



## MINUTES

### City Council Regular Session (livestreamed)

January 9, 2024

City Council Chambers, 350 Kimbark St., Longmont, CO

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#### 1. MEETING CALLED TO ORDER

The January 9, 2024, Regular Session of the Longmont City Council was called to order at 7:00 p.m. by Mayor Joan Peck in the City Council Chambers.

**A. The Longmont City Council meets in person for two regular session meetings and one study session meeting each month.**

Regular and study session meetings are live-streamed and can be watched at:

- The City's Agenda Management Portal webpage at <https://www.longmontcolorado.gov/online-services/agendas-and-minutes/agenda-management-portal>
- The City's YouTube channel at <https://Bit.Ly/Longmontyoutubealive>
- Via Longmont Public Media's website at <https://LongmontPublicMedia.Org/Watch/>
- On Comcast Channels 8 or 880

All City Council meetings are open to the public. Masking is voluntary.

#### 2. ROLL CALL - PLEDGE OF ALLEGIANCE

Krystal Shed, Deputy City Clerk, called the roll. Those present were Mayor Peck and Council Members Diane Crist, Susie Hidalgo-Fahring, Sean McCoy, Marcia Martin, Aren Rodriguez, and Shiquita Yarbrough.

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

### 3. CHAIR REMINDER TO THE PUBLIC

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

- A. Public participation at regular and special City Council meetings is regulated by Rule 5 of City Council Rules of Procedure.
- **Each speaker is limited to three (3) minutes and one person may not give or assign their time to others.** The Chair may regulate the time for public participation, may restrict cumulative or redundant presentations, and may require that each speaker's comments pertain to the subject under discussion
  - **Only Longmont residents and employees of the City of Longmont may speak during "First Call – Public Invited To Be Heard" (Item 8) and must sign up on the list prior to the start of the meeting**
  - **Persons wishing to speak on a specific Second Reading or Public Hearing Item (Item 10) are asked to add their name to the speaker list for the specific item prior to the start of the meeting**
  - **Anyone may speak and no sign-up is required to speak during "Final Call – Public Invited To Be Heard" (Item 13)**

### 4. APPROVAL OF MINUTES

- A. October 3, 2023 – Regular Session Minutes

#### **MOTION**

Sean McCoy moved, seconded by Diane Crist , to approve the October 3, 2023 – Regular Session Minutes as presented

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- B. December 12, 2023 – Regular Session Minutes

#### **MOTION**

Susie Hidalgo-Fahring moved, seconded by Sean McCoy, to approve the

December 12, 2023 – Regular Session Minutes as presented

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

**C. December 19, 2023 – Regular Session Minutes**

**MOTION**

Marcia Martin moved, seconded by Sean McCoy, to approve the December 19, 2023 – Regular Session Minutes as presented

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

**5. AGENDA REVISIONS, AND SUBMISSION OF DOCUMENTS, AND MOTIONS TO DIRECT THE CITY MANAGER TO ADD AGENDA ITEMS TO FUTURE AGENDAS**

**MOTION**

Marcia Martin moved, seconded by Susie Hidalgo-Fahring, to direct staff to review the matrix of allowed uses for zoning districts N-PE and MU-E to assess the feasibility of expanding the allowed uses to include early child care and pet care kennels and to bring an ordinance before Council amending the matrix of allowed uses to expand them as much as possible

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

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

There was no report from the City Manager.

## **7. SPECIAL REPORTS AND PRESENTATIONS**

- A.** A Proclamation Designating January 15-21, 2024, As "Honoring Dr. Martin Luther King, Jr. Week" In Longmont, Colorado.

Mayor Peck read the proclamation into the record. Madelyn Woodley and Glenda Robinson accepted the proclamation and reviewed events taking place honoring Dr. Martin Luther King Jr.

## **8. FIRST CALL - PUBLIC INVITED TO BE HEARD**

Sarah Sharp, 165 Henson Drive, thanked the City for the workable hearing device in chambers and promoted early childcare and affordable and attainable housing in Longmont.

Jordan Person, 640 Buchanan Lane, addressed Council and asked them to consider allowing the use of topical cannabis products in her spa business.

Megan Cicairos, 500 Kimbark Street, spoke about the importance of mental health within the family and the importance of early childhood education.

Brian Johnson, 926 Coffman Street, explained an ongoing issue with trucks blocking his driveway, which has recently improved, although today, signs have appeared that state "Longmont Dairy Parking Only." He asked that the Council address the new signs in front of his home.

Shakeel Dalal, 219 Francis Street, spoke about expanding opportunities for early childcare providers in Longmont.

Lance Whittaker, 1750 Collyer Street, informed Council of the National Days for January 9th.

Stanley Tolle, 2001 Terry Street, shared his concerns about reusable grocery bags and businesses using jet dryers.

Strider Benston, 951 West 17th, spoke and honored two community members who gave several years to Longmont and have recently passed.

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

Krystal Shed, Deputy City Clerk, read the titles of the ordinances into the record and reviewed all of the items on the Consent Agenda and the Second Reading and Public Hearing date.

*Second Reading and Public Hearing for the ordinances introduced on this Consent Agenda will be held on January 23, 2024*

### **MOTION**

Diane Crist moved, seconded by Marcia Martin, to approve the consent agenda except items A, H

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- A. O-2024-05,** A Bill For An Ordinance Repealing And Reenacting Chapter 2.56 Of The Longmont Municipal Code On The Historic Preservation Commission And Amending Chapter 2.97, Section 2.97.010.B

Council engaged in discussion with Don Burchett, Planning Manager, Jennifer Hewett-Apperson, Principle Planner, and Harold Dominguez, City Manager, to clarify the proposed amendments to Chapter 2.56 of the Longmont Municipal Code on the Historic Preservation Commission and amending Chapter 2.97, Section 2.97.010.B. Further clarification of the proposed amendments will be made during the second reading and public hearing on January 23, 2024.

**Councilwoman Crist moved to separate the two first sections, 2.56.070 and 2.56.180, and vote on that separately from the last three sections, 2.56.220, 2.56.230, and 2.56.240.**

**Motion failed for lack of a second.**

### **MOTION**

Sean McCoy moved, seconded by Susie Hidalgo-Fahring, to approve **O-2024-05**, A Bill For An Ordinance Repealing And Reenacting Chapter 2.56 Of The Longmont Municipal Code On The Historic Preservation Commission And Amending Chapter 2.97, Section 2.97.010.B

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

**Dissented:** Diane Crist

**Abstained:** None

**Carried: 6 – 1**

- B. O-2024-06**, A Bill For An Ordinance Amending Chapter 15.02, Section 15.02.060.I Of The Longmont Municipal Code On Review Of Variance Requests

**MOTION**

Diane Crist moved, seconded by Marcia Martin, to approve the consent agenda except items A, H

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- C. R-2024-01**, A Resolution Of The Longmont City Council Authorizing The Agreement Between The City Of Longmont And The United States, National Park Service For The Cooperative Management Of 80 Acres Of Land At Copeland Lake

**MOTION**

Diane Crist moved, seconded by Marcia Martin, to approve the consent agenda except items A, H

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- D. R-2024-02,** A Resolution Of The Longmont City Council Approving An Intergovernmental Agreement Between The City Of Longmont And The Longmont Housing Authority For A Renewable Power Purchase Program (RPPP) Funding Grant

**MOTION**

Diane Crist moved, seconded by Marcia Martin, to approve the consent agenda except items A, H

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- E. R-2024-03,** A Resolution Of The Longmont City Council Approving The 2024 Intergovernmental Agreement For Collaborative Transportation Planning Between The Cities Of Brighton, Dacono, Thornton, The Towns Of Erie, Frederick, Firestone, Lochbuie, Mead, Weld County And The City Of Longmont

**MOTION**

Diane Crist moved, seconded by Marcia Martin, to approve the consent agenda except items A, H

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- F. R-2024-04,** A Resolution Of The Longmont City Council Approving The City To

Apply For The 2024-2026 Peace Officer Mental Health Program Grant From The Colorado Department Of Local Affairs To Provide Counseling Services For Employees Of Longmont Department Of Public Safety

**MOTION**

Diane Crist moved, seconded by Marcia Martin, to approve the consent agenda except items A, H

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- G. R-2024-05,** A Resolution Of The Longmont City Council Approving The Special Counsel Contract Between The City And Wilson Williams Fellman Dittman LLP For Special Counsel Services

**MOTION**

Diane Crist moved, seconded by Marcia Martin, to approve the consent agenda except items A, H

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- H. R-2024-06,** A Resolution Of The Longmont City Council Approving A Land Dedication As Satisfaction Of The City's Inclusionary Housing Requirements For A Residential Development At 1313 Spruce Avenue

Council Member Crist asked for clarification about the land dedication, the building costs, and the value of the land, noting her preference that affordable units be built on-site.

Molly O'Donnell, Housing and Community Investment Director, explained that according to the City's inclusionary housing code, developers have an option



to elect the land donation option and confirmed all requirements have been met for this site, making this a viable option for this project. She noted that the City does not have specific numbers about the cost of building on-site, but said we do know that the cost to build them on-site would be more than the land donation option. She further explained that if the developer built on-site, they would have to build eight units. However, the City can get up to 54 units on this site, providing us with a significant leveraging opportunity.

Council, Molly, Harold Dominguez, City Manager, and Mark Young, the developer, engaged in discussion regarding the different scenarios related to the property.

**MOTION**

Diane Crist moved, seconded by Sean McCoy, to approve **R-2024-06**, A Resolution Of The Longmont City Council Approving A Land Dedication As Satisfaction Of The City's Inclusionary Housing Requirements For A Residential Development At 1313 Spruce Avenue

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- I. Designate The City's Website As The Official Posting Location for City Council Meeting Notices for 2024 Meetings

**MOTION**

Diane Crist moved, seconded by Marcia Martin, to approve the consent agenda except items A, H

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

## 10. ORDINANCES ON SECOND READING AND PUBLIC HEARINGS ON ANY MATTER

- A. **O-2024-01**, A Bill For An Ordinance Conditionally Approving The 11386 East Rogers Road Annexation And Concept Plan (Generally Located In The Southwest Quarter Of Section 2, Township 2 North, Range 69 West Of The 6th P.M.) And Zoning The Property MU-E (Mixed Use - Employment)

Jennifer Hewett-Apperson, Principle Planner, reviewed the 11386 East Rodgers Road annexation and concept plan presentation that would annex 9.24 acres for proposed multi-family development. The Planning and Zoning Commission recommends approval as the applicant has satisfied their conditions.

Ryan McBreen, Norris Design, informed Council that the developer for this project is Kairoi and reviewed his presentation which included photos of the multi-family development that is planned for the site. The options for affordable housing are being reviewed for this project.

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

### **MOTION**

Susie Hidalgo-Fahring moved, seconded by Shiquita Yarbrough, to pass and adopt **O-2024-01**, A Bill For An Ordinance Conditionally Approving The 11386 East Rogers Road Annexation And Concept Plan (Generally Located In The Southwest Quarter Of Section 2, Township 2 North, Range 69 West Of The 6th P.M.) And Zoning The Property MU-E (Mixed Use - Employment)

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- B. **O-2024-02**, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And David Asbury (Tenant) On The Montgomery Farm (Premises)

Mayor Peck read the title of the ordinance into the record. There was no

formal staff presentation on this item.

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

**MOTION**

Sean McCoy moved, seconded by Susie Hidalgo-Fahring, to pass and adopt **O-2024-02**, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And David Asbury (Tenant) On The Montgomery Farm (Premises)

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

- C. O-2024-03**, A Bill For An Ordinance Amending Chapter 14 Section 14.08 Related To Sewers

**MOTION**

Sean McCoy moved, seconded by Marcia Martin, to pass and adopt **O-2024-03**, A Bill For An Ordinance Amending Chapter 14 Section 14.08 Related To Sewers

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

Mayor Peck read the title of the ordinance into the record. There was no formal staff presentation on this item.

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

- D. O-2024-04**, A Bill For An Ordinance Authorizing The City Of Longmont To Lease

The Real Property Known As Vance Brand Municipal Airport Hangar Parcel H-44C (The Premises) to VBMA Hangar 44C, LLC. (Tenant).

**MOTION**

Susie Hidalgo-Fahring moved, seconded by Diane Crist , to pass and adopt **O-2024-04**, A Bill For An Ordinance Authorizing The City Of Longmont To Lease The Real Property Known As Vance Brand Municipal Airport Hangar Parcel H-44C (The Premises) to VBMA Hangar 44C, LLC. (Tenant).

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

Mayor Peck read the title of the ordinance into the record. There was no formal staff presentation on this item.

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

**11. ITEMS REMOVED FROM CONSENT AGENDA**

The discussion and action on each item removed from the Consent Agenda is reflected under the item itself.

**12. GENERAL BUSINESS**

- A. O-2024-07**, A Bill For An Administrative Ordinance Approving The Purchase And Sale And Development Agreement Conveying 200 Bountiful Avenue And 905 Harvest Moon Drive To Vertikal, LLC For An Affordable-Attainable Housing Development (*Public Hearing and Second Reading Scheduled for January 23, 2024*)

Harold Dominguez, City Manager, introduced this item and gave an overview of how this project has come about with a property acquisition by the City through the Costco development project in 2022. After the City acquired land, an unsolicited offer was received by Vertikal, a developer that is trying to crack the code on middle-income for-sale development.

Molly O'Donnell, Housing and Community Investment Director, reviewed the Affordable-Attainable Homeownership Development Agreement presentation. The development is projected to include 185 units in four phases. The units will be a combination of 55 units that are permanently affordable deed-restricted to buyers at or below 80% AMI and 130 affordable units deed-restricted to buyers at or below 120% AMI. The next step in the phase of the project is the development agreement, and then it can move on to the final design, followed by permitting. Construction is projected to commence in late 2024.

Council engaged in further discussion with Molly and Harold regarding the project.

**MOTION**

Marcia Martin moved, seconded by Susie Hidalgo-Fahring, to pass and adopt **O-2024-07**, A Bill For An Administrative Ordinance Approving The Purchase And Sale And Development Agreement Conveying 200 Bountiful Avenue And 905 Harvest Moon Drive To Vertikal, LLC For An Affordable-Attainable Housing Development and schedule Public Hearing and Second Reading Scheduled for January 23, 2024

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

**B. Liquor, Marijuana And Other Licensing Code Updates**

Dawn Quintana, City Clerk, informed Council that staff is seeking direction from the Council related to marijuana, liquor, and business licensing, including Code amendments to add new license categories, routine updates to bring City codes in agreement with State laws, and Code amendments to allow for more efficient processes and to eliminate burdensome regulations. Dawn provided an overview of the Licensing Code Updates presentation.

The City currently has a cap of four retail marijuana establishments in Longmont city limits. To add a Marijuana Hospitality License, the City Council will need to amend the current cap and decide which type of Marijuana

Hospitality Business to permit, including on-premises consumption and sales, on-premises consumption without sales, or mobile premises consumption without sales.

The Marijuana Enforcement Division (MED) encourages municipalities to establish social equity programs. The purpose of creating such programs is to promote a fair and inclusive cannabis industry in Colorado that recognizes the impact of decades of enforcement of marijuana laws on communities of color.

The current regulations for renewing and transferring licenses for retail marijuana stores are overly burdensome. To renew their license or transfer it to another location, existing stores have to complete a significant amount of paperwork. The requirements for renewals and transfers are the same as those for the initial selection committee process when the City chose four licensees from the 13 original applications received after the prohibition on marijuana stores was lifted.

Council unanimously agreed to have staff bring back cleaned-up language and citations so that marijuana license owners operating as managers do not need to be re-reported or re-background checked.

Council unanimously agreed to have staff bring back cleaned-up language and citations to strike retaining fingerprint and background information on liquor license applications.

Council unanimously agreed to opt in and create a Festival Permit.

Council unanimously agreed to have staff bring back cleaned-up language and citations to strike retaining fingerprint and background information on sexually oriented businesses.

#### **MOTION**

Marcia Martin moved, seconded by Sean McCoy, to discuss a new pool of marijuana licenses and their regulatory details at a study session in March or April

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

**MOTION**

Joan Peck moved, seconded by Sean McCoy, to direct staff to remove the burdensome requirements for marijuana renewals and transfers

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

**C. Advisory Board Appointment for the Senior Citizens' Advisory Board**

**MOTION**

Marcia Martin moved, seconded by Sean McCoy, to approve the Advisory Board Appointment of David Brenna for the Senior Citizens' Advisory Board unexpired term ending December 31, 2024

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

**13. FINAL CALL - PUBLIC INVITED TO BE HEARD**

Megan Cicairos, 500 Kimbark Street, spoke about the current identity theft issues that she is working through.

Lance Whittaker, 1750 Collyer Street, spoke in support of the hospitality license that allows on-premise consumption.

**14. MAYOR AND COUNCIL COMMENTS**

There were no comments from Mayor or Council Members.

**15. CITY MANAGER REMARKS**

The City Manager had no additional items to bring before City Council.

**16. CITY ATTORNEY REMARKS**

The City Attorney had no additional items to bring before City Council.

**17. ADJOURN**

**2024 Council Contingency: \$60,000**

**Carryover Contingency from 2023: \$86,854\***

\*(will be carried over after 2023 fiscal year close-out)

**MOTION**

Marcia Martin moved, seconded by Susie Hidalgo-Fahring, to adjourn the meeting at 10:43 p.m.

**Approved:** Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough, Diane Crist

**Dissented:** None

**Abstained:** None

**Carried: 7 – 0**

CITY OF LONGMONT, COLORADO

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Mayor

ATTEST:

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City Clerk



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*The video of this meeting can be found at <https://www.youtube.com/@cityoflongmont>*