



MINUTES

City Council Regular Session

October 10, 2023

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

1. MEETING CALLED TO ORDER

The October 10, 2023, Regular Session of the Longmont City Council was called to order at 6:05 p.m. by Mayor Joan Peck in the City Council Chambers.

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/Longmontyoutubelive>
- *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

Dawn Quintana, City Clerk, called the roll. Those present were Mayor Peck and Council Members Sean McCoy, Marcia Martin, Aren Rodriguez, Tim Waters and Shiquita Yarbrough.

Susie Hidalgo-Fahring was absent at the time of Roll Call.

3. CHAIR REMINDER TO THE PUBLIC

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

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. September 12, 2023 – Regular Session Minutes

MOTION

Sean McCoy moved, seconded by Tim Waters, to approve September 12, 2023 – Regular Session Minutes

Approved: Joan Peck, Marcia Martin, Sean McCoy, Aren Rodriguez, Tim Waters, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 6 – 0

B. September 26, 2023 – Regular Session Minutes

MOTION

Tim Waters moved, seconded by Sean McCoy, to approve September 26, 2023
– Regular Session Minutes

Approved: Joan Peck, Marcia Martin, Sean McCoy, Aren Rodriguez, Tim Waters, Shiquita Yarbrough

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

There were no agenda revisions, documents submitted, or motions to add future agenda items.

6. CITY MANAGER'S REPORT

City Manager Harold Dominguez asked the Council if they would be amenable to scheduling a Longmont Urban Renewal Authority meeting prior to the October 24th Council Meeting. The Council agreed by consensus with the scheduling as proposed and set the meeting for 6:30 p.m.

7. SPECIAL REPORTS AND PRESENTATIONS

A. Medal Of Valor Presentation To Officer Justin Hill And Citizen Service Citation Presentation To Tammy Stewart And Aussie Carrera

Chief of Police Jeff Satur described a recent car crash that resulted in the car catching on fire and described the bravery displayed by both Officer Justin Hill and resident Tammy Stewart to remove a passenger who was trapped and pinned in the car. Awards were presented to Officer Hill and to Tammy Stewart for their bravery. Aussie Carrera who also assisted in this harrowing incident could not attend the meeting to receive the award.

Susie Hidalgo-Fahring arrived at 6:10 p.m.

8. FIRST CALL - PUBLIC INVITED TO BE HEARD

Tom Smith, 1049 Champion Circle, recognized various city employees for the recent provision of services at or near his home and he asked that the council consider that Envision Longmont and any enabling actions from that be rescinded until it can be re-drafted. Further, he asked for a moratorium on all proposed annexations and development projects until codes can be realigned.

Mary Lin, Atwood Street, contended that the transit-oriented development plan should be rescinded, scrapped and the City should start over.

Doug Jones, 243 Sherman Street, spoke about the development process and opined that deference is given to developers, zoning has increased the number of allowed units and what are missing are homes in the area priced below the current median income.

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

Second Reading and Public Hearing for the ordinances introduced on this agenda will be held on Tuesday, October 24, 2023

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

- A. O-2023-52, A Bill For An Ordinance Making Additional Appropriations For Expenses And Liabilities Of The City Of Longmont For The Fiscal Year Beginning January 1, 2023**

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

- B. O-2023-53,** A Bill For An Ordinance Extending The Period During Which The Longmont Downtown Development Authority May Allocate And Collect In The Downtown Development Authority Tax Increment Fund A Portion Of Property Taxes

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

- C. 2024 Budget Ordinances**

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

- 1. O-2023-54,** A Bill For An Ordinance Fixing And Levying Taxes Upon The Real And Personal Property Within The City Of Longmont For The Year 2023 To Pay Budgeted City Expenses For The 2024 Fiscal Year

Council Member Martin asked a question that a resident posed to her which was if the Council had the discretion to reduce the mill levy and what would allow or prevent the Council from doing so.

Jim Golden, Chief Financial Officer, explained that the mill levy ordinance is unique compared to prior years because it not only sets the typical 13.42 mills to fund the General Fund but also has conditional approval of the mill levies on the ballot that would go into place in 2024 if they were to pass. He explained that some discretion is allowed and noted the complexities with setting this year's mill levy due to various factors including the possibility of Proposition HH. The 13.42 mills is entirely for funding operations in the General Fund and has been in place since before TABOR and it cannot be increased without a vote of citizens. Golden further explained the options of a temporary tax reduction or credit for entities that needed TABOR refunds and legislation that has been identified that can be used for property tax relief. In the Budget process, \$6.3M was added in the 2024 budget above last year's property tax revenue but only \$4M is programmed and \$2.3M is left for unidentified one-time expenses. This approach was taken, he explained, because staff did not want to go past that level so as not to commit to revenue we may not receive. Golden said the Council would have discretion with how to use that additional \$2.3M or whatever amount it ends up to be and there are significant needs that could be addressed with those funds.

Golden also explained that conservative estimates are used because the actual assessed valuation is unknown at the time the budget is drafted and if it were decided to provide a temporary tax credit, the City could possibly receive the final evaluation and not have enough funds to cover budgeted expenses.

MOTION

Marcia Martin moved, seconded by Tim Waters, to approve A Bill For An Ordinance Fixing And Levying Taxes Upon The Real And Personal Property Within The City Of Longmont For The Year 2023 To Pay Budgeted City Expenses For The 2024 Fiscal Year

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

Dissented: None

Abstained: None

Carried: 7 – 0

2. O-2023-55, A Bill For An Ordinance Fixing And Levying Taxes Upon The Real And

Personal Property Within The Longmont Downtown Development District For The Year 2023 To Pay Budgeted Expenses Of The Longmont Downtown Development Authority For The 2024 Fiscal Year

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

3. **O-2023-56**, A Bill For An Ordinance Adopting The Budget For The City Of Longmont For The Year 2024

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

4. **O-2023-57**, A Bill For An Ordinance Making Appropriations For The Expenses And Liabilities Of The City Of Longmont For The Fiscal Year Beginning January 1, 2024

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

- D. O-2023-58,** A Bill For An Ordinance Repealing And Reenacting Chapter 15.02.110 Of The Longmont Municipal Code On Public And Common/Private Improvement Review, Construction And Acceptance

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

- E. R-2023-79,** A Resolution Of The Council Of The City Of Longmont, Colorado, Finding That The Petition For Annexation Of A Parcel Of Land Located In Boulder County, State Of Colorado Known As The 11386 East Rogers Road Annexation (Generally Located In The Southwest Quarter Of Section 2, Township 2 North, Range 69 West Of The 6th P.M.) Substantially Complies With The Colorado Revised Statutes Section 7 31-12-107(1)

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

- F.** Accept the Sugar Factory + STEAM Sub Area Plan

MOTION

Marcia Martin moved, seconded by Sean McCoy, to approve the consent agenda except items C1

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

Dissented: None

Abstained: None

Carried: 7 – 0

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

A. O-2023-51, A Bill For An Ordinance To Approve A Long-Term Water Supply Contract Between The City Of Longmont And LWM Washout LLC

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.

Mary Lin, Atwood Street, commented in opposition to this because she said everything is tainted because the Council was allowing Longmont to grow. She suggested that no major decisions be made and that Envision Longmont be revised.

Mayor Peck closed the public hearing.

MOTION

Aren Rodriguez moved, seconded by Marcia Martin, to pass and adopt A Bill For An Ordinance To Approve A Long-Term Water Supply Contract Between The City Of Longmont And LWM Washout LLC

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

Dissented: None

Abstained: None

Carried: 7 – 0

B. O-2023-50, A Bill For An Ordinance Conditionally Approving The 1313 Spruce Avenue Concept Plan Amendment, Generally Located At The Southwest Corner Of Grant Street And Spruce Avenue

Jennifer Hewett-Apperson, Principal Planner, introduced the proposed concept plan amendment for 1313 Spruce Avenue and reviewed the role of the Council and the options before them. She explained that the property had a mixed or medium density for the last 30 years, reviewed the zoning and density on all sides of the parcel, and said the maximum building height is 35 feet and the plan is for 11.6 units per acre which is well within the allowable density. She noted the applicant is not seeking any variances. The proposed plan had evolved through the development review and public hearing process and, she said, the original plan proposed 76 townhomes which had been reduced to 70 units after the neighborhood meetings. Hewett-Apperson explained that staff recommended that the easternmost side of the parcel be limited to two stories and the applicant had expanded on this and created a transition zone on the north and easternmost portions of the property.

Hewett-Apperson continued and described the analysis conducted by staff regarding the allegations that the plan was not compatible and walked through where staff did find compatibility regarding density and diverse building types. She also reviewed the Massing and Character study and she further explained that the applicant had revised the concept plan to address neighborhood concerns. She also reminded the Council of the plan that was approved in 2020 which proposed fewer units but was less compatible with the existing neighborhood.

Hewett-Apperson concluded her presentation noting that staff recommended conditional approval subject to:

1. Updated Transportation Impact Study with plat and site plan,
2. Design exception request if access spacing does not conform to Design Standards, and
3. Massing and character study part of the amended concept plan.

Council Members asked some clarifying questions about the proposed concept plan amendment and asked staff to clarify the significance of the conditions.

Hewett-Apperson explained that the first two conditions are fairly standard but the third is there to be illustrative of what is described in the concept plan, which could not be deviated from because it is tied to the annexation agreement.

Developer Mark Young described his approach to this project, noting that he usually only does projects by right but when the plan did not pass the

Planning and Zoning Commission initially, they opted to engage the community. Bryan Dunbar, a professor and director for CSU's Institute of the Built Environment, served as the facilitator at charrettes conducted about this project. He stated that the proposed plan encompassed the visions, compatibility interpretations, and design options born from these community charrettes. Young further described his reasoning and his team's analysis conducted to make this project affordable by design while still complying with fire codes and the limitations of the property. He noted that a site plan for final engineering had not been done yet and he explained the direct proportional relationship between the number of units built and the cost of each unit, whereby more units keep the cost per unit down. Young further explained that the previously approved plan approved a density of 45 units per acre but said he did not want to build under the approved concept plan. He asked the Council to approve the concept plan amendment so he could sit down with engineers and figure out how to lay the site out in way that works for everybody and, he noted that the Planning and Zoning Commission would still review the site plan.

Dan Williams of Mark Young Construction commented on the positive impacts of the charrettes, commended the city staff who had been amazing to work with, and noted the proposed concept plan amendment was a product of meeting with the community.

Council discussed the projected sales price calculations with the developer, the required access points on the property, the concept of 'live work' units, and the possibilities for future variances.

Young responded that he was not a fan of the 'live work' option, but it came from the charrettes and he clarified that he was not asking for any variances and said he wanted to build strictly to code.

Hewett-Apperson explained that live work units are an option in a residential MN zone but said there is a limitation of 30% of the units and the unit owner would have to go to the Planning and Zoning Commission to seek conditional use approval.

Council discussed with Young the on-street and garage parking provided and delved into the number of units to explore if there was a way to arrive at a compromise. Young indicated that there would be sufficient parking and said he would rather have a deal at 63 units than leave without approval.

Council asked what would happen if the amendment were not approved, and Young confirmed that it would revert to the concept plan that was approved in 2020.

Council also asked staff to define 'compatibility'. Hewett-Apperson responded that from a planning perspective, they look at scale and massing, but not necessarily styles, and she said the introduction of new building types is not inherently incompatible. Staff also looks at transitions, height, and density and less at architecture and more of pattern and rhythm.

Mayor Peck opened the Public Hearing.

Eric Wallace, 339 Pratt Street, asked Council to approve the concept plan amendment as proposed and said he supported it because it was a good faith effort by the developer, it would offer a variety of housing that is needed in the community, it would be walkable and cyclable and, overall, would strengthen the social fabric.

Drew Sorrels, 328 Grant Street, talked about the unfairness of the invitations to the charettes and said that size was limited, and emails were sent to the entire neighborhood. There was overwhelming agreement on the concept plan amendment by those who attended, though she noted there was low participation from those wanting low density.

Taylor Wicklund, 1704 Short Place, discussed the many benefits of this development including entry level housing, tree lined streets, a city park, live work homes to allow for a small entrepreneur, and green space that is better than parking space. He concluded that Bohn Farm would be an example of creating a place for social interaction to build social interaction and empathy we desperately need.

Mary Lin, Atwood Street, challenged the idea of this area being designated an opportunity zone as well as the designated height maximum of 35 feet and said this is not what people actually asked for.

Allison Redomsky, 8033 Countryside Park, spoke in support of Bohn Farm and of the full 70 units because demand outweighs supply and because Longmont needs affordable and attainable housing. She said she also supports it because it would be more walkable which means less traffic and more environmental sustainability.

Cheryl Carter, 210 Judson Street, argued that it did not seem that the city wanted resident input and said that the applicant had been treated differently and would benefit financially, whereas the general public would not. She said that the residents have the right to push back against something they believe to be unjust and not in the best interest of the neighborhood.

Steve Bruns, 266 Lincoln Street, asked the Council not to rule on Bohn Farm

until the correct zoning could be determined because, he said, the area should never have been zoned R-MN since it is not near collector and arterial streets nor amenities and activity centers. Additionally, he opined that infill should conserve and enhance the character of the city's older established neighborhoods.

Polly Christensen, 410 Judson Street, asked the Council to limit the units to 46 and to listen to the people they represent.

Mary Morphew, 214 Judson Street, said that we need to ensure that kids and adults have places to recreate. She shared her concern that it would be five to seven years before the .85 acre park would be planned or funded. She asked the Council to consider a reduction in density by 20% and asked them to add green space, courtyards, or pocket parks.

Joe Osbirn, 151 Judson Street, spoke in support of the concept plan amendment and said he hoped to see more like it. He suggested the Council approve 70 units or more to positively impact the sales price of the units.

John Loughrin, 220 Sherman Street, said the lack of a transition zone on the south side was a problem and talked about the traffic impacts of the development and noted the streets are undersized in this area.

Shakeel Dalal, 219 Francis Street, spoke in support of the development and noted his appreciation for the questions from Council to better understand this development. He said this development would be a great addition and that he believes that compatibility is possible at the number of units proposed or even higher.

Dan Sorrels, 328 Grant Street, commented that the lack of attainable housing is an economic issue and explained the relationship between price and volume of sales, noting that if only 46 units were built it would push the price near \$1M and take 10 years to sell out. He urged the Council to approve the concept plan amendment.

Paul Danish, 2130 10th Avenue, said he was most concerned about the 70 units and the amount of traffic produced by those units that would impact the character of the neighborhood. He suggested the Council not buy into the plan.

Mike Quick, 1272 3rd Avenue, said he was in support of the concept plan and urged the Council to vote for it. He noted that the three main concerns about the project were related to traffic, parking, and compatibility.

Dan Woods, 1525 Green Place, expressed his concerns with the traffic impacts

noting Spruce Street is slow and narrow and not compatible for more traffic. He also noted that cars often get stuck in the winter on the steep hill which would create additional challenges.

Ellie Shiara, 328 Sherman Street, said that growth does not pay for itself, and taxpayers pay the bill. She asked if this development was preserving the character and environment of the area and said the developer's main objective was financial gain.

Doug Jones, 243 Sherman Street, commented that development should not adversely impact area properties and explained that after attending the charettes and feeling frustrated, he felt like it came to a good result but feels more can be done. He suggested there be a compromise on density.

Mark Danielson, 251 Lincoln Street, said that the advocates for higher density represent a tiny percentage of the neighborhood and that they circulated and submitted a petition of 250 neighbors that asked for 46 units total. He said the group had been respectful and civil but had realized little in tangible results from their efforts. He said that if the density were reduced, the opposition would melt away and suggested that the approved number of units be 55 which was more than the 45 desired by the neighborhood but less than the 65 proposed by the developer.

Diane Crist, 2034 Mount Sneffels Street, discussed the affordability of the units and noted her surprise with the sales price of these units at \$550,000-575,000. She suggested work be done to see what it would take to make the units attainably priced at \$360,000-380,000.

Amy Lane, 1013 Neon Forest Circle, shared the positive effects on her children from moving into a higher density neighborhood. She cited the "You Belong in Longmont" marketing campaign which highlighted some of the great things about Longmont and commented on this opportunity to live up to that ideal.

Mayor Peck closed the Public Hearing.

MOTION

Sean McCoy moved, seconded by Susie Hidalgo-Fahring, to approve A Bill For An Ordinance Conditionally Approving The 1313 Spruce Avenue Concept Plan Amendment, Generally Located At The Southwest Corner Of Grant Street And Spruce Avenue with conditions proposed by staff and with a limit of 63 units

Council consulted City Attorney Mei about the limit of 63 units and if that was defensible.

Eugene Mei, City Attorney, responded that the code provides that Council can put conditions that are reasonably related and proportional.

Glen VanNimwegen also responded that since the range of units allowed in R-MN is 8 to 18, this plan at 10.5 units per acre would be compatible.

Approved: Susie Hidalgo-Fahring, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: Joan Peck, Marcia Martin, Tim Waters

Abstained: None

Carried: 4 – 3

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

There were no items on General Business.

13. FINAL CALL - PUBLIC INVITED TO BE HEARD

Lance Whittaker, 1750 Collyer Street, noted that it was National Angel Food Cake day.

14. MAYOR AND COUNCIL COMMENTS

Council Member Yarbrough led the Council in singing 'Happy Birthday' to Council Member Waters.

Council Member Waters made an appeal that the Thorne Nature Experience get resourced in the future after seeing a presentation from this organization at a Parks and Recreation Advisory Board meeting.

Council Member Martin suggested that the graphic of the Council's priorities be placed where the audience can see it and an additional copy where Council can see it.

Mayor Peck requested that Council Members refrain from yelling at her across the dais during the meeting and asked that instead, they call for a Point of Order.

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

Current Balance in General Fund Council Contingency: \$164,753

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk

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