



CITY COUNCIL PROCEEDINGS

November 8, 2011

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

REGULAR SESSION

The November 8, 2011, Regular Session of the Longmont City Council was called to order at 7:00 p.m. by Mayor Coombs in the City Council Chambers.

1. ROLL CALL – PLEDGE OF ALLEGIANCE

Valeria Skitt, City Clerk, called the roll. Those present were Mayor Dennis Coombs and Council Members Brian Bagley, Bonnie Finley, Alex Sammoury, Gabe Santos, and Katie Witt. Council Member Sarah Levison was absent.

Mayor Coombs led the assembly in reciting the Pledge of Allegiance.

2. CHAIR REMINDER TO THE PUBLIC:

Mayor Coombs reviewed the procedures for Public Invited to be Heard and Public Hearings.

3. APPROVAL OF MINUTES

There were no minutes for approval.

4. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS

Gordon Pedrow, City Manager, indicated that Agenda Item 9B, "changing Council meeting dates for November", was added to the agenda after having been sent out to Council Members. A Council communication for this item was placed at the Council desks prior to the start of the meeting. Additionally, the agenda was amended and posted Monday morning.

5. CITY MANAGER'S REPORT

Gordon Pedrow, City Manager, indicated that the City will not be enforcing two hour parking in the Downtown area on Friday's during the shopping season.

6. SPECIAL REPORTS AND PRESENTATIONS

There were no special reports or presentations.

7. FIRST CALL – PUBLIC INVITED TO BE HEARD

Mary Blue, 1460 Ajax Way, congratulated Council members for gaining seats on Council and those who survived the election. She expressed her appreciation for the balance represented by the current Council.

Judy Bigger, 810 Megan Court, welcomed the new Council members.

John Bigger, 810 Megan Court, thanked all of Council for what they do and implored all of Longmont to support the Council to help make this city better.

The following citizens spoke in support of the group “Citizens for Quiet Skies” who hope to have a public review of the noise created by Mile High Skydiving at the Vance Brand Airport:

John Bowker, 1100 Fordham Street
Kim Gibbs, 7468 Mount Sherman Road
Creighton Stewart, 10775 N. 65th Street

The following citizens spoke in opposition of allowing oil and gas drilling operations within the City of Longmont:

Steve Donnellan, 2437 Tyrrenian Drive.
Joe Kelliher, 12628 Weld County Road #1.
Chris Porzuczek, 12624 County Line Road.
Tom Seaman, 12566 County Road 1.
Charley Walck, 11409 County Line Road.

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

- A. O-2011-77**, Continuation of the Second Reading of a Bill for an Ordinance Amending Sections 13.37.020, 13.37.030, 13.37.090, 13.37.140, 13.37.150, 13.37.160, 15.10.020 and Section 15.04.010 Table 15.04-A, and Repealing and Re-Enacting Section 15.04.040 of the Longmont Municipal Code Regarding Permits for Ambulatory Vendors and Retail Mobile Food Vending in the City of Longmont

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

Council Member Finley inquired as to why structures, canopies, tables or chairs can not be set up around mobile vendors and push carts.

Ben Ortiz, Planner, indicated that many years ago hot trucks were allowed to operate in Longmont and were setting up tables, chairs, canopies, etc. This caused a problem for brick and mortar restaurants who has invested a great deal of money in their locations. The trucks and their tables and chairs set up for their customers were taking up valuable parking for surrounding businesses. He further reviewed the item and outlined the public process utilized for review of the proposed ordinance.

Erin Fosdick, Senior Planner, reviewed specific changes to various parts of the code.

Mayor Coombs 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 strike Item 10, Page 13 and Items 25 and 26 establishing a \$50 monthly fee for mobile vendors to operate within the boundaries of the Longmont Downtown Development Authority. Motion carried: 6-0 (Levison absent).

Council Member Santos moved, seconded by Witt, to adopt Ordinance O-2011-77 on second reading as amended. Motion carried: 6-0 (Levison absent).

- B. O-2011-78, 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.

Teresa Molloy, Budget Manager, reviewed this item and Item C which contains revisions to the Capital Improvements Plan projects that correspond to the changes in the budget.

Mayor Coombs 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 Sammoury, to adopt Ordinance O-2011-78 on second reading. Motion carried: 6-0 (Levison absent).

- C. O-2011-79, 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. He noted that the revisions to the 2011-2015 Capital Improvement Program were reviewed by the Budget Manager during the previous item.

Mayor Coombs 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 Sammoury, to adopt Ordinance O-2011-79 on second reading. Motion carried: 6-0 (Levison absent).

- D. O-2011-80, Public Hearing and Second Reading of a Bill for an Ordinance Amending Section 10.36.110 of the Longmont Municipal Code Regarding Possession or Consumption of Marijuana**

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

Mike Butler, Public Safety Chief, provided background information on this item and noted that the State recently changed its marijuana possession threshold from one ounce to two ounces. The Police Department is recommending that the City modify its code to be congruent with the state code. He further noted that the fine would be modified to \$100 for all offenses which would allow the City to file summons into Municipal Court rather than County Court.

Mayor Coombs 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 Sammoury, to adopt Ordinance O-2011-80 on second reading. Motion carried: 6-0 (Levison absent).

- E. O-2011-81, Public Hearing and Second Reading of a Bill for an Ordinance Amending Chapters 15.03, 15.04, 15.05, and 15.10 of the Longmont Municipal Code Regarding the Creation of a Rail Park Zoning District**

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

Brien Shumacher, Senior Planner, reviewed the proposed amendments to the code to create a rail park zoning district. He noted that, earlier this year, the Longmont Area Economic Council (LAEC) had requested that the City institute this type of zoning district to allow the City to be in a better position to attract rail related or dependent businesses to the community. Mr. Shumacher then reviewed the details associated with the proposed zoning district as outlined in the Council communication on this item.

Council Member Bagley inquired as to protections to ensure that the rail park does not become a rail yard.

Mr. Schumacher noted that any development would be subject to comprehensive plan review, site plan review, and a public hearing process.

Mayor Coombs opened a public hearing on this item.

Steve Donnellan, 2437 Tyrrhenian Drive, spoke in opposition to placing a rail park next to Union Reservoir.

John Cody, President of Longmont Area Economic Council (LAEC), spoke in favor of this change to the development code noting that it would allow for flexibility for a kind of development that we do not currently have access to.

There being no further citizens to address Council, the public hearing was closed.

Council Member Santos moved, seconded by Sammoury, to adopt Ordinance O-2011-81 on second reading. Motion carried: 6-0 (Levison absent).

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

- A. R-2011-82, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And The State Of Colorado Department Of Public Safety For A Victim Of Crime Assistance Grant (resolution adopted)**
- B. Motion to suspend City Council’s Rule of Procedure 25 and designate the 29th as the second regular city council meeting in November (Council Rules suspended)**

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 Witt moved, seconded by Sammoury, to adopt the Consent Agenda as presented. Motion carried: 6-0. (Levison absent).

10. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the Consent Agenda.

11. GENERAL BUSINESS

There were no General Business items scheduled for discussion.

12. FINAL CALL – PUBLIC INVITED TO BE HEARD

Jake Marsing, 949 Pass Drive, congratulated the new Council members and Mayor.

Creighton Stewart, 10775 N. 65th Street, spoke about expansion to the airport and noted that the Times Call had implied it was a “done deal”.

13. MAYOR AND COUNCIL COMMENTS

Council Member Witt invited the Council Members to the Veterans Day Parade on Friday and requested that they attend and help with carrying the banner.

Council Member Santos congratulated Front Range Community College for its classroom renovations and congratulated the Beth Haynes award winner—Sandi Esters—who is a Police Officer here in Longmont. He also noted that last Friday was the Chamber of Commerce’s Annual meeting in which the City of Longmont was nominated for Large Business of the Year.

Council Member Bagley noted that there are times when his job as an attorney may conflict with his role as a Council Member and that in those cases, he will be ensuring that other attorneys accept the cases. He further inquired as to directing staff to present information to City Council regarding the Mall, drilling at Union Reservoir and the request presented by Quiet Skies action group to review the Mile High Skydiving operation at the Airport.

Gordon Pedrow, City Manager, noted that staff will be ensuring all new Council Members are brought up to speed as soon as possible, including an update on the City Manager recruitment, and reviewed the schedule for the next few weeks regarding Council Member Bagley's concerns.

Mayor Coombs reminded everyone about the big parade for Veterans Day on Friday and that Carl DelCamino has arranged for an F-16 flyover to start the parade.

14. CITY MANAGER REMARKS

City Manager Gordon Pedrow indicated that staff is seeking direction from Council about whether to make any changes to the Council Meeting dates in December. He noted that if Council wants to cancel the meeting on Christmas week, staff will bring back an action item for Council to rearrange the regular and study session meetings in December.

After brief discussion, Council Member Santos recommended that staff be directed to bring back an item to move the dates of the regular session meetings in December to allow cancelling the meeting on Christmas week. All City Council Members concurred.

15. CITY ATTORNEY REMARKS

Eugene Mei, City Attorney, congratulated the new Council Members and welcomed back returning Council members.

16. ADJOURN

There being no further business to come before the City Council, the meeting was adjourned at 8:27 p.m.

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk