



CITY COUNCIL PROCEEDINGS

February 8, 2011

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

REGULAR SESSION

The February 8, 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 Levison, to approve the minutes of the January 25, 2011, meeting as printed. Motion carried: 7-0.

4. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS

There were no Agenda Revisions or Submission of Documents.

5. CITY MANAGER'S REPORT

Gordon Pedrow, City Manager, introduced Phil Greenwald, Transportation Planner, who updated Council on transportation matters.

Mr. Greenwald talked about the Regional Transportation District (RTD) proposal to put a potential sales tax increase on the ballot in November to accelerate the completion of FasTracks. He also updated Council on the public hearing on February 16, 2011, at 6:30 p.m. at the Denver Regional Council of Governments (DRCOG) regarding the Transportation Improvement Program.

6. SPECIAL REPORTS AND PRESENTATIONS

- A.** A Proclamation Designating 2011 as “The Year of Business” in Longmont, Colorado

Mayor Baum read into the record a proclamation designating 2011, as “The Year of Business” in Longmont, Colorado.

Members of the Longmont Area Economic Council (LAEC), the Longmont Area Chamber of Commerce, the Longmont Downtown Development Authority (LDDA), and the Longmont Area Visitors’ Association (LAVA) were present to accept the proclamation.

- B.** A Proclamation Designating February 2011 as “National Teen Dating Violence Awareness and Prevention Month” in Longmont, Colorado

Mayor Baum read into the record a proclamation designating February, 2011, as “National Teen Dating Violence Awareness and Prevention Month”.

Members of the Longmont Ending Violence Initiative (LEVI) thanked Council for supporting the first “Teen Dating Violence Awareness and Prevention” initiative.

7. FIRST CALL – PUBLIC INVITED TO BE HEARD

Scott Cook, 528 Main Street, Public Policy Director of the Longmont Chamber of Commerce, invited Council and residents to the Unity in the Community event on February 24, 2011, from 5:30 p.m. to 7:30 p.m. at the Plaza Hotel and Conference Center.

Stacey Balcom, 1854 Centaur Circle, Lafayette, left a list of terms and conditions for a letter of intent to lease Union Reservoir land in Longmont and stated that she could not stay for the whole meeting since the large special events discussion was last on the agenda.

Steve Donnellan, 2437 Tyrrhenian Drive, stated that the City should have medical marijuana dispensaries but should take a conservative approach to approving any new shops in Longmont.

Deb Roberts, 2340 Alpine Street, Erie, Executive Director for Alternatives for Youth, recommended a ban on all future medical marijuana dispensaries and to regulate caregivers.

Jack Hay, 2006 Ridgeview Drive, President of Alternatives for Youth, asked that Council take the most conservative approach by banning dispensaries and put as many regulations on caregivers as possible.

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

- A. O-2011-08**, 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.

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-2011-08 on second reading. Motion carried: 7-0.

- B. O-2011-09**, 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 Levison moved, seconded by Witt, to adopt Ordinance O-2011-09 on second reading. Motion carried: 7-0.

- C. O-2011-10**, Public Hearing and Second Reading of a Bill for an Ordinance on the Disposition of City Open Space

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 Levison, to adopt Ordinance O-2011-10 on second reading. Motion carried: 5-2 (Baum and Witt dissenting).

D. Vance Brand Municipal Airport Leases

- 1. O-2011-11**, Public Hearing and Second Reading of a Bill for an Ordinance Authorizing the City of Longmont to Lease the Real Property known as Vance Brand Municipal Airport Hangar Parcel H-17 (the Premises) to Bob Leyner (Tenant)
- 2. O-2011-12**, Public Hearing and Second Reading of a Bill for an Ordinance Authorizing the City of Longmont to Lease the Real Property known as Vance Brand Municipal Airport Hangar Parcel H-59 (the Premises) to David W. Paule (Tenant)

Gordon Pedrow, City Manager, read the titles of the ordinances into the record. There was no formal staff presentation on these items.

Mayor Baum opened a public hearing on these items. There being no one present to address Council on these issues, the public hearing was closed.

Council Member Witt moved, seconded by Levison, to adopt Ordinance O-2011-11 on second reading. Motion carried: 7-0.

Council Member Witt moved, seconded by Levison, to adopt Ordinance O-2011-12 on second reading. Motion carried: 7-0.

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

- A. R-2011-10,** A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the Longmont Housing Authority for an Agreement for Affordable Rental Housing (Resolution adopted)
- B. R-2011-11,** A Resolution of the Longmont City Council Approving a Grant from the Colorado Department of Transportation for the 2011 Impaired Driving Enforcement Campaign (Resolution adopted)
- C. Legislative Update**
 - 1.** Oppose HB 11-1115, Concerning Payment of Retainage in Construction Contracts Involving Public Entities (Motion passed to oppose bill)
 - 2.** Oppose HB 11-1116, Concerning the Provision of Waste Services within the Boundaries of Local Government Entities (Removed from Consent Agenda)
 - 3.** Support SB 11-066, Concerning the Issuance of Special Event Permits to Serve Alcohol Beverages (Motion passed to support bill)
- D.** Authorize the Use of \$10,000 of Council Contingency for Contract Expert Witness Services for the Intervention in the Public Utilities Commission Proceedings Regarding Xcel Energy Services Gas Tariff and \$15,000 for Contract Legal Services for the Xcel Gas Franchise Renewal (Use of Council contingency funds authorized for contracting with Expert Witness Services)

Gordon Pedrow, City Manager, read the titles of the items on the consent agenda into the record.

Council Member Santos moved, seconded by Levison, to adopt the Consent Agenda with the exception of Item C2 which was pulled for additional discussion. Motion carried: 7-0.

10. ITEMS REMOVED FROM CONSENT AGENDA

C. Legislative Update

2. Oppose HB 11-1116, Concerning the Provision of Waste Services within the Boundaries of Local Government Entities

Sandra Seader, Assistant to the City Manager, reviewed this item.

Council Member McCoy moved, seconded by Hansen, to oppose HB 11-1116. Motion carried: 6-1 (Witt dissenting).

11. GENERAL BUSINESS

1. Regulatory Options for Medical Marijuana Businesses Authorized by HB 10-1284

Eugene Mei, City Attorney, provided a recap of the medical marijuana industry in Colorado and showed a map of current dispensaries in Longmont.

Ben Ortiz, Senior Planner, explained that a vast majority of the dispensaries are on a main thoroughfare or in commercial areas in the City, none are within residential areas.

Mr. Mei explained that with the July 1, 2011 deadline approaching, now is the time to get final direction from Council. He reviewed Amendment 20, which created medical marijuana dispensaries and defined caregivers, and House Bill 24 which created medical marijuana centers.

Council Member Santos moved, seconded by Witt, to direct the City Attorney to bring forward an ordinance to ban dispensaries, centers, and growing operations in the City of Longmont.

Council further discussed banning dispensaries and how to regulate current dispensaries in the City.

Vote was taken on the motion and it carried: 6-1 (Levison dissenting).

2. Medical Marijuana Primary Caregiver Regulation Discussion

Ben Ortiz, Senior Planner, reviewed House Bill 10-1284, and explained that it does not allow municipalities to ban primary caregivers. He stated that a caregiver cannot have more than five patients. A vast majority of caregivers will operate out of their homes so growing by caregivers in their homes may become an issue.

Jay Rourke, Assistant City Attorney, explained that caregivers are registered by the State but the City doesn't require them to be registered.

Council discussed at length ways to regulate caregivers and to keep marijuana out of neighborhoods.

Council Member Santos moved, seconded by Witt, to extend the meeting past 11:00 p.m. to complete the agenda. Motion carried: 5-2 (McCoy and Sammoury dissenting).

B. Large Special Events Discussion

Council Member Hansen moved, seconded by Levison, to move this item to the February 15, 2011, Study Session. Motion carried: 4-3 (Baum, Santos, and Witt dissenting).

12. FINAL CALL – PUBLIC INVITED TO BE HEARD

There was no one present for Final Call – Public Invited to be Heard.

13. MAYOR AND COUNCIL COMMENTS

Council Member McCoy congratulated all of the students that went to the Future Business Leaders of America conference from Longmont and Skyline High Schools.

Council Member Sammoury asked that the Large Special Event Item at Union Reservoir be first on the agenda at the next meeting.

Mayor Baum wished everyone a Happy Chinese New Year and reminded everyone of the Council retreat February 11 and 12, 2011, at Xilinx.

Council Member Levison reported that she attended the State Preservation Conference and there were a lot of very interesting topics and workshops including an excellent case study on the City of Arvada.

Council Member Santos stated that he attended the Special Transit open house and the new facility is very nice.

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 11:28 p.m.

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk