

A. January 26, 2021 – Regular Session Minutes



MINUTES

City Council Regular Session

January 26, 2021
Via Remote Meeting Connection

1. MEETING CALLED TO ORDER

The January 26, 2021, Regular Session of the Longmont City Council was called to order at 7:00 p.m. by Mayor Pro Tem Aren Rodriguez via remote meeting connection.

A. *Meetings are being held remotely due to the ongoing novel coronavirus pandemic.*

B. *Watch the Livestream any of these ways:*

- Click 'PLAY' on the video link within the interactive agenda on the City's Agenda Management Portal at <https://www.longmontcolorado.gov/online-services/agendas-and-minutes/agenda-management-portal>
- City's YouTube channel at <https://Bit.Ly/Longmontyoutube>
- Via the Longmont Public Media website at <https://LongmontPublicMedia.Org/Watch/>
- Comcast Channels 8 or 880

2. ROLL CALL - PLEDGE OF ALLEGIANCE

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

Mayor Brian Bagley was absent at the time of Roll Call.

Mayor Pro Tem Rodriguez led the assembly in reciting the Pledge of Allegiance.

3. CHAIR REMINDER TO THE PUBLIC

Mayor Pro Tem Rodriguez reviewed the procedures for Public Invited to be Heard and Public Hearings.

- A. Anyone wishing to provide Public Comment must watch the Livestream of the meeting and call-in only when the Mayor opens the meeting for public comment. Callers are not able to access the meeting at any other time.**

INSTRUCTIONS FOR CALLING IN TO PROVIDE PUBLIC COMMENT:

The toll-free call-in number is: 888 788 0099.

Watch the livestream (instructions above) and write down the Meeting ID when it is displayed at the beginning of the meeting.

WAIT for the Mayor to open public comment and direct callers to call-in.

When the Mayor says to call in, dial the toll-free number, enter the Meeting ID, and, when asked for your Participant ID, press #.

Mute the livestream and listen for instructions on the phone.

Callers will hear confirmation they have entered the meeting, will be told how many others are already participating in the meeting (staff and council included), and will be placed in a virtual waiting room until admitted into the meeting.

Once admitted to the meeting, callers will be called upon by the last three (3) digits of their phone number and allowed to unmute to provide their comments.

Comments are limited to three minutes per person and each speaker will be asked to state their name and address for the record prior to proceeding with their comments.

Once done speaking, callers should hang up.

4. APPROVAL OF MINUTES

- A. January 12, 2021 – Regular Session Minutes**

MOTION

Tim Waters moved, seconded by Susie Hidalgo-Fahring, to approve the January 12, 2021 – Regular Session Minutes as presented

Approved: Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 6 – 0

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

Council Member Christensen asked when the update on the City's use of force policy and policy on the use of drugs like ketamine would be presented as previously requested.

Harold Dominguez, City Manager, responded that the presentation was slated for a meeting in February.

6. CITY MANAGER'S REPORT

A. Update on COVID-19

Harold Dominguez, City Manager, provided an update on the Boulder County statistics related to the COVID-19 pandemic and noted that generally, the trend is moving in a positive direction with cases and hospitalizations decreasing. He also reviewed the wastewater data and noted the numbers have bounced around a bit and they are watching them closely.

Council asked about the plan to distribute vaccines to marginalized communities and Harold replied that plan was being finalized and he would report on it the following week. Council also discussed how and if people could volunteer to help with vaccination clinics, and where people should sign-up for the vaccine.

Mayor Brian Bagley joined the meeting at 7:36 pm.

7. SPECIAL REPORTS AND PRESENTATIONS

A. Longmont Economic Development Partnership Quarterly Update For Quarter 4 2020

Jessica Erickson, President and CEO of the Longmont Economic Development Partnership (LEDP), provided an update on the fourth quarter activities of LEDP and referred to the report included in the Council packet. She shared that LEDP had been focusing energy on the Five-Star Certification Program they were working to stand up for the county for which an application had been submitted and approval was expected by the end of the week. She noted other activities and projects including the partnership for development of an online platform for businesses, continued support connecting businesses to resources, and the talent campaign that will continue in 2021. Jessica also explained that funding and revenue were down from the previous year and thanked City Council and the City of Longmont for the continued support of LEDP which has been critical to their ability to continue their work.

Jessica invited Council to the Annual Advance Longmont Leadership summit on January 29th and to the Economic Summit on February 25th and 26th.

8. FIRST CALL - PUBLIC INVITED TO BE HEARD

Diana Chavez, 1850 Princess Drive, shared her comments in opposition to the Five-Star Certification Program and said that it adds hoops for businesses that are already struggling. She said that since the virus has a high survival rate, government should not be involved in small business in this manner.

Scott Cunningham, South Narcissus Way, Denver, spoke about the City's goal of 100% renewable energy and suggested that Council invite a team of consultants to present a proven plan to make Longmont's own habitat community the region's first renewable energy pilot.

Doe Kelly, Barberry Drive, questioned whether it made sense to gamble on smart meters at this time due to a landmark case being heard in the United States Court of Appeals that seeks to adjudicate if the FCC (Federal Communications Commission) needs to revisit the 1999 rules regarding non-ionizing radiation. She suggested the project be halted until the outcome of the case is known in six to eight months.

Page Lewis, 805 Nelson Park Lane, shared her support for sustaining the ice rink and programs through mid-March because they keep people safe and healthy despite the limitations in place on gatherings and suggested the cost could be covered through increased fees for the hockey program and rentals of the facility.

Shelly Dierking, Executive Director of the Saint Benedict Health and Human Ministry, explained that the non-profit provides free health clinics in Boulder County and appealed to Council to include them in this round of human service funding because over half of the people they see come from Longmont.

Paul Sokura, Clover Creek Lane, spoke in support of keeping the ice rink and pavilion open.

9. 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 and reviewed all of the items on the Consent Agenda.

- A. O-2021-10**, A Bill For An Ordinance Repealing And Reenacting Chapter 15.02.080(D) And Amending Chapter 15.04.030(D)(23) And Chapter 15.10.010(E) Of The Longmont Municipal Code On Short-Term Rentals (Public Hearing and Second Reading Scheduled for February 9, 2021)

Council Member Peck expressed her disagreement with allowing accessory dwelling units (ADUs) as short term rentals.

Joni Marsh, Assistant City Manager, clarified that there are 11 or 12 ADUs currently licensed as short term rentals and that a property owner would have to either live in the house or the ADU to have an ADU, and because one ADU is allowed per block, any subsequent ADU would have to go through the conditional use process. She also said that in the Prospect neighborhood, ADUs are allowed by right.

Council asked what conditions would allow approval of a second short term rental on a block and Joni responded that the Planning and Zoning Commission would have to approve it, which is how the City ensures there are not too many per block.

Council further asked what conditions would allow a second short term rental on a block and Joni explained the conditional use process for approval and noted that, of the 103 short term rental licenses currently, none have been applied for to date.

MOTION

Joan Peck moved, seconded by Polly Christensen, to direct staff to remove accessory dwelling units from being allowed to be used as short term rentals

Approved: Polly Christensen, Susie Hidalgo-Fahring, Joan Peck, Aren Rodriguez

Dissented: Brian Bagley, Marcia Martin, Tim Waters

Abstained: None

Carried: 4 – 3

MOTION

Brian Bagley moved, seconded by, to table A Bill For An Ordinance Repealing And Reenacting Chapter 15.02.080(D) And Amending Chapter 15.04.030(D)(23) And Chapter 15.10.010(E) Of The Longmont Municipal Code On Short-Term Rentals (Public Hearing and Second Reading Scheduled for February 9, 2021) until the amendment can be drafted

Brian Bagley withdrew his motion.

Approved: None

Dissented: None

Abstained: None

0 – 0

Council Member Christensen commented that the ordinance as presented allows for an LLC to obtain a short term rental permit and she thought Council had directed or voted to not allow anything other than natural persons.

Council discussed ownership methods, LLCs and how they are used to protect from financial liability and that a requirement could be added to the code that when an ADU is permitted or licensed, they could be required to disclose who they are if the property is held as an LLC.

Teresa Tate, Deputy City Attorney, confirmed that requirement could be added to the code.

Council further commented that there would be a possible loophole if the person applying for the permit does not own the house that is held by an LLC, and would not necessarily be a resident of Longmont.

MOTION

Polly Christensen moved, seconded by Brian Bagley, to direct staff to clarify and close the possible loophole in the code whereby the person applying for the permit does not own the house that is held by an LLC, and would not necessarily be a resident of Longmont.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

Council Member Waters inquired about parking required for short term rentals.

Joni Marsh responded that on-street parking is allowed and there is no requirement to provide additional parking beyond what already exists for the home.

Council discussed potential parking issues that could be created by the additional parking needs of the short term rentals.

Upon inquiry from Council, Joni Marsh explained that an ADU is required to have a minimum of one parking space, that a house that is permitted as an STR would have whatever parking spaces the house has, and that the limits for occupancy for a short term rental are two people per conforming bedroom plus two more.

MOTION

Brian Bagley moved, seconded by Polly Christensen, to table A Bill For An Ordinance Repealing And Reenacting Chapter 15.02.080(D) And Amending Chapter 15.04.030(D)(23) And Chapter 15.10.010(E) Of The Longmont Municipal Code On Short-Term Rentals until the City Attorney's Office can make the amendments as directed and also point out non-conforming uses

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- B. O-2021-11,** A Bill For An Ordinance Conditionally Approving The Vacation Of 11 Right-Of-Way And Utility Easements Within The Planned North Star Subdivision, Generally Located North Of Plateau Road And East Of Mt. Audubon Drive

MOTION

Joan Peck moved, seconded by Marcia Martin, to approve the consent agenda except items A, F, G

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- C. R-2021-10,** A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Among The City, Louisville Police Department, Boulder Police Department, University Of Colorado Police Department, Lafayette Police Department, Nederland Police Department, Ward Marshal And The Boulder County Sheriff's Office For The Memorandum Of Understanding For Law Enforcement Response

MOTION

Joan Peck moved, seconded by Marcia Martin, to approve the consent agenda except items A, F, G

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- D. R-2021-11,** A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Among The City, The 20th Judicial District Attorney, And The Law Enforcement Agencies In Boulder County, For The Memorandum Of Understanding To Continue To Participate In The Boulder County Investigation Team To Investigate Officer Involved Shootings And In-Custody Deaths Involving Peace Officers

MOTION

Joan Peck moved, seconded by Marcia Martin, to approve the consent agenda except items A, F, G

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- E. R-2021-12,** A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Among The City, The 19th Judicial District Attorney, And The Law Enforcement Agencies In The 19th Judicial District, For The Protocol Governing The Critical Incident Response Team

MOTION

Joan Peck moved, seconded by Marcia Martin, to approve the consent agenda except items A, F, G

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- F. R-2021-13,** A Resolution Of The Longmont City Council Approving The Memorandum Of Understanding Between The City And Fort Collins Utilities For Electric Peak Demand Notification

Council Member Martin cautioned that this information sharing agreement with the City of Fort Collins is very generous but the information should be provided

by Platte River Power Authority (PRPA) instead of by agreements between cities. She explained that PRPA is not doing its job and they owe the City the data.

MOTION

Marcia Martin moved, seconded by Brian Bagley, to pass and adopt A Resolution Of The Longmont City Council Approving The Memorandum Of Understanding Between The City And Fort Collins Utilities For Electric Peak Demand Notification

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

G. Approval Of Housing And Human Services Advisory Board Recommendation To Fund Two Projects From The 2021 Affordable Housing Funds Available

Council Member Peck asked if a mobile unit was being funded to help supply the coronavirus vaccine to those who cannot or are not comfortable going to a clinic.

Staff responded that this item is not related to that but rather it is Item 12A regarding Human Service Agency funding.

MOTION

Joan Peck moved, seconded by Brian Bagley, to approve Approval Of Housing And Human Services Advisory Board Recommendation To Fund Two Projects From The 2021 Affordable Housing Funds Available

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

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

Mayor Bagley directed callers to call in to speak on any of the items under this Section on the agenda and took a break to allow callers time to call-in.

A. O-2021-05, A Bill For An Ordinance Making Additional Appropriations For Expenses And Liabilities Of The City Of Longmont For The Fiscal Year Beginning January 1, 2021

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.

MOTION

Tim Waters moved, seconded by Polly Christensen, to pass and adopt A Bill For An Ordinance Making Additional Appropriations For Expenses And Liabilities Of The City Of Longmont For The Fiscal Year Beginning January 1, 2021

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

B. O-2021-06, A Bill For An Ordinance Approving The Modern West Concept Plan Amendment, Generally Located North Of Nelson Road, East Of Airport Road, South Of Rogers Road, And West Of Andersen Street

Mayor Bagley read the title of the ordinance into the record.

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 Waters asked for information regarding NREL's (National Renewable Energy Laboratory) role in the project and how they are being funded.

Brien Schumacher, Principal Planner, stated that Barb Brunk and representatives for the applicant and from NREL and the Rocky Mountain Institute (RMI) were present to respond to Council's questions.

Barb Brunk, Resource Conservation Partners, invited Cara Carmichael, RMI, and Shanti Pless, NREL, to talk about their roles in the project and explained that they are being funded by the developer and their own work plan that brings them to table for this project.

Shanti Pless, NREL, explained that his role is to do research in zero energy communities and developments, and Cara Carmichael, RMI, explained that their organization would not typically get involved but explained that they are

operating as a fee-for-service consultant to the developer and hope to make this a lighthouse model and scale this elsewhere.

Council also inquired about public outreach efforts and about geothermal technology and Cara indicated there would be public outreach efforts and said geothermal technology would be looked in to for the project.

Some Council Members asked for the team to be allowed to show the video that was prepared about the project.

After viewing the project video, Council thanked the team for the video that addressed questions about the airport impact amongst others and then discussed traffic impacts and planned roadways with staff.

MOTION

Tim Waters moved, seconded by Joan Peck, to pass and adopt A Bill For An Ordinance Approving The Modern West Concept Plan Amendment, Generally Located North Of Nelson Road, East Of Airport Road, South Of Rogers Road, And West Of Andersen Street

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- C. **O-2021-07**, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And Patricia Eckel (Tenant) On The Eckel Property (Premises)

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.

MOTION

Brian Bagley moved, seconded by Tim Waters, to pass and adopt A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And Patricia Eckel (Tenant) On The Eckel Property (Premises)

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- D. O-2021-08, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And Thomas Seaman And Diane Seaman (Tenants) On The Bohlender Property (Premises)**

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.

MOTION

Tim Waters moved, seconded by Polly Christensen, to pass and adopt A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And Thomas Seaman And Diane Seaman (Tenants) On The Bohlender Property (Premises)

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- E. O-2021-09, A Bill For An Ordinance Approving The Third Amendment To The Lease For Vance Brand Municipal Airport Parcel SW-P1**

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.

MOTION

Susie Hidalgo-Fahring moved, seconded by Marcia Martin, to pass and adopt A Bill For An Ordinance Approving The Third Amendment To The Lease For Vance Brand Municipal Airport Parcel SW-P1

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

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. 2021 Human Service Agency Funding Recommendations

Council Member Peck asked staff to explain why St. Benedict had not been funded.

Eliberto Mendoza, Community Service Project Manager, provided a presentation outlining the 2021 funding allocations of 51% (\$877,455) for support safety net services and 49% (\$835,000) to tackle housing insecurity and adult homelessness, and reviewed the framework and allocation process.

Karen Roney, Director of Community Services, further explained the scoring process and said that St. Benedict did not meet the threshold nor did staff see the level of collaboration with other clinics offering services to the same population. She also explained that they did not yet have a mobile unit nor a plan for how to do mobile outreach. Additionally, the Community Health program was able to set up mobile clinics since a nurse practitioner was hired and staff felt the program was covered without additional investment.

MOTION

Joan Peck moved, seconded by Polly Christensen, to approve 2021 Human Service Agency Funding Recommendations

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

Council Member Waters asked if organizations are provided with feedback about how to improve their proposals and Karen indicated that they do provide feedback.

Council Member Waters also asked how each organization's work is evaluated and staff said they are required to file reports twice each year. He also asked what percentage of the funding goes toward programs serving children.

Karen responded that approximately \$240,000 were allocated through this year's process, \$700,000 through the CARES Act, and approximately \$250,000 through the annual Children, Youth, and Families budget.

Harold Dominguez interjected and shared praise and gratitude to Karen Roney and her staff for adding the distribution of the CARES Act funding to all of their existing work without missing a beat.

B. Update on Longmont Ice Pavilion Operations

Council asked for clarification on the amount of funding needed to keep the ice rink open through mid-March.

Jeff Friesner, Recreation and Golf Manager, responded that \$25,000 would be needed to keep the ice rink open through February and \$32,000 if it were to be kept open until mid-March.

MOTION

Joan Peck moved, seconded by Susie Hidalgo-Fahring, to direct staff to use Council Contingency funds in the amount of \$32,000 to fund the ice rink for the rest of the season because of the pandemic's financial impacts on the ice rink and recreation services overall

Approved: Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: Brian Bagley

Abstained: None

Carried: 6 – 1

13. FINAL CALL - PUBLIC INVITED TO BE HEARD

There were no callers for Final Call.

14. MAYOR AND COUNCIL COMMENTS

Council Member Peck shared that Randy Grauberger who had provided Council with a presentation on Front Range Passenger Rail (FRPR) is no longer with FRPR and explained the current situation with regard to RTD and funding, explaining that RTD will hold a special study session the following week on NorthWest Rail and Governor Polis was invited. She commented that the engineering and design study should be paid by the FastTracks Internal Savings Account (FISA) and that this is a political issue, not a financial issue. She asked if Council would like to make any comments to the RTD Directors and CEO of RTD.

Mayor Bagley indicated his agreement and support for moving forward with legal options to get Longmont out of RTD.

Eugene Mei, City Attorney, described the current workload for his office and the magnitude of this request and confirmed that his team could possibly be ready to begin the conversation around the end of February.

Council Member Peck suggested that since other organizations and the Governor are willing to go to bat with Longmont, that the City wait to see what can be accomplished with these allies.

Eugene confirmed his team would begin working to come up to speed and would target end of February.

Council Member Christensen urged everyone to get vaccinated with the COVID-19 vaccine.

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

There being no further business to come before the City Council, the meeting was adjourned at 10:22 p.m.

2021 Available Council Contingency: \$155,701

Carryover Contingency from 2020: \$102,052*

*(will be carried over after 2020 fiscal year close-out)

MOTION

Marcia Martin moved, seconded by Brian Bagley, to adjourn the meeting.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk