



MINUTES

City Council Regular Session

October 11, 2022

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

1. MEETING CALLED TO ORDER

The October 11, 2022, 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.

The Longmont City Council has returned to in-person meetings.

Masking is voluntary and welcome for anyone choosing to wear a mask.

Those choosing to watch the Livestream may do so 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 Mayor Peck and Council Members Susie Hidalgo-Fahring, Marcia Martin, Aren Rodriguez, Tim Waters 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.

- 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 minutes and Council Rules dictate that 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.
- **Anyone wishing to speak at "First Call – Public Invited To Be Heard" (Item 8) shall add his or her name to the Public Invited To Be Heard sign-up list prior to the start of the meeting.** Only those on the list will be invited to speak at the first "Public Invited To Be Heard."
- **Anyone wishing to speak on a "Second Reading or Public Hearing Items" (Item 10) are asked to add their name to the speaker list** for each second reading/public hearing item they wish to speak on prior to the start of the meeting, but it is not required to sign-up in order to speak on a published public hearing item.
- **Anyone wishing to speak during "Final Call – Public Invited To Be Heard" (Item 13) at the end of the meeting will be invited to do so (no sign-up required).**

4. APPROVAL OF MINUTES

A. September 27, 2022 – Regular Session Minutes

MOTION

Tim Waters moved, seconded by Susie Hidalgo-Fahring, to approve the September 27, 2022 – Regular Session Minutes as presented

Approved: Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, 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

MOTION

Joan Peck moved, seconded by Susie Hidalgo-Fahring, to direct staff to prepare an ordinance prohibiting the open and concealed carry of guns in sensitive areas to include preschools, daycare centers, playgrounds and toddler swimming pools at Kanemoto and Roosevelt Parks

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

Dissented: None

Abstained: None

Carried: 6 – 0

MOTION

Joan Peck moved, seconded by Susie Hidalgo-Fahring, to direct staff to prepare an ordinance to raise the minimum age to purchase a gun to 21 years of age in Longmont

Approved: Joan Peck, Susie Hidalgo-Fahring, Aren Rodriguez, Shiquita Yarbrough

Dissented: Marcia Martin, Tim Waters

Abstained: None

Carried: 4 – 2

MOTION

Joan Peck moved, seconded by Susie Hidalgo-Fahring, to direct staff to prepare an ordinance to require a ten-day waiting period to purchase a gun in Longmont

Approved: Joan Peck, Susie Hidalgo-Fahring, Aren Rodriguez, Shiquita Yarbrough

Dissented: Marcia Martin, Tim Waters

Abstained: None

Carried: 4 – 2

MOTION

Joan Peck moved, seconded by Susie Hidalgo-Fahring, to direct staff to prepare an ordinance banning the sale of unserialized and 'ghost' guns in Longmont

Approved: Joan Peck, Susie Hidalgo-Fahring, Aren Rodriguez, Tim Waters, Shiquita Yarbrough

Dissented: Marcia Martin

Abstained: None

Carried: 5 – 1

MOTION

Joan Peck moved, seconded by Susie Hidalgo-Fahring, to direct staff to prepare an ordinance requiring signage at gun dealerships warning of the dangers to children if guns are not in locked storage

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

Dissented: None

Abstained: None

Carried: 6 – 0

Council Members briefly discussed these motions and asked City Attorney Mei how they aligned with guidance from the Supreme Court, and the City Attorney noted that nothing was certain surrounding Second Amendment laws with so many legal challenges in play across the country.

6. CITY MANAGER'S REPORT

There was no report from the City Manager.

7. SPECIAL REPORTS AND PRESENTATIONS

There were no Special Reports or Presentations.

8. FIRST CALL - PUBLIC INVITED TO BE HEARD

Sally Berends Petrovick, 1419 Red Mountain Drive, said that Longmont has ill-planned infrastructure and was not meant to support growth. She said it appeared the City had caved to developers' demands when approving the Rivertown and Bohn Farm developments.

Roxie Olson, 1678 Judson Drive, complimented on the Citizen Satisfaction Survey and suggested more emphasis be placed on crime, homelessness, and traffic instead of smart meters.

Doe Kelly, 622 Barberry Drive, shared her comments in opposition to wireless smart meters and their implementation, noting the dangers of electro-magnetic fields to all living beings.

Kendra P., 14501 County Road 3, spoke against smart meters and their implementation due to impacts on the health and asked if a survey could be done in the roll out zone to discern if there were any ill health effects of those in the areas they were installed. She suggested another type of smart meter system that uses fiber optic that is not toxic.

Jill Hubbard, 1323 Sommerset Circle, echoed comments in opposition to smart meters, suggesting fiber optic technology should be used instead of wireless technology. She also said there are patents bearing Council Member Martin's name related to utility services published in 2016.

Greg Jensen, Gray's Peak Drive, stated that Council Member Martin worked for ACLARA and they are handling the install. He said that Martin should disclose any vested interest in the plan to electrify the city. He also asked the City to withdraw from the contract with Landis GIR and shelve the AMI program until the Federal Communications Commission updates the guidance on this technology.

Kim Edmundson, 814 Bittersweet Lane, spoke in opposition to smart meters and questioned the cost for the AMI program for only a 5% reduction in carbon and noted there were additional costs to retrofit housing units.

Elsy Wilkins, 8664 Middle Fork Road, spoke about the dangers of electromagnetic frequencies and the history of scientific studies on the topic.

Steve Altschuler, 1555 Taylor Mountain Drive, commented on the Constitution, said liberals are communists trying to destroy the country, and suggested Longmont not waste time and money working against the Supreme Court by implementing gun control measures.

Stan Gelb, 2226 Sherman Street, spoke in support of gun violence prevention ordinances, shared gun related statistics, and urged Council to act and implement gun violence prevention measures.

George Tristan, 1703 Whitehall Drive, spoke in opposition to gun control ordinances suggesting that these actions are rooted in misunderstanding and fear and said the problem is violence and a mental health crisis more than guns.

Lance Whittaker, 1750 Collyer Street, said he would like to see people respond to cannabis hospitality as a non-alcoholic alternative to art, culture and music.

Amy Weinstein, chair of the Boulder County Democratic Party (BCDP), spoke in favor of

local measures to prevent gun violence, and said without any action we would be left with the same issues we have currently.

Polly Christensen, 410 Judson Street, commented in opposition to the ordinance to create an attainable housing fund stating it was vague, lacked criteria and had no specified funding. She said it undermined affordable housing efforts.

David Kimmett, 9536 Schlager Street, talked about bittersweet which is a non-native plant that was growing along the banks of Dry Creek and infesting his yard. He said it is spread by birds and poisonous and asked what could be done about it.

Strider Benston, 951 West 17th Avenue, commented on gun violence, facticity, the danger of abolishing books, voting rights, and of the sedition trials of those who participated in the January 6 attacks on the United States Capitol.

Jeff Jones, 3537 Nyland Way, shared his concerns with electrification.

Council Member Martin responded to the comments made by the public. She said that regarding the patents for smart meter technology, she made full disclosure to the City Attorney and had no financial interest in the advanced metering industry and no longer owned any stock. She explained that she was the inventor on many patents, half of which had something to do with data communications and AMI but was not the assignee on any and thus did not profit from them. She said she was paid a salary for the work and had worked for ACLARA in the marketing division for two and a half years but did not develop intellectual property for them. She affirmed that she had no idea ACLARA would be contracted for the installation of meters nor that Landis and Gear would be the selected vendor. She clarified that she had stated in public what she thought the requirements needed to be for the infrastructure including the idea of using fiber to collect data, if possible, but it happened to turn out that the vendor that could use fiber for advanced metering could not meet some of the requirements developed by staff.

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.

*Ordinances on this Consent Agenda will be set for **Second Reading and Public Hearing on: October 25, 2022***

A. O-2022-36, A Bill For An Ordinance Making Additional Appropriations For

Expenses And Liabilities Of The City Of Longmont For The Fiscal Year Beginning January 1, 2022

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

B. 2023 Budget Ordinances

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

1. O-2022-37, A Bill For An Ordinance Fixing And Levying Taxes Upon The Real And Personal Property Within The City Of Longmont For The Year 2022 To Pay Budgeted City Expenses For The 2023 Fiscal Year

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

2. O-2022-38, A Bill For An Ordinance Fixing And Levying Taxes Upon The Real And

Personal Property Within The Longmont Downtown Development District For The Year 2022 To Pay Budgeted Expenses Of The Longmont Downtown Development Authority For The 2023 Fiscal Year

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

3. **O-2022-39**, A Bill For An Ordinance Amending Title 4 Of The Longmont Municipal Code By Establishing The Attainable Housing Fund

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

4. **O-2022-40**, A Bill For An Ordinance Adopting The Budget For The City Of Longmont For The Year 2023

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

5. **O-2022-41**, A Bill For An Ordinance Making Appropriations For The Expenses And

Liabilities Of The City Of Longmont For The Fiscal Year Beginning January 1, 2023

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

- C. O-2022-42,** A Bill For An Ordinance Approving The Agreement, Amendment To The Existing Oil And Gas Agreements, And Mutual Release And Associated Documents In Furtherance Thereof

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

- D. O-2022-43,** A Bill For An Ordinance Authorizing The Consent To Vance Brand Municipal Airport Lease Assignment For Hangar Parcel H-28E To Homesick Angel LLC, Tenant

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

- E. R-2022-148,** A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And The State Of Colorado For A State Aviation Grant For Airport Equipment At The Vance Brand Municipal Airport

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

- F. R-2022-147,** A Resolution Of The Longmont City Council Urging Longmont Citizens To Vote “Yes” On Boulder County Ballot Issues 1A, 1B And 1C, Regarding Wildfire Mitigation, Emergency Services And Transportation, On The November 8, 2022 Statewide General Election Ballot

MOTION

Marcia Martin moved, seconded by Shiquita Yarbrough, to approve the consent agenda except items none

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

Dissented: None

Abstained: None

Carried: 6 – 0

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

- A. O-2022-31,** A Bill For An Ordinance Amending Chapter 10.20, Section 10.20.100 Of The Longmont Municipal Code On Unreasonable Noises Prohibited Prima Facie Unreasonable Noises

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

Susie Hidalgo-Fahring moved, seconded by Tim Waters, to pass and adopt A Bill For An Ordinance Amending Chapter 10.20, Section 10.20.100 Of The Longmont Municipal Code On Unreasonable Noises Prohibited Prima Facie Unreasonable Noises

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

Dissented: None

Abstained: None

Carried: 6 – 0

City Attorney Mei noted an error with this noise ordinance because it referenced an incorrect section of code and needed be amended to refer to 10.20.090. He recommended Council move to reconsider and to formally amend the ordinance.

MOTION

Tim Waters moved, seconded by Marcia Martin, to reconsider O-2022-31

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

Dissented: None

Abstained: None

Carried: 6 – 0

MOTION

Marcia Martin moved, seconded by Susie Hidalgo-Fahring, to amend O-2022-31 to replace references to 10.20.100 to 10.20.090 in the ordinance

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

Dissented: None

Abstained: None

Carried: 6 – 0

MOTION

Tim Waters moved, seconded by Susie Hidalgo-Fahring, to approve A Bill For An Ordinance Amending Chapter 10.20, Section 10.20.100 Of The Longmont Municipal Code On Unreasonable Noises Prohibited Prima Facie Unreasonable Noises as amended

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

Dissented: None

Abstained: None

Carried: 6 – 0

11. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the Consent Agenda for discussion.

12. GENERAL BUSINESS**A. Beneficial Building Electrification Plan**

Susan Bartlett, Senior Key Account Manager, explained that building electrification is shifting from use of fossil fuels in buildings and is beneficial for the environment and air quality, it fosters grid resilience, saves money and is equitably deployed. The plan is needed because 55% of greenhouse gas emissions can be attributed to electricity consumption. She noted that after Council declared a climate emergency in 2020, this was one of the Climate Action Task Force's recommendations. She reviewed the planning process and timeline noting the considerations and challenges of the recommendations.

The scope of the strategies was narrowed to thirteen strategies in four categories, she said: policy, program, partnership, financing, and she reviewed each of these four areas and then, she explained, those were prioritized into things that could be started now, things that could start now and be developed, and other actions that needed more evaluation. She reviewed the Inflation Reduction Act that would also take effect January 2023 and have an impact on the plan, as well as other efforts like the Department of Local Affairs Regional Code Cohort working on building regional consistency in the area of code amendments for efficiency, electric

vehicles, solar and electrification.

She also reviewed a three-phased strategy for implementing new building codes with some amendments planned for 2023 and 2024, a second round in 2027 and 2028 and a final phase in 2030 and 2031. Susan offered to answer any questions and asked Council to accept the Plan.

Council Member Martin commended staff for an excellent plan and provided specific feedback:

- Some elements of the plan seem to be more than procedure, more than strategy and edge into policy and Council needs to debate those matters.
- Some qualitative goals in the plan are too weak, some are policy that goes back to 2016 and warrant revision because the regulatory environment is much different now.
- The Inflation Reduction Act is going to require us to adjust the timeline and should be taken into account.
- The City should be up to speed with DOLA guidance and never fall behind – but do not see any harm in being ahead of it.
- Some updates would need to be considered at Council's retreat.

Council discussed the need to recalculate targets as a result of the plan and of revising the greenhouse gas reduction target.

Harold Dominguez, City Manager, responded that staff could bring these things back as part of retreat and build that in to policy questions in retreat.

Council further discussed with staff the need to update targets and metrics as data is gathered and updated, and of the need to have ambitious goals but still have an affordable place for people to live.

MOTION

Marcia Martin moved, seconded by Joan Peck, to accept the essence of the Beneficial Building Electrification Plan with the understanding that it would need to be revised including a discussion of this topic at Council's retreat and at the subsequent Study Session so that the debate happened publicly

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

Dissented: None

Abstained: None

Carried: 6 – 0

13. FINAL CALL - PUBLIC INVITED TO BE HEARD

Mike Sandoval, 242 East Mountain View Avenue, told Council of challenges he was facing as a landlord with people who smoked meth in his rental property and all of the financial repercussions falling on him. He suggested the City pay for testing, and find ways to separate smoking and manufacturing rules.

Harold Dominguez, City Manager, informed the Council that he had been talking to Mike and noted that the rules are state laws and come under county health for enforcement, and said that he empathized with this landlord because he had seen similar challenges for the Housing Authority.

14. MAYOR AND COUNCIL COMMENTS

Council Member Waters asked what outcomes were expected in 2023 under heading park development and what residents and the Parks and Recreation Advisory Board could expect.

Harold Dominguez, City Manager, said staff had met and would have a plan to present regarding park development.

Council Member Hidalgo-Fahring mentioned her appreciation for the gun ordinances and commended the event organizers of the Dia de los Muertos celebration for a larger and more diverse event. She reminded everyone to head to the Museum to see the altars set up there.

Council Member Yarbrough inquired about Babbock Ranch in Florida which is an all solar community that was untouched by the recent Hurricane Ian.

Council Member Martin responded that she had not heard of that development but noted that it is possible to design vulnerability out of projects. She also explained that the public has many voter rights on new taxes and borrowing but does not get to vote about how electricity and other infrastructure are delivered.

15. CITY MANAGER REMARKS

City Manager Dominguez said that a presentation on Vision Zero would be made on November 15.

16. CITY ATTORNEY REMARKS

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

17. ADJOURN

2022 Council Contingency: \$245,753

MOTION

Susie Hidalgo-Fahring moved, seconded by Shiquita Yarbrough, to adjourn the meeting at 9:33 pm

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

Dissented: None

Abstained: None

Carried: 6 – 0

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk