an Ordinance Amending the 2011 - 2015 Capital Improvement Program (Ordinance introduced and public hearing scheduled for April 26, 2011)
- C. O-2011-25**, A Bill for an Ordinance Amending Chapter 4.12 of the Longmont Municipal Code on Purchasing (Removed from Consent Agenda)
- D. O-2011-26**, A Bill for an Ordinance Conditionally Approving the Vacation of Two Portions of the Terry Street Right-of-Way and Reserving a 20 Foot Utility Easement Generally Located North of 1st Avenue and South of 2nd

Avenue (Ordinance introduced and public hearing scheduled for April 26, 2011)

- E. R-2011-26**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the State of Colorado for an Amendment to the Supplemental Environmental Project Grant (Resolution adopted)
- F. R-2011-27**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and Boulder County, Authorizing a Lease of the Boulder County Fairgrounds for a July 4th Fireworks Display (Resolution adopted)
- G. R-2011-28**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and Boulder County for Its Partners for a Clean Environment Program (Resolution adopted)
- H. R-2011-29**, A Resolution of the Longmont City Council Approving the Amendment to the Intergovernmental Agreement between the City and the Boulder County Housing Authority for the Neighborhood Efficiency Sweeps Program (Resolution adopted)
- I. Support SB 11-206**, Concerning the Exemption of Certain Non-Commercial Mortgage-Related Activities from the “Mortgage Loan Originator Licensing And Mortgage Company Registration Act” (Resolution adopted)
- J.** Approve Change to Loan Terms for 2011 HOME Funding to Boulder County Housing Authority for the Wedgewood Acquisition (Change to loan terms approved)
- K.** Accept Public Improvements for Klug Subdivision, Replat A (Public improvements accepted)
- L.** Accept Public Improvements for Middle School #7 (Trail Ridge), Phase 1 (Public improvements accepted)
- M.** Accept Public Improvements For Summerlin TDR (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 McCoy moved, seconded by Witt, to adopt the Consent Agenda with the exception of Items A and C, which were pulled for additional discussion. Motion carried: 7-0.

10. ITEMS REMOVED FROM CONSENT AGENDA

- A. O-2011-23**, 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

Council Member Levison stated that there seems to be a bit of inconsistency. The budget ordinance has the Open Space Fund allocations and Martin Street Capital Improvement Program carryover, which is going to be discussed under General Business. If there is additional discussion, Council will already have approved a funding source which may not be agreed upon after the discussion.

Teresa Molloy, Budget Manager, explained that the option would be to pass on first reading as presented. Then if a different direction comes out of the discussion, whatever funds Council doesn't choose to use would get returned to fund the balance at the end of the year.

Council Member Santos moved, seconded by Witt, to adopt Ordinance O-2011-23 on first reading. Motion carried 7-0.

- C. O-2011-25**, A Bill for an Ordinance Amending Chapter 4.12 of the Longmont Municipal Code on Purchasing

Council Member Hansen moved, seconded by McCoy, that local preference and small business preference be suspended for any small business with two or more code violations in the current year. Motion failed: 2-5 (Baum, Levison, Sammoury, Santos, and Witt dissenting).

Council Member Santos moved, seconded by Witt, to adopt Ordinance O-2011-25 on first reading. Motion carried: 7-0.

11. GENERAL BUSINESS

- A. Funding of Arterial Landscaping Adjacent to City Properties**

Nick Wolfrum, Public Works and Natural Resources Engineering Services Manager, reviewed this item.

Council Member McCoy moved, seconded by Hansen, to fund the open space portion with Conservation Trust Fund Revenues.

Council Member Levison moved, seconded by Santos, to extend the meeting past 11:00p.m. to complete the rest of the agenda. Motion carried: 7-0.

Vote was taken on the motion and it failed: 3-4 (Baum, Sammoury, Santos, and Witt dissenting).

Council Member Santos moved, seconded by Baum, to go with option one in the Council communication and Maintain the Existing Funding Plan as recommended by staff.

Motion carried: 5-2 (Hansen and McCoy dissenting).

- B. Medical Marijuana Regulations for Patients and Primary Caregivers and Update on Timing for Ban of HB 10-1284 Businesses**

Erin Fosdick, Senior Planner, reviewed the proposed regulations and changes to this issue since the last time that Council gave direction.

Council Member Santos moved, seconded by Witt, to direct staff to bring back an ordinance as proposed in the Council communication for first reading.

Motion carried: 4-3 (Hansen, Levison, and McCoy dissenting).

- C. Mobile Retail Food Vendors**

Ben Ortiz, Senior Planner, reviewed this item, explaining the difference between catering or cold trucks, hot trucks, and mobile vending carts. Both types of trucks are required to operate out of a commissary and before approval, they must be inspected by the Fire Department and the Department of Health.

Council Member Witt moved, seconded by McCoy, to go with option one in the Council communication and gather additional information.

Council discussed where hot trucks would be able to locate and sell food.

Vote was taken on the motion and it carried: 7-0.

- D. Executive Search Request for Proposal for City Manager Recruitment**

Danielle Hinz, Purchasing Manager, explained that she could have proposals on May 9, 2011, with notice of award by June 13, 2011.

Council Member Witt moved, seconded by Santos, to approve the Request for Proposal for City Manager Recruitment. Motion carried: 7-0.

12. FINAL CALL – PUBLIC INVITED TO BE HEARD

Larry Blum, 2407 22nd Avenue, thanked Council for the approval of the joint project with Meals on Wheels noting that they were faced with a capacity limit and didn't want to be the one to make the decision of who got a meal and who didn't.

Bob Norris, 532 Rider Ridge Drive, stated that he asked Council to bring a resolution on Colorado Assets to support House Bill 126 at a previous meeting and questioned where that is on the agenda for an upcoming meeting.

13. MAYOR AND COUNCIL COMMENTS

Council Member McCoy pointed out that April 12 was a significant day for the United States as it was the beginning of the American Civil War.

Council Member Hansen moved, seconded by McCoy, to have staff bring back a resolution to support House Bill 126. Motion carried: 6-1 (Santos dissenting).

Council Member Levison congratulated the Altona Middle School class that got to meet President Obama and also brought up the fact that this week in April is National Volunteer Appreciation Week.

Council Member Witt thanked staff who stayed for the long meeting.

Mayor Baum congratulated the Hindu community in Longmont who held their New Year's celebration over the weekend.

14. CITY MANAGER REMARKS

The City Manager had no final remarks.

15. CITY ATTORNEY REMARKS

The City Attorney had no final remarks.

16. ADJOURN

There being no further business to come before the City Council, the meeting was adjourned at 12:39 a.m. on April 13th.

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk