



# **CITY COUNCIL PROCEEDINGS**

**May 10, 2011**

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

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## **REGULAR SESSION**

The May 10, 2011, meeting 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**

Valeria Skitt, city clerk, requested that the minutes from the April 26, 2011 meeting be pulled from Council's consideration for additional revisions.

### **4. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS**

There were no agenda revisions or document submissions.

### **5. CITY MANAGER'S REPORT**

Dale Rademacher, Director of Public Works and Natural Resources, provided information about the Children's Water Festival for 830 5<sup>th</sup> graders, educating children of the importance of water in our community and keeping it clean.

**6. SPECIAL REPORTS AND PRESENTATIONS**

- A.** Mayor’s Community Positive Impact Award – Marcia Jolly for Her Earning the “Girl Scout Gold Award”

Mayor Baum presented the Mayor’s Community Positive Impact Award to Marcia Jolly for earning the “Girl Scout Gold Award” as a result of the work she has done creating and distributing nearly 800 craft kits to sick children at Children’s Hospital.

Marcia Jolly accepted the award with her family.

- B.** A Proclamation Commemorating the 40<sup>th</sup> Anniversary of the St. Vrain and Left Hand Water Conservancy District in Longmont, Colorado

Mayor Baum read, into the record, a proclamation commemorating the 40th Anniversary of the St. Vrain and Left Hand Water Conservancy District in Longmont, Colorado.

Dennis Yanchunas and Shane Cronin, both of Left Hand Water Conservancy District (LHWCD), accepted the proclamation. Mr. Yanchunas spoke briefly on behalf of the District for taking the time and effort to recognize the district and its work in the basin as well as the mission of the LHWCD.

**7. FIRST CALL – PUBLIC INVITED TO BE HEARD**

Numerous citizens spoke in opposition to the proposed ban on medical marijuana dispensaries (O-2011-27), recommended grandfathering in the current dispensaries if the ban is passed, and noted the successful economics associated with revenue generation and job creation as a result of the sale of medical marijuana through licensed dispensaries. Those speaking in opposition to the ordinance were:

- Tony Woods, 727 Main Street
- Robert J. Corry, Jr., 600 17<sup>th</sup> Street, #2800, Denver
- Henri Morin, 1811 Hover Street, Suite 6H
- Edward Siegel, 2318 Frontier Street
- Marie Zapata, 2207 Dexter Drive.
- Ally Feiler, 1260 S. Hover Street
- Amber Clifford, 912 Bross Street
- Shea Terlip, 3152 Folsom Street
- Lance Flake, 8916 Perennial Drive
- Jim Marty, 1714 Duchess Drive
- Laurie Schwartzfiler, 1260 S. Hover Street
- Brent Roberts, 2340 Alpine Drive
- Derrick King, 625 Main Street, New Age Wellness
- Kenneth Romero, 315 Quebec Avenue

The following citizens spoke in favor of the proposed ban on medical marijuana dispensaries (O-2011-27) because of the potentially corrupting effect on our youth, the blatant marketing of the illegal substance, and the hard work done by Alternatives for Youth in the community to dissuade the use of drugs by our youth:

Lori West, 960 5<sup>th</sup> Avenue  
Marie Terry, 113 Wilford Road, Berthoud  
Deb Roberts, 2340 Alpine Drive, Erie  
Jim West, 960 5<sup>th</sup> Avenue  
Tom Chenard, 310 Pratt Street

Marilyn Hughes, 1126 4<sup>th</sup> Avenue, thanked Council for waiting for information from the Secretary of State's hearing before making a decision on reporting thresholds for issue committees and suggested a lower threshold of \$2500 to \$3000.

Paul Tiger, 452 Dickson, spoke in support of splitting the issue of marijuana dispensaries and marijuana grow operations.

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

- A. O-2011-17**, Continuation of a Public Hearing regarding 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, provided background information on this item. During last week's study session, Council gave direction to bring back an Ordinance with a \$5,000 disclosure threshold on issue committees. Because of that direction, this ordinance no longer has any purpose and recommended that Council let it die by not taking any action on it.

General discussion followed.

**Council Member Levison moved to take a vote on the ordinance but stated that she would vote "no." Motion died for lack of a second.**

Mayor Baum re-opened a public hearing on this item.

Paul Tiger, 452 Dickson Street, noted that a \$5,000 minimum threshold for transparency in support of campaigns was too large for the City of Longmont and would rather see the limit set at \$2500.

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

**Councilmember Santos moved, seconded by McCoy, to postpone indefinitely Ordinance O-2011-17. Motion carried: 7-0.**

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

- A. O-2011-27**, A Bill for an Ordinance Enacting Chapter 9.60 of the Longmont Municipal Code on Medical Marijuana (removed from Consent Agenda)

- B. **O-2011-28**, A Bill for an Ordinance Conditionally Approving the Vacation of a Utility and Access Easement in the St. Vrain Industrial Park Second Filing Replat "B" Generally Located North of Boston Avenue and West of Boston Court (ordinance adopted)
- C. **O-2011-29**, A Bill for an Ordinance Authorizing the City of Longmont to Lease the Real Property Known as Vance Brand Municipal Airport Hangar Parcel H-50 (the Premises) to Hangar 50, LLC (Tenant) (ordinance adopted)
- D. **R-2011-35**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the Longmont Downtown Development Authority for Support and Services (resolution adopted)
- E. **R-2011-36**, A Resolution of the Longmont City Council Authorizing the Mayor to Sign a Purchase Contract for Property Located at 204 Main Street for the Purposes of Constructing a Public Parking Lot (resolution adopted)
- F. Accept \$2000 Grant Received from CenturyLink (formerly Qwest) for the Mayor's Book Club (grant accepted)
- G. Authorize the Use of \$35,000 of Council Contingency for the City Manager Recruitment Process (use of Council Contingency approved)
- H. Approve Evaluation Criteria Weighting and Evaluation Committee Members for the Request for Proposals for Executive Search Firm for the City Manager Position (criteria approved)

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 McCoy, to adopt the Consent Agenda with the exception of Item 9A, which was pulled for additional discussion. Motion carried: 7-0.**

#### **10. ITEMS REMOVED FROM CONSENT AGENDA**

- A. **O-2011-27**, A Bill for an Ordinance Enacting Chapter 9.60 of the Longmont Municipal Code on Medical Marijuana

Council Member discussion focused on whether linear feet was a correct distinction for a grow room in a residential grow facility and that perhaps designation of cubic feet of space maximums, as well as removing the maximum number of plants being grown, would better meet the State mandates.

Eugene Mei, City Attorney, reviewed his findings and restated his previous opinion that reasonable regulation is permissible.

Council Member discussion then focused on whether or not grow rooms must operate within City building codes and home owners association (HOA) restrictions and whether to require landlord-tenant agreements.

Council Member Santos stated that the ordinance is fine the way it is written and that the law should be changed at the Federal level if that is what is needed.

**Council Member Santos moved, seconded by Sammoury, to adopt O-2011-27 as written.**

Council Member discussion focused on the requirement that dispensaries be located no closer than 1,000 feet in distance from any school, day care facility or drug-treatment facility and whether or not this could be precluded by locations in un-annexed parts of Boulder County.

Ben Ortiz, Planner, explained through presentation materials that there is no place in unincorporated Boulder County in which a dispensary could locate closer than the 1,000 foot distance to any noted facilities.

**Council Member Witt offered an amendment to the motion, to include in the ordinance (page 7, line 17) the wording: “shall not exceed a volume of 200 cubic feet of flowering plants and 400 cubic feet of non-flowering plants per licensed patient with a maximum volume of 1200 cubic feet of flowering plants and 2,400 cubic feet of non-flowering plants and no more than 3,600 cubic feet of plants total per residence” and to remove lines 18 and 19. Council Members Santos and Sammoury accepted the amendment to their motion.**

**Council member Hansen moved, seconded by McCoy, to amend the motion to add that “anyone growing in a rental property must inform the property owner that there is a grow operation there.”**

Council discussion then focused on wattage of lighting used in residential grow operations and whether or not provisions restricting the wattage would be problematic to City Police and Code Enforcement officers.

**Vote was taken on the amendment regarding landlord notification, and it failed: 3-4 (Baum, Sammoury, Santos and Witt dissenting).**

**Vote was then taken on the original motion as amended, and it carried: 7-0.**

Additional discussion ensued.

**Council Member Levison moved to direct staff to add language, where appropriate, that specifies that where caregivers are growing in a residence, the grow operation has to comply with all applicable building codes and to add language requiring disclosure, at the time of sale of the property, that the grow operation ran afoul of the law if it did. Motion died for lack of second.**

## 11. GENERAL BUSINESS

### A. Retail Recruitment Work Plan

Brad Power, Director of Economic Development, reviewed this item and mentioned that there was a lot of energy from the retreat to do something to make sure the retail world knows Longmont is on the map and to partner with the Longmont Downtown Development Authority (LDDA).

David Starns, Redevelopment Program Manager, reviewed key aspects of the scope of services in the Request for Proposal for a consultant as outlined in the Council communication. He mentioned that retail economic sales has been better in the recent past and that engaging the services of a professional with industry contacts will be a key aspect of insuring that Longmont attracts the right kind of retail to match its needs. He identified strengths and barriers for attracting retail to the City and discussed Longmont's unique profile. He also recommended that we identify brokerage contacts that fit our profile.

Kimberlee McKee, Longmont Downtown Development Authority (LDDA) Executive Director, discussed the Arts and Entertainment District plan and what a consultant could do to help LDDA structure its retail recruitment.

**Council Member McCoy moved, seconded by Levison, to direct staff to initiate a Request for Proposal process to retain a retail recruitment strategist and implement the scope of work outlined.**

Council Member Levison suggested that performance measures need to be added and that the effort should not have its success based on moving businesses from one part of town to another. She also suggested that the consultant look at the SWOT (strengths, weaknesses, opportunities, and threats) Analysis done by the Economic Vitality Task Force for significant background work already done by this community.

Mr. Power clarified for Council that there will be no formal report at the end of the process. The result of this RFP will be direct work bringing together property owners and retailers.

**Council Member Levison moved, seconded by Santos, to suspend the Council's Rules of Procedure and allow the meeting to extend beyond 11:00 p.m. Motion carried: 7-0.**

Council Member Sammoury suggested that expectations of a deliverable would be to fill the empty spaces in the City by recruiting retailers looking for our particular demographics and spending habits and that we be aggressive in recruiting retailers.

**Vote was taken on the motion to issue the RFP, and it carried: 7-0.**

## 12. FINAL CALL – PUBLIC INVITED TO BE HEARD

Paul Tiger, 452 Dickson Street, discussed the parking lot on 3<sup>rd</sup> Avenue and Kimbark Street from the Consent Agenda and wanted to ensure the parking lot remains a public lot, not reserved for City employee parking.

Clyde Iorger, 917 Terry Street, wanted to recommend that the parking lot at 204 Main Street be used for employee parking for those working at the Public Safety building.

## 13. MAYOR AND COUNCIL COMMENTS

Mayor Baum congratulated ACE Hardware on new grand opening. He also mentioned the high attendance at Cinco de Mayo and congratulated staff for their hard work on this community event. Mayor Baum also spoke about several other community events held over the past couple of weeks including the Hispanic Education Foundation luncheon, the National Day of Prayer, the Chamber of Commerce recognition dinner for Council Members, A Woman's Work fundraiser, and Chik-Fil-A Leader Cast. He ended by noting the recent resignation from the Parks and Recreation Advisory Board of Ruby Bowman, who is a long-standing public servant. He wished Ms. Bowman the very best and thanked her for the perspective she brought to this committee.

Council Member Sammoury thanked staff for putting on the breakfast for city employees and allowing Council Members to serve the staff.

## 14. CITY MANAGER REMARKS

Sandi Seader noted calendar issues, thanked City Council for serving breakfast to the staff, and discussed Council Member plans during the month of June.

Council Member Witt noted that numerous Council Members will be out on the week of the 21<sup>st</sup> for the Colorado Municipal League (CML) Conference.

**Council Member Sammoury moved, seconded by Santos, to cancel June 7<sup>th</sup> and June 21<sup>st</sup> study sessions. Motion carried: 7-0.**

Council Member Levison noted that she has been on two working phone calls for the Youth Task Force with the National League of Cities (NLC) and will bring information to the School Board Meeting for new opportunities for collaboration.

## 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 11:19 p.m.

CITY OF LONGMONT, COLORADO

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Mayor

ATTEST:

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City Clerk