



CITY COUNCIL PROCEEDINGS

August 23, 2011

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

Regular Session

The August 23, 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

City Clerk Valeria Skitt called the roll. Those present were Mayor Baum and Council Members Brian Hansen, Sean McCoy, Sarah Levison, 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 Hansen, to approve the minutes of the August 9, 2011, meeting as printed. Motion carried: 7-0.

4. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS

There were no agenda revisions or document submissions.

5. CITY MANAGER'S REPORT

Eugene Mei, City Attorney, provided an update to City Council regarding recent court action pertaining to medical marijuana dispensaries and the effect that action has on dispensaries in Longmont.

6. SPECIAL REPORTS AND PRESENTATIONS

A. City Manager Recruitment

Bobby King, Chief Human Resources Officer, provided background on Slavin Management Consultants which was contracted with to provide Executive Search services to recruit applicants for the City Manager position.

Bob Slavin, President of Slavin Management Consultants, spoke briefly with City Council and reviewed the process for the recruitment effort. He also reviewed a tentative schedule for the various phases of the process.

7. FIRST CALL – PUBLIC INVITED TO BE HEARD

Tim Pickens, 917 Sunset St., talked about the handicapped entrance to the Civic Center building, the bathroom at the Civic Center and access to facilities at Loomiller Park.

Jane Beard, 1677 Brown Court, indicated that her preference would be to pay to remove two trees on the City right-of-way in front of her house and replace them with four trees elsewhere in the City.

David Eisenstein, 225 Canyon Blvd. Boulder, attorney for Jane Beard, reiterated Ms. Beard's request to move the two trees blocking her view to the West.

Bob Norris, 532 Rider Ridge Drive, spoke about the Hispanic Education Foundation. The Foundation gave about 30 scholarships last year. Money raised through donations and their annual golf tournament sponsors the foundation, that is being held on September 11, 2011.

Beverly Elkins, 1930 9th Avenue, spoke about the utility rate increase outlined in a recent addition of the Times Call and the disparity between economic classes in the City and the imbalance for raising rates for the lower income group.

Strider Benston, 951 W. 17th, talked about Ernie Greenley who died a few days ago. He talked about Mr. Greenley's life and contributions to Longmont.

Paul Tiger, 452 Dickson, talked about Rothrock Dell Park and the removal of five trees from that park in the last few years, that we are losing our foliage from the parks, and about City elections and people who want to make our local election partisan.

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

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

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 discussion focused on the potential issues of removing the affordable housing program.

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

- B. O-2011-58, Public Hearing and Second Reading of a Bill for an Ordinance Repealing and Reenacting Chapter 14.26 of the Longmont Municipal Code on Stormwater Quality**

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-2011-58 on second reading. Motion carried: 7-0.

- C. O-2011-59, Public Hearing and Second Reading of 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**

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

Tom Roiniotis, Longmont Power and Communications Director, provided a brief overview of this item as outlined in the Council communication included in the agenda packet.

Mayor Baum opened a public hearing on this item.

Bob Norris, 532 Rider Ridge Drive, indicated he believes this is one of the best ideas we've had in a long time. He urged citizens to support this issue.

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

Council Member McCoy moved, seconded by Levison, to adopt Ordinance O-2011-59 on second reading. Motion carried: 7-0.

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

- A. O-2011-60, 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 (resolution adopted)**

- B. **O-2011-61**, A Bill for an Ordinance Approving the Amendment to the Agreement in Furtherance of Annexation for Elmore Property to the City of Longmont, Colorado (removed from Consent Agenda)
- C. **O-2011-62**, A Bill for an Ordinance Approving the Amendment to the Agreement in Furtherance of Annexation for Maruyama Annexation to the City of Longmont, Colorado (removed from Consent Agenda)
- D. **R-2011-60**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the Regional Transportation District for a License for Use of the 8th Avenue/Coffman Street Park-n-Ride (resolution adopted)
- E. **Fiber Use and Collocation License Agreements**
 - 1. **R-2011-61**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreements between the City and Eagle-Net Alliance for a Fiber Use License Agreement and Collocation License Agreement (resolution adopted)
 - 2. **R-2011-62**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and Centennial BOCES to Terminate Collocation and Fiber Use License Agreements (resolution adopted)
- F. **R-2011-63**, A Resolution of the Longmont City Council, Urging Longmont Citizens to Vote “Yes” on the Ballot Question, whether the City May Re-Establish the Right to Provide Telecommunications Services, Advanced Services, and Cable Television Services without Increasing Taxes, which Will Appear on the November 1, 2011 Regular Municipal Election Ballot (removed from Consent Agenda)
- G. **R-2011-64**, A Resolution of the Longmont City Council Regarding the City of Longmont Application to the Public Utility Commission for the Boston Avenue Crossing of the BNSF Railroad (resolution adopted)
- H. Approve and Authorize the Mayor to Sign the International Association of Fire Fighters Local 1806 Collective Bargaining Agreement (removed from Consent Agenda)
- I. Accept Public Improvements for Harvest Junction South Commercial, Phases 2 & 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 McCoy moved, seconded by Santos, to adopt the Consent Agenda with the exception of Items B, C, F, and H, which were pulled for additional discussion. Motion carried: 7-0.

10. ITEMS REMOVED FROM CONSENT AGENDA

- B. O-2011-61**, A Bill for an Ordinance Approving the Amendment to the Agreement in Furtherance of Annexation for Elmore Property to the City of Longmont, Colorado.

Council Member discussion focused on the agreements for affordable housing and the benefits associated with the program, the recently created Task Force, and the financial losses from builders for the City.

Council Member Santos moved, seconded by Witt, to adopt O-2011-61 on first reading.

Council Member discussion further addressed the possibility of relegating low-income residents into certain communities in the City and the impact that would have on economic segregation.

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

- C. O-2011-62**, A Bill for an Ordinance Approving the Amendment to the Agreement in Furtherance of Annexation for Maruyama Annexation to the City of Longmont, Colorado

Council Member Levison expressed her concern that the options for homeowners will be reduced if this motion carries.

Council Member Santos moved, seconded by Witt, to adopt O-2011-62. Motion carried: 4-3 (Hansen, Levison, and McCoy dissenting).

- F. R-2011-63**, A Resolution of the Longmont City Council, Urging Longmont Citizens to Vote “Yes” on the Ballot Question, whether the City May Re-Establish the Right to Provide Telecommunications Services, Advanced Services, and Cable Television Services without Increasing Taxes, which Will Appear on the November 1, 2011 Regular Municipal Election Ballot.

Council Member discussion addressed the benefits of partnering with private industry in the provision of the fiber rings, and the hard work done by Tom Roiniotis and the Longmont Power and Communications staff.

Council Member Santos moved, seconded by Levison seconded, to adopt R-2011-63. Motion carried: 7-0.

- H.** Approve and Authorize the Mayor to Sign the International Association of Fire Fighters Local 1806 Collective Bargaining Agreement.

Eugene Mei, City Attorney, reviewed the collective bargaining contract negotiation process with the Fire Union. He noted that the Police contract is not due for renewal until next year. He highlighted the major provisions that were negotiated and changed.

Council Member Santos moved, seconded by Hansen, to approve the agreement. Motion carried: 7-0

11. GENERAL BUSINESS

A. Continuation of the Update on Blue Vista Project

Gordon Pedrow, City Manager, indicated there is no formal staff presentation on this item as this is a follow-up from a previous discussion, corrected information regarding the Blue Vista development and the money the City has invested in that project. The City has not lost that money or the units until such time that the City gives up the requirements on the plat and annexation agreement which, at this point, is not the City's intention.

Mayor Baum indicated that the communication states that the Executive Director of Thistle has asked to be removed from the affordable housing requirements so they can sell these units.

Council Member Levison moved, seconded by Hansen, to postpone any action on this development, as outlined in Option 1, until after the Workforce Housing Task Force presents its recommendations, and direct staff to continue discussions and keep Council updated. Motion failed: 3-4 (Santos, Witt, Baum, and Sammoury dissenting).

Council Member Santos moved, seconded by Sammoury, when requested, to remove Affordable Housing requirements and receive no more affordable homes, but possibly some negotiated payment on debt, as outlined in Option 3. Motion carried: 4-3 (Hansen, Levison, and McCoy dissenting).

12. FINAL CALL – PUBLIC INVITED TO BE HEARD

There were no citizens present at this time to address City Council.

13. MAYOR AND COUNCIL COMMENTS

Council Member Santos thanked employees who were involved in finding, identifying, eradicating, and communicating the recent bedbug issue at the library. He also mentioned that this Friday is Festival on Main at 6 pm and encouraged people to attend.

Council Member Sammoury encouraged everyone to attend Festival on Main Street and reminded everyone that Coffee with Council will be at Chick-fil-A on Saturday morning.

Council Member Levison thanked City staff and Platte River Power Authority staff for the tour of Rawhide Power Plant that it was a great opportunity to learn about this important infrastructure. She also congratulated El Comite on their recent celebration and work in the community.

Council Member Hansen reminded everyone of Pints and Politics, 5 p.m. Wednesday evening at LeftHand Brewery.

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 9:08 p.m.

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk