



CITY COUNCIL PROCEEDINGS

April 26, 2011

Civic Center
350 Kimbark Street
Longmont, CO 80501

REGULAR SESSION

The April 26, 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, with the assistance of Boy Scout Troop 66, 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 Sammoury, to approve the minutes of the April 12, 2011 meeting as printed. Motion carried: 7-0.

4. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS

Gordon Pedrow, City Manager, stated that Item 9D, a resolution approving an agreement with the Longmont Downtown Development Authority, was removed from the agenda and will be brought back at a future meeting; Item 9E, a resolution supporting Senate Bill 11-126, was killed in the State House of Representatives, and was also removed from the agenda.

Council Member McCoy moved, seconded by Hansen, to leave Item 9E, concerning Senate Bill 11-126, on the Consent Agenda. Motion carried: 4-3 (Baum, Santos, and Witt dissenting).

5. CITY MANAGER’S REPORT

The City Manager did not have a report.

6. SPECIAL REPORTS AND PRESENTATIONS

- A.** A Proclamation Designating the Week of April 25, 2011 as “Fair Housing Week” in Longmont, Colorado

Mayor Baum read, into the record, a proclamation designating the week of April 25, 2011, as “Fair Housing Week” in Longmont, Colorado.

Carmen Ramirez, Community Relations Program Coordinator, and residents of St. Vrain Manor were present to accept the proclamation.

Doug Clayton, Resident Manager of the St. Vrain Manor, spoke briefly about the benefits of the Fair Housing Standards and thanked Council for its support of housing issues for seniors and low income residents.

- B.** A Proclamation Designating April 25 – 30, 2011 as “Community Development Awareness Week” in Longmont, Colorado

Mayor Baum read, into the record, a proclamation designating April 25 through 30, 2011, as “Community Development Awareness Week” in Longmont, Colorado.

Kathy Fedler, Community Development Block Grant and Affordable Housing Manager, accepted the proclamation and spoke briefly about the activities planned for the week.

- C.** Platte River Power Authority’s Integrated Resource Planning Update

Tom Roiniotis, Director of Longmont Power and Communications, introduced this item.

John Bleem, Platte River Power Authority Division Manager of Customer Services and Environmental Programs, reviewed the Integrated Resource Plan.

Council then discussed the plan, the recommendations outlined within, and potential new technologies being reviewed and considered.

7. FIRST CALL – PUBLIC INVITED TO BE HEARD

Bob Norris, 532 Rider Ridge Drive, thanked Council for adding the resolution to support Senate Bill 11-126 to the agenda and acknowledged the youth of the City who worked hard to get to this point.

Lynne Wegley, 2935 Bow Line Place, League of Women Voters, spoke in opposition of the proposed changes to the inclusionary zoning ordinance.

Darrin Anson, 625 Bellingham Place, Chair of the Longmont Housing Authority, addressed the inclusionary zoning ordinance, stating that the recommendation was that a moratorium of 18 months would be adequate to review and evaluate the program.

Greg Ropp, 5033 Pierson Mountain Avenue, indicated that Boy Scout Troop 66 is celebrating their 85th anniversary this year and invited Council Members, staff, and citizens to attend a celebration in October.

Kaye Fissinger, 2199 Creekside Drive, spoke in favor of inclusionary zoning and highlighted Kathy Fedler's research.

Leslie Irwin, 2626 15th Avenue, Longmont Housing and Human Services Advisory Board (LHHSAB), spoke in favor of Inclusionary Zoning.

Jerry Kreutzer, 2040 Amethyst Drive, spoke on behalf of the Neighborhood Group Leaders Association (NGLA) and urged Council to adopt the recommendations for grant funding.

Strider Benston, 951 W. 17th Avenue, expressed his discontent with the defeat of Senate Bill 11-126 and spoke in objection to the general path of government regarding this issue.

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

- A. O-2011-23**, 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 record.

Teresa Malloy, Budget Manager, was present to answer questions.

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-2011-23 on second reading. Motion carried: 7-0.

- B. O-2011-24**, 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 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 Santos moved, seconded by Sammoury, to adopt Ordinance O-2011-24 on second reading. Motion carried: 7-0.

- C. O-2011-25**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Chapter 4.12 of the Longmont Municipal Code on Purchasing

Gordon Pedrow, City Manager, read the title of the ordinance into 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 Ordinance O-2011-25 on second reading. Motion carried: 7-0.

- D. O-2011-26**, Public Hearing and Second Reading of 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

Gordon Pedrow, City Manager, read the title of the ordinance into 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 Santos moved, seconded by Levison, to adopt Ordinance O-2011-26 on second reading. Motion carried: 7-0.

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

- A. R-2011-30**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and Boulder County for a Restrictive Covenant Regarding a Fire Training Center (resolution adopted)
- B. R-2011-31**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the City of Boulder for Its Child Care Services Programs (resolution adopted)
- C. R-2011-32**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the Regional Air Quality Council Regarding Four Hybrid Vehicles (removed from Consent Agenda)
- D. R-2011-33**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the Longmont

Downtown Development Authority for Support and Services (removed from Consent agenda)

- E. R-2011-34**, A Resolution of the Longmont City Council Supporting Senate Bill 11-126, Concerning Classification as an Unsubsidized In-State Student for Tuition Purposes at State Institutions of Higher Education (removed from Consent agenda)
- F.** Approve \$50,000 in Grant Funding for the 2011 Neighborhood Improvement Program (removed from Consent agenda)
- G.** Approve Request by Solar Village in Prospect to Remove an Affordable Housing Unit from the Community Housing Program (removed from Consent Agenda)
- H.** Accept Public Improvements for 17th & Hover Development (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 Santos, to adopt the Consent Agenda with the exception of Items C, E, F, and G which were pulled for additional discussion and Item D which was pulled from the agenda entirely. Motion carried: 7-0.

10. ITEMS REMOVED FROM CONSENT AGENDA

- C. R-2011-32**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the Regional Air Quality Council Regarding Four Hybrid Vehicles

Bruce Maysilles, Fleet Manager, was present to answer questions and noted that, while these are the first vehicles of their kind in service in the country, Longmont Power and Communications' maintenance technicians have reviewed the mechanics and are certain that they are comfortable with any potential maintenance.

Council Member McCoy moved, seconded by Hansen to approve Resolution R-2011-32. Motion carried: 7-0.

- E. R-2011-34**, A Resolution of the Longmont City Council Supporting Senate Bill 11-126, Concerning Classification as an Unsubsidized In-State Student for Tuition Purposes at State Institutions of Higher Education

Council Member McCoy moved, seconded by Hansen, to approve Resolution R-2011-34.

Council Members discussed general support of the concept but had difficulty agreeing on the exact verbiage needed to modify the resolution.

Council Member McCoy withdrew his motion and made a new motion to direct staff to bring the resolution back after reworking the wording. The second approved of the new motion. Motion carried: 4-3 (Baum, Santos, and Witt dissenting).

- F. Approve \$50,000 in Grant Funding for the 2011 Neighborhood Improvement Program

Council Member Levison removed this item to highlight some of the projects included in the program.

Council Member Levison moved, seconded by McCoy, to approve the Grant Funding for the 2011 Neighborhood Improvement Program. Motion carried: 7-0.

- G. Approve Request by Solar Village in Prospect to Remove an Affordable Housing Unit from the Community Housing Program

Kathy Fedler, Community Development Block Grant and Affordable Housing Manager (CDBG), discussed reasons why this property has been so difficult to sell and whether or not the City is preventing the property from being sold due to terms and conditions placed on the zoning.

Council Member Levison moved to direct staff to follow the current municipal code, deny the recommendation, and keep the unit in the program until it sells, but not recommend the payment in lieu for the unit, and to look at other options. Motion died for lack of a second.

Council Members further discussed whether this situation arose because of zoning, whether or not the developer has been forced into this position by City policies, and that the developer should not be further penalized by requiring cash in lieu or a sharing of the costs to transfer the property to the city.

Council Member Sammoury moved, seconded by Baum, to release this property without further obligation from the developer.

Council Member discussion focused on whether changing City code is necessary.

Eugene Mei, City Attorney, commented on the City code implications of releasing this property.

Ms. Fedler suggested that if the moratorium is in place for code changes, more than likely a release provision will be approved which will prevent this complication in the future.

Vote was taken on the motion and it carried: 5-2 (Hansen and McCoy dissenting).

11. GENERAL BUSINESS

A. Longmont General Improvement District No. 1 Resolution

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 McCoy, to recess as the Longmont City Council and convene as the Board of Directors of the Longmont General Improvement District No. 1. Motion carried: 7-0.

2. **Resolution LGID 2011-01**, A Resolution of the Board of Directors of the Longmont General Improvement District No. 1 Approving an Intergovernmental Agreement with the Longmont Downtown Development Authority for Administration Services

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

Board Member Levison moved, seconded by Witt, to adopt Resolution LGID-2011-01. Motion carried: 7-0.

3. 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 Board of Directors of the Longmont General Improvement District No. 1 and reconvene as the Longmont City Council. Motion carried: 7-0.

B. Tabled Item – Inclusionary Zoning Ordinance Moratorium Follow-up Information

Council Member Sammoury moved, seconded by Witt, to take the Inclusionary Zoning Ordinance Moratorium item off the table for consideration. Motion carried: 5-2 (Hansen and McCoy dissenting).

Council Members discussed an 18 month moratorium, the impact on the community and private home builders, and future impacts of suspending the program through a moratorium.

Council Member Sammoury moved, seconded by Santos, to terminate the program as it is today but convene a new committee (builders, bankers, realtors, two Council Members, and staff) to come up with a new program.

Council Members discussed the implications of dissolving the program in its entirety, how it would affect any monies owed to the federal government, and how the city could still meet the affordable housing home ownership requirements through other programs.

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

12. FINAL CALL – PUBLIC INVITED TO BE HEARD

Kim Kalamino, 9033 E. Easter Place, Centennial, Homebuilder Association of Metro Denver, wanted to clarify that she is an adhoc committee member and not a lobbyist but was involved in drafting the recommendations on the inclusionary zoning ordinance.

Kaye Fissinger, 2199 Creekside Drive, stated that she is extremely disappointed with Council's decision regarding the affordable housing program.

Paul Tiger, 452 Dickson Street, commended Council for the way the meeting was operated.

Dave Wagner, 2126 North Shore Drive, President of Longmont Association of Realtors, spoke in support of the affordable housing down-payment assistance programs.

13. MAYOR AND COUNCIL COMMENTS

Council Member McCoy mentioned that this is the year of business and labor and expressed appreciation to Jeff Swanson of Skyline High School and Donna Sorenson of Longmont High School for their involvement with the Future Business Leaders of America (FBLA) program and students.

Council Member Sammoury noted that Rose Garcia, a member of the Senior Citizen Advisory Board, recently passed away.

Council Member Hansen stated that the radon meter check-out program at the library has been very successful but that there is a long waiting list for the meters.

Council Member Hansen moved, seconded by McCoy, to use \$2500 out of the Council Contingency Fund to buy 20 more radon meters for the library.

Motion carried: 4-3 (Baum, Santos, and Witt dissenting).

Council Member Levison extended sympathies to the family of Rose Garcia and to the Senior Center family. She also encouraged people to attend the Cinco de Mayo celebration, as well as the fundraiser dinner for the Ed and Christian Green Scholarship Fund which helps bring students from Longmont's Sister Cities to Colorado.

Council Member Levison moved, seconded by Sammoury, to bring back a vote on Resolution R-2011-34, and vote to approve the original resolution. Motion carried: 4-3 (Baum, Santos, and Witt dissenting).

Mayor Baum noted that he recently went to Seattle, Washington for a conference to meet with a number of Chinese cities' financiers and corporations about their desire to do business in the United States.

Council Member Hansen reminded citizens of Coffee with Council on Saturday, April 30, 2011, at Niccolo's Pizza.

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 10:54 p.m.

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk