



**CITY COUNCIL REGULAR SESSION PROCEEDINGS  
CITY OF LONGMONT, COLORADO  
350 Kimbark Street  
December 22, 2009**

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**City Council Pre-Session on Budget**

The December 22, 2009, City Council Pre-Session was called to order at 5:00 p.m. by Mayor Bryan Baum in the City Council Study Session room.

Those present were: Mayor Bryan Baum, Councilmembers Gabe Santos, and Katie Witt, City of Longmont staff Jim Golden, Director of Finance, Eugene Mei, City Attorney, Teresa Molloy, Budget Manager, and Gordon Pedrow, City Manager.

Jim Golden, Director of Finance, discussed the budget process, financial policies, 2010 budget summary, and the budget prioritization process.

The December 22, 2009, 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 Councilmembers 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:**

- A.** Anyone wishing to speak at “First Call – Public Invited to Be Heard” will need to add his or her name to the list outside the Council chambers. Only those on the list will be invited to speak at the first “Public Invited to Be Heard.”
- B.** Speakers who do not place their names on the list will have the opportunity to speak during public hearing items this evening, or at the “Final Call – Public Invited To Be Heard” (any item) at the end of the meeting.

**3. APPROVAL OF MINUTES**

**Councilmember McCoy moved, seconded by Santos, to approve the minutes of the November 24, 2009, meeting as printed. Motion carried: 6-0 (Levison abstaining).**

**Councilmember McCoy moved, seconded by Santos, to approve the minutes of the December 8, 2009, meeting as printed. Motion carried: 7-0.**

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

Gordon Pedrow, City Manager, explained that a document had been submitted for item 9K, public improvement agreement for Harvest Junction southwest commercial.

**5. CITY MANAGER’S REPORT**

Gordon Pedrow, City Manager, reminded Council that the January 5, 2010, meeting would be a Regular Session meeting and January 12, 2010, would be the Open Forum.

Eugene Mei, City Attorney, explained that the City agreed to dismiss with prejudice the Longmont Fair Campaign Practices Act lawsuit, pay \$68,500 and seek Council direction to amend the LFCPA to remove notice provisions regarding notification requirements for independent expenditures.

**Councilmember Santos moved, seconded by McCoy, to change the wording of the Longmont Fair Campaign Practices Act regarding notification requirements for independent expenditures. Motion carried: 7-0.**

**6. SPECIAL REPORTS AND PRESENTATIONS**

There were no special reports or presentations.

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

Steve Donnellan, 2437 Tyrrhenian Drive, spoke about having a building code that would require all new homes to have wider entryways.

Linda Champion, 1733 Preston Drive, Chair of the Election Committee, spoke about the Longmont Fair Campaign Practices Act.

Dr. Joel Champion, 1733 Preston Drive, also spoke about the Longmont Fair Campaign Practices Act.

Dan Benavidez, 804 Grand Avenue, explained that in the upcoming year there will be a program coming to Longmont called Browning of the Green which rehabilitates buildings in the area. Mr. Benavides introduced Jonathan Martinez Culta.

Mr. Culta explained that he is in a Latino leadership group in school and he would like to stay here in Longmont for a few more years to help the community.

Julie Burrows, 3619 Columbia Drive, and President of the Senior Citizens advisory board, thanked Council for their consideration and debate on visitability at the December 15, 2009, study session.

Bruce Ross, 1825 Sunlight Drive, President of the Longmont Tennis Association, presented Council with a check for \$6,000 as a contribution to resurface the tennis courts at Carr Park and Pratt Park.

Marilyn Hughes, 1126 4<sup>th</sup> Avenue, spoke on the Longmont Fair Campaign Practices Act report and gave some background on the task force which worked last year to revise the 2000 LFCPA.

Shari Malloy, 2113 Rangeview Lane, commented on the Longmont Fair Campaign Practices Act and recognized the hard work of the committee.

Richard Vick, 1762 Cove Court, talked about the International Code Amendments and respectfully requested that Council leave the 180 day maximum length of time for a temporary structure instead of changing it to the 30 day maximum.

Jonathan Singer, 2201 14<sup>th</sup> Avenue, Apt. 5-307, talked about the Longmont Fair Campaign Practices Act and stated that it should be kept in tact as much as possible and strengthened in some ways.

Judy Lubow, 106 Granada Court, spoke regarding the “Be Alive in Longmont” campaign in which city funds are received to develop partisan ads in the Times Call.

Strider Benston, 951 17<sup>th</sup> Avenue #91, and a member of the Election Committee, reaffirmed the statements of the previous speakers regarding the LFCPA.

Paul Tiger, 831 1<sup>st</sup> Avenue, spoke about the Longmont Fair Campaign Practices Act.

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

**A. 2009 International Code Amendments**

1. **O-2009-87**, Public Hearing and Second Reading of a Bill for an Ordinance Repealing and Reenacting Chapters 16.03, 16.04, 16.06, 16.12, 16.14, 16.16, 16.20, 16.22 and 16.40 of the Longmont Municipal Code, Adopting by Reference the National Green Building Standard ICC 700-2008 and the International Building, Residential, Mechanical, Fuel Gas, Plumbing, Property Maintenance, Energy Conservation, and Existing Building Codes

Gordon Pedrow, City Manager, read the titles of the ordinances into the record.

Chris Allison, Chief Building Official, reviewed the item.

Mayor Baum opened a public hearing on this item.

David Gregg, 3000 Pearl Street, Boulder, Boulder Creek Builders, asked that if the amendments are passed, to accept staff and state committee’s recommendation to hold off on the residential fire sprinkler part of the code until 2013.

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

**Councilmember Hansen moved, seconded by McCoy, to adopt Ordinance, O-2009-87 on second reading. Motion carried: 7-0.**

2. **O-2009-88**, Public Hearing and Second Reading of a Bill for an Ordinance Repealing and Reenacting Chapter 16.32 of the Longmont Municipal Code Adopting by Reference the 2009 Edition of the International Fire Code

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

Scott Snyder, Fire Division Chief, explained the high points of the codes and explained that there is a five year history of tent permits issued by the Fire Department in Council's packet.

Mayor Baum opened a public hearing on the item.

Richard Vick, 1762 Cove Court, explained that public safety seems to be the issue and that as a business owner everything in their operation is safe and secure.

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

**Mayor Baum moved, seconded by Witt, to approve O-2009-88 excluding the tent permitting clause. Motion failed: 3-4 (Councilmembers Hansen, Levison, McCoy, and Sammoury dissenting).**

**Councilmember McCoy moved, seconded by Hansen, to adopt O-2009-88 as presented. Motion failed: 3-4 (Mayor Baum and Councilmembers Sammoury, Santos, and Witt dissenting).**

**Councilmember Santos moved, seconded by Witt, to adopt O-2009-88 with 90 days for a temporary tent structure. Motion carried: 6-1 (Councilmember Levison dissenting).**

- B. **O-2009-89**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Chapters 15.03, 15.04, 15.05, and Title 15 Appendix B of the Longmont Municipal Code Regarding the Mixed Use Zoning District

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

Brien Schumacher and Don Burchett, both Senior Planners, reviewed the item for Council and stated that the ordinance includes recommended changes by the Planning and Zoning Commission and the City Council from their reviews earlier this year.

Mayor Baum opened a public hearing on this item.

Cotton Burden, 8437 Sawtooth Lane, explained that the proposed amendments could affect Longmont's future redevelopment efforts in downtown.

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

**Councilmember McCoy moved, seconded by Hansen, to adopt Ordinance O-2009-89 on second reading. Motion carried: 5-2 (Baum and Witt dissenting).**

- C. O-2009-90**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Ordinance O-2008-99 Conditionally Approving the Fairgrounds Marketplace Annexation (Generally Located West of Hover Street and North of Home Depot) and Zoning the Property CR (Commercial – Regional)

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

Joni Marsh, Development Services Manager, provided a brief overview of the annexation.

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

**Councilmember Santos moved, seconded by McCoy, to adopt Ordinance O-2009-90 on second reading. Motion carried: 7-0.**

- D. O-2009-91**, Public Hearing and Second Reading of a Bill for an Ordinance Amending Section 3.04.750 of the Longmont Municipal Code on Injury Leave

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 item, the public hearing was closed.

**Councilmember Hansen moved, seconded by McCoy, to adopt Ordinance O-2009-91 on second reading. Motion carried: 7-0.**

- E. O-2009-93**, Public Hearing and Second Reading of a Bill for an Ordinance Authorizing the Second Amended and Restated Mineral Lease by and between the City of Longmont and Aggregate Industries, Inc

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

Dan Wolford, Open Space Manager, reviewed this item as outlined in the council communication.

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

**Councilmember McCoy moved, seconded by Hansen, to substitute the ordinance with the version in the Council packet. 7-0.**

**Councilmember McCoy moved, seconded by Hansen, to adopt Ordinance O-2009-93 on second reading. Motion carried: 7-0.**

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

- A. O-2010-01**, A Bill for an Ordinance Enacting a New Chapter of the Longmont Municipal Code on Fireworks (Ordinance introduced and public hearing scheduled for January 5, 2010)
- B. O-2010-02**, A Bill for an Ordinance Authorizing the City of Longmont to Enter into Property Management Agreements with Property Management Plus Realty, L.L.C. (Ordinance removed from Consent Agenda for further discussion)
- C. R-2009-114**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the State of Colorado for a Water Exchange Agreement (Resolution removed from Consent Agenda for further discussion)
- D. R-2009-115**, A Resolution of the Longmont City Council Confirming the City's Appropriation of Water Rights for the Saint Vrain Integrated Reclamation Plan Project and Authorizing Adjudication (Resolution removed from Consent Agenda for further discussion)
- E. R-2009-116**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the United States Department of Energy for an Energy Efficiency and Conservation Grant (Resolution adopted)
- F. R-2009-117**, A Resolution of the Longmont City Council Amending the 2010 Classification and Pay Plan (Resolution adopted)
- G. R-2009-118**, A Resolution of the Longmont City Council Approving the Amended Adoption Agreement between the City and the International City Manager's Association Regarding the City's Retiree Health Savings Plan (Resolution adopted)
- H.** Approve and Authorize the Transfer of \$14,467 from the City Council Contingency Fund to the Elections Budget to Pay for Attorneys' Fees Associated with the Work of the Election Committee (Removed from Consent Agenda for further discussion)

- I. Approve and Authorize Mayor to Sign Longmont Cable Trust Inc. Services Contract (Contract approved and Mayor authorized to sign)
- J. Authorize Mayor to Sign Letter of Support in Response to Town of Lyons Amendment of the Town of Lyons Planning Area to Include the City of Longmont North Water Treatment Plant Property (Mayor authorized to sign letter)
- K. Approve and Authorize Mayor to Sign Public Improvements Agreement (PIA) for Harvest Junction Southwest Commercial (Public Improvements Agreement approved and Mayor authorized to sign)
- L. Approve and Authorize Mayor to Sign Public Improvement Agreement (PIA) for Sandstone Marketplace Bush Development (Removed from Consent Agenda for further discussion)
- M. Approve and Authorize Mayor to Sign Public Improvement Agreement (PIA) for Sandstone Market Place Wal-Mart Development (Removed from Consent Agenda for further discussion)
- N. Accept Public Improvements for Andersen 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.

**Councilmember Santos moved, seconded by McCoy, to adopt the Consent Agenda with the exception of items B, C, D, H, L and M, which were pulled for additional discussion. Motion carried: 7-0.**

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

- B. **O-2010-02**, A Bill for an Ordinance Authorizing the City of Longmont to Enter into Property Management Agreements with Property Management Plus Realty, L.L.C.

Ken Huson, Water Resources Administrator, reviewed this item.

**Councilmember McCoy moved, seconded by Santos, to introduce O-2010-02 on first reading. Motion carried: 7-0.**

- C. **R-2009-114**, A Resolution of the Longmont City Council Approving the Intergovernmental Agreement between the City and the State of Colorado for a Water Exchange Agreement

Ken Huson, Water Resources Administrator, provided background information on this item.

**Councilmember Hansen moved, seconded by McCoy, to adopt R-2009-114.  
Motion carried: 7-0.**

- D. R-2009-115, A Resolution of the Longmont City Council Confirming the City's Appropriation of Water Rights for the Saint Vrain Integrated Reclamation Plan Project and Authorizing Adjudication**

Ken Huson, Water Resources Administrator, provided background information on this item.

**Councilmember Santos moved, seconded by Sammoury, to adopt R-2009-115.  
Motion carried: 7-0.**

- H. Approve and Authorize the Transfer of \$14,467 from the City Council Contingency Fund to the Elections Budget to Pay for Attorneys' Fees Associated with the Work of the Election Committee H—LFCPA**

**Councilmember Levison moved, seconded by Hansen, to transfer \$14,467 from Council contingency funds to pay attorney's fees associated with the work of the Election Committee. Motion carried: 5-2 (Councilmembers Santos and Witt dissenting).**

- L. Approve and Authorize Mayor to Sign Public Improvement Agreement (PIA) for Sandstone Marketplace Bush Development**

Nick Wolfrum, City Engineer, was present to address Council questions.

**Councilmember Santos moved, seconded by Witt, to authorize Mayor Baum to sign the public improvement agreement for Sandstone Marketplace Bush Development. Motion carried: 7-0.**

- M. Approve and Authorize Mayor to Sign Public Improvement Agreement (PIA) for Sandstone Market Place Wal-Mart Development**

**Councilmember Santos moved, seconded by Witt, to authorize the Mayor to sign the public improvement agreement for Sandstone Market Place Wal-Mart Development. Motion carried: 4-3 (Hansen, Levison and McCoy dissenting).**

## **11. GENERAL BUSINESS**

- A. 2010 Legislative Policy Adoption**

Sandra Seader, Assistant to the City Manager, provided an overview of the City's legislative program and how the lobbying effort works.

**Councilmember McCoy moved, seconded by Levison, to adopt the guidelines.**

Councilmember Santos stated that he couldn't support the motion as stated because the allowance of public notices only on the web and revenue sharing were removed from the Consortium of Cities.

**Councilmember Santos moved, seconded by Witt, to amend the original motion to remove the allowance of public notices only on the web and the revenue sharing. Motion carried: 4-3 (Councilmembers Hansen, Levison and McCoy dissenting).**

**Council voted on the original motion as amended. Motion carried: 7-0.**

- B. City Council liaison appointment to Longmont Area Visitors' Association (LAVA)

**Councilmember Santos moved, seconded by Sammoury, to direct staff to advertise for the vacancy to the Longmont Area Visitors' Association. Motion carried: 5-2 (Councilmembers Levison and McCoy dissenting).**

**Councilmember Levison moved, seconded by Santos, to extend the meeting past 11:00 p.m. to finish the agenda. Motion carried: 7-0.**

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

Steve Donellan, 2437 Tyrrhenian Drive, asked what additional sales tax there would be from Wal-Mart Supercenter when the store on Nelson Road is closed.

Strider Benston, 951 17<sup>th</sup> Avenue #91, spoke in regards to Mayor Baum's concerns regarding the Longmont Fair Campaign Practices Act, home rule, the advocacy of freedom of speech, for free and democratic elections, and the right to vote.

Kaye Fissinger, 2199 Creekside Drive, thanked Councilmember Levison for standing up for the interests of the City of Longmont on the Walmart Public Improvement Agreement.

## **13. MAYOR AND COUNCIL COMMENTS**

Councilmember McCoy wished everyone a joyful holiday season.

Councilmember Santos echoed Councilmember McCoy's holiday wishes.

**Councilmember Santos moved, seconded by Baum, to have a meeting directing the City Attorney and City Clerk to bring back options for alternative roles and responsibilities for the Election committee. Motion carried: 4-3 (Hansen, Levison and McCoy dissenting).**

**Councilmember Hansen moved, seconded by Levison, to have the Board of Environmental Affairs look at Union Reservoir for a charity concert. Motion carried: 6-1 (Santos dissenting).**

Councilmember Levison also wished everyone happy holidays, and reminded citizens of the Martin Luther King Day celebration before the Open Forum on January 12, 2010.

Councilmember Witt inquired about the social media policy.

Mayor Baum wished everyone a wonderful holiday season.

**14. CITY MANAGER REMARKS**

Gordon Pedrow, City Manager, reminded Council that the December 29, 2009, meeting would be cancelled.

**15. CITY ATTORNEY REMARKS**

The City Attorney had no final remarks.

**16. RETENTION OF RECORDING OF THIS MEETING**

There was no desire expressed to retain the recording of this meeting beyond the normal retention period.

**17. ADJOURN**

There being no further business to come before the City Council, the meeting was adjourned at 11:24 p.m.

CITY OF LONGMONT, COLORADO

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Mayor

ATTEST:

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City Clerk