



CITY COUNCIL PROCEEDINGS

February 25, 2020

**Longmont Public Library
409 4th Avenue
Longmont, CO 80501**

Regular Session

The February 25 2020, Regular Session of the Longmont City Council was called to order at 7:00 p.m. by Mayor Brian Bagley in rooms A and B of the Longmont Public Library.

1. ROLL CALL - PLEDGE OF ALLEGIANCE

Dawn Quintana, City Clerk, called the roll. Those present were Mayor Bagley and Council Members Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, and Tim Waters.

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

2. CHAIR REMINDER TO THE PUBLIC

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

3. APPROVAL OF MINUTES

A. February 11, 2020 - Regular Session

Council Member Waters provided a statement, not to amend the minutes, but to provide clarification for the record that the minutes of February 11, 2020, reflect a summary of a statement made by Council Member Peck, and the comments made were inaccurate in that the CORA request was not for emails only on City servers, rather for any emails regarding City business, no matter the location. He also clarified how he personally has responded to CORA requests for personal emails and pointed out that is different from how Council Member Peck responded.

Council Member Peck moved, seconded by Christensen, to approve the minutes of the February 11, 2020, meeting as printed.

Motion carried: 5-2 (Waters dissented, Martin abstained as she was not present at the meeting).

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

Mayor Bagley asked staff to bring back marijuana code changes that reflect state law in terms of ownership in order to allow Green Solutions to move forward with a transfer to a publicly traded company.

Dawn Quintana, City Clerk, noted that a revised resolution for Item 8K and a revised Attachment #1 for Item 9B had been provided to Council and published on the web for the public. She also noted that the second reading date for Item 8A was incorrect and would be read into the record as April 14, 2020 and that there were no bills for consideration under Item 11A.

5. CITY MANAGER'S REPORT

There was no report from the City Manager.

6. SPECIAL REPORTS AND PRESENTATIONS

A. A Proclamation Designating March 2020 As "Census Awareness Month" In Longmont, Colorado

Mayor Bagley read the proclamation.

Erin Fosdick and Carmen Palacios-Ramirez, co-chairs of the Longmont Complete Count Committee, and other members of the committee accepted the proclamation and provided information about the importance of the 2020 census to the community.

7. FIRST CALL - PUBLIC INVITED TO BE HEARD

Students from Central Elementary School – Natalie, Clyde, and Eli – spoke about their International Baccalaureate exhibition on the damage plastics do to marine animals. They suggested banning single-use plastic bags and a fine for using them.

Hazel Gordon, 1600 Adkinson Avenue, asked Council to reverse the decision that allowed the creation of residential metro districts and asked them to look at a broader perspective of the cumulative impacts of paving over natural lands and how that impacts the atmosphere.

Greg Morrissey, 1648 Harvard Street, spoke about emails used by staff members using personal emails and noted that information should be stored on City servers.

Kevin Gallagher, 9376 Rogers Road, requested that Council revoke and cancel the special district granted to HMS, because of the process, not the project and stated his concerns of impacts to the area, a lack of notification to residents, and flooding issues. He also alleged there were ex parte communications and asked for an honest and transparent government.

Kevin Mulshine, 5139 Old Ranch Road, reminded Council of the benefits provided by the metro district and pointed out the middle class housing and for those who most need it that will be provided. He also stated that nothing below board was being done.

Deb McClintock, 1100 East 17th Avenue, shared her perspective in opposition to metro districts and said that they cause financial difficulty for the homeowners and cited examples from Roxborough, Thompson River Ranch in Johnstown, and Highlands Ranch where people have lost homes or in some cases the metro district, and thus the homeowners, are still in debt after 30 years.

Mayor Bagley stated he was tired of hearing the word 'corruption' and the allegation of corruption because one person doesn't agree with another. He assured everyone that none of Council are criminals and that he vouches for each and every member of City Council.

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

Dawn Quintana, City Clerk, read the titles of the ordinances into the record, reviewed all of the items on the Consent Agenda, and noted the correct second reading date for O-2020-09 was April 14, 2020.

Council Member Christensen moved, seconded by Peck, to adopt the Consent Agenda with the exception of Items 8C, 8E, 8K which were pulled for additional discussion.

Motion carried: 7-0.

- A. O-2020-09**, A Bill For An Ordinance Amending Chapter 14.32 Of The Longmont Municipal Code On Rates And Regulations Governing Electric Service (Ordinance introduced and public hearing scheduled for April 14, 2020)
- B. O-2020-10**, A Bill For An Ordinance Conditionally Approving The Vacation Of Four, 10-Foot Wide Utility Easements In The Prairie Village Subdivision, Generally Located Adjacent To Alpine Street (Ordinance introduced and public hearing scheduled for March 17, 2020)
- C. O-2020-11**, A Bill For An Ordinance Amending Chapter 4.10 Of The Longmont Municipal Code On Special Districts Policies And Procedures (Ordinance introduced and public hearing scheduled for March 17, 2020)

Council discussed how to best approach consideration of amendments to this ordinance in light of the lengthy list of proposed amendments presented by Council Members Waters and Martin that was included in the packet for consideration along with amendments proposed by Council Member Christensen.

Mayor Bagley distilled the issue to three options: limit the use of metro districts for residential; get rid of all metro districts; or go back to the original ordinance allowing metro districts for commercial but not residential.

Council Member Waters shared his support and reasoning for Amendment #12 in his list of proposed amendments and noted that this amendment would allow the City to keep the tool of a metro district but limit the financing in a metro district to the cost of land and infrastructure for homes priced at 120% area median income (AMI) or below.

Council Member Waters moved, seconded by Martin, to approve Amendment #12.

Carolynne White, special counsel, commented that the wording would need to be amended as you cannot finance homes with metro district funds.

Council Member Waters clarified that the intent was to allow for the cost of land and infrastructure only, not houses.

Council Members debated whether or not to address the proposed amendments at all, to do so one-by-one, or whether to simply revert to the former ordinance as it was written. They also discussed the preamble and whether or not that should be retained or stricken from the original ordinance as it contained statements that are not factual.

Mayor Bagley led discussion about several of the amendments asking Council Members where there was common ground on amendments to find a starting place for discussing how to amend this ordinance.

Vote was taken on the motion and it failed: 3-4 (Christensen, Hidalgo-Fahring, Peck, and Rodriguez dissenting).

**Council Member Waters moved, seconded by Martin, to approve Amendment #13.
Motion failed: 3-4 (Christensen, Hidalgo-Fahring, Peck, and Rodriguez dissenting).**

Council Members discussed how they might reach a compromise and suggested reverting to the 2012 ordinance.

Council Member Rodriguez moved, seconded by Bagley, to reinstate the language as was drafted in the 2012 ordinance.

Council Members discussed the preamble and whether or not to correct it and further debated if the amendments should be addressed individually since Council Members were requested to submit proposed amendments in writing ahead of time.

Vote was taken on the motion and it passed: 5-2 (Martin and Waters dissenting).

Council Member Martin moved, seconded by Rodriguez, to adopt Amendments # 1, 2, 3, 4, 6, and 8 and to direct the City Attorney's Office to draft a final ordinance.

Motion carried: 5-2 (Christensen and Peck dissenting).

Council Member Waters moved, seconded by Rodriguez, to approve Amendment #10.

Council weighed the idea of adding something in about the service plan and commented how some voters living in metro districts have not voted in favor of mill levy overrides.

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

Council thanked Carolynne White for attending the meeting and for providing her expertise on the subject of metro and special districts.

D. R-2020-17, A Resolution Of The Longmont City Council Approving The Memorandum Of Understanding Between The City And UHS Of Centennial Peaks, LLC, Dba Centennial Peaks Hospital To Facilitate Providing Effective And Efficient Access To Behavioral Services To Individuals In Custody (Resolution passed and adopted)

E. R-2020-18, A Resolution Of The Longmont City Council Establishing The Fee For Cash In Lieu Of Water Rights Transfers (Resolution passed and adopted)

Council noted that they had received various questions via email from a resident about the current reliable water supply, the firming ratio for Windy Gap water, the cost per acre foot and a question about why the cash-in-lieu fee is not the same. Ken Huson, Water Resources Manager, responded that the current water supply is 28,000 acre feet and the projection is 31,000 acre feet when water in the City's planning area that will come to Longmont is included, the firming ration for Windy Gap is 2.42, and he shared how the Water Board arrived at the cash-in-lieu fee.

Council Member Martin moved, seconded by Rodriguez, to adopt and pass Resolution R-2020-18.

Motion carried: 7-0.

- F. R-2020--19**, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And Boulder County Public Health For Farm To Early Childhood Education And Farmers Market Food Assistance Incentives Programs (Resolution passed and adopted)
- G. R-2020-20**, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And The State Of Colorado For A Library Grant (Resolution passed and adopted)
- H. R-2020-21**, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And The Regional Air Quality Council For Grant Funding For An Electric Vehicle Charging Station (Resolution passed and adopted)
- I. R-2020-22**, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And Workforce Boulder County For Internship Sponsor Agreements From March 2020 Through February 2022 (Resolution passed and adopted)
- J. R-2020-23**, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And The Bureau Of Consumer Protection Of The Federal Trade Commission For A Consumer Sentinel Network Confidentiality And Data Security Agreement With An Addendum (Resolution passed and adopted)
- K. R-2020-24**, A Resolution Of The Longmont City Council Approving A Voluntary Alternative Agreement For The Longmont Family Apartments Development As Satisfaction Of The City's Inclusionary Housing Requirements (Resolution passed and adopted)

Council Members asked for clarification if staff needed Council direction or not on R-2020-24 due to confusion over wording in the communication.

Kathy Fedler, Housing and Community Investment Manager, responded that staff is only requesting approval of the voluntary alternative agreement. She reviewed the changes made to the proposed development in response to feedback from neighbors including a redesign of the buildings which helps to break up the neighborhood and shared that the project includes 88 affordable homes, 31% are 3 bedroom and there are some 4 bedrooms, 51% will be deed restricted and the parking provided will be 63% more than 88 spaces required.

Council Member Waters moved, seconded by Martin, to pass and adopt Resolution R-2020-24.

Motion carried: 7-0.

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

- A. O-2020-07A**, A Bill For An Ordinance Conditionally Approving The Peppler Neighborhood Concept Plan Amendment (Generally Located Between Alpine Street, Tularosa Lane, Winding Drive And Canadian Crossing Drive) (One Condition) (Ordinance passed and adopted on second reading)

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

Mayor Bagley 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 Rodriguez moved, seconded by Bagley, to pass and adopt Ordinance O-2020-07A on second reading.

Motion carried: 6-1 (Waters dissenting).

- B.** Public Hearing And Consideration Of Recommendations For 2020 Community Development Block Grant (CDBG) Program Funding For Draft 2020 CDBG Program Action Plan

Kathy Fedler, Housing and Community Investment Division Manager, reviewed available CDBG funding, the funding to be reallocated from program income received during 2019, the applications received for the funding and noted the 2020 Program Action Plan is due to HUD by April, and the new 5-year consolidated plan has to go in first. She reminded Council that a Public Hearing is required and affirmed that notification had been sent out that comments would be taken from January 29 until March 2.

Kathy also reviewed the programs that leverage these funds including the housing rehabilitation program, the housing counseling program, and the funding support for Homeless Solutions for Boulder County, and she provided a brief overview of the two projects recommended for funding: Inn Between for property acquisition for 6-12 housing units to be created; and LHA Aspen Meadows for a refinance and rehabilitation project. She concluded her presentation noting that these funds serve about 350 households.

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

Mayor Bagley moved, seconded by Waters, to approve the 2020 Action Plan outlining the CDBG recommendations as shown in the revised Attachment #1 and submission to HUD as long as no comments are received from the public.

Motion carried: 7-0.

10. ITEMS REMOVED FROM CONSENT AGENDA

The action taken on items on the Consent Agenda is reflected under each item.

11. GENERAL BUSINESS**A. 2020 Legislative Bills Recommended For City Council Position**

As noted in Agenda Revisions, no bills were brought forth for consideration.

12. FINAL CALL - PUBLIC INVITED TO BE HEARD

Shelley Bassman shared her comments in opposition to special districts and urged Council to take the climate emergency seriously and look at actions such as requiring solar panels on the roof of every new home built.

13. MAYOR AND COUNCIL COMMENTS

Council Member Hidalgo-Fahring asked if the City has any response plans for the coronavirus.

Harold Dominguez, City Manager, responded that as part of the Emergency Operations Team there is a pandemic plan which the emergency management team is working on, and he advised that Boulder County Public Health would take the lead.

Council Member Martin agreed that more rooftop solar panels are needed and reiterated her desire to see Longmont remove the disincentive to putting solar on roofs. She also announced that she will begin sending herself an email with the keyword 'Geppetto's workshop' and in it she will debunk myths and false information so that anyone who would like to access this information could simply file a CORA request with that keyword.

14. CITY MANAGER REMARKS

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

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 by the consensus of Council at 9:07 p.m.

Mayor

ATTEST:

City Clerk