

**BOULDER CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Tuesday, September 1, 2015
6 PM**

AGENDA

- 1. CALL TO ORDER AND ROLL CALL**
 - A. Declaration as Boulder Pollinator Appreciation Month**
 - B. CML Declaration for Colorado Cities & Towns**
- 2. OPEN COMMENT and COUNCIL/STAFF RESPONSE (limited to 45 min.)**

Public may address any city business for which a public hearing is not scheduled later in the meeting (this includes the consent agenda and first readings). After all public hearings have taken place, any remaining speakers will be allowed to address Council. All speakers are limited to three minutes.
- 3. CONSENT AGENDA (to include first reading of ordinances) Vote to be taken on the motion at this time. (Roll Call vote required)**
 - A. Consideration of a motion to approve the minutes of the August 4, 2015 City Council Regular Meeting**
 - B. Consideration of a motion to accept the August 11, 2015 Form Based Code Pilot Study Session Summary**
 - C. Consideration of a Motion to Adopt Resolution No. 1166 to Carry Forward the City of Boulder's 2015 Private Activity Bond Allocation to support the creation or retention of permanently affordable rental housing**
 - D. Consideration of the following items related to the annexation and initial zoning of the properties identified as 1548 Old Tale Rd., 1385 Cherryvale Rd. and 5955 Baseline Rd.:**
 - 1. Four resolutions finding the annexation petition for each property in compliance with state statutes and establishing Oct. 6, 2015 as the date for a public hearing; and**
 - 2. Introduction, first reading and consideration of a motion to order published by title only, four ordinances annexing the properties with an initial zoning as follows:**
 - a. West Portion of 1385 Cherryvale Rd. (0.25 acre parcel) Proposed Zoning: Residential-Rural 1**

Applicant/Owner: Mark and Tara Burkley
 - b. East Portion of 1385 Cherryvale Rd. (0.891 acre parcel)**

Proposed Zoning: Residential-Rural 1
Applicant/Owner: Mark and Tara Burkley

c. **1548 Old Tale Rd**

Proposed Zoning: Residential-Rural 2

Applicant/Owner: Porsche Elaine Young Revocable Trust

d. **5955 Baseline Rd.**

Proposed Zoning: Residential-Rural 1

Applicant/Owner: Patton and Claire Lochridge

- E. Third reading and consideration of a motion to adopt Ordinance No. 8052 submitting to the registered electors of the City of Boulder, at the general municipal coordinated election to be held on November 3, 2015, an amendment to the Boulder Charter regarding City Council compensation, setting the ballot title and setting forth related details**
- F. Third reading and consideration of a motion to adopt Ordinance No. 8055 setting the ballot title for an initiated amendment to the Boulder Charter, and setting forth related details (Library Commission)**
- G. Second reading and consideration of a motion to adopt Ordinance No. 8056 submitting to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 3, 2015 the question of authorizing the city council to extend the utility occupation tax on public utility companies that deliver energy to customers in the form of electricity and gas that was passed by the voters pursuant to Ordinance no. 7751 (as amended by Ordinance no. 7808) at the rate \$4.1 million dollars, beginning January 1, 2011 be extended from December 31, 2017 December 31, 2022; setting forth the ballot title; making conforming changes to the Boulder Revised Code; and setting forth related details**
- H. Second reading and consideration of a motion to adopt Ordinance No. 8057 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 3, 2015, the question of authorizing the City Council to continue the Climate Action Plan tax that was approved by the voters in November 2006 and implemented by the City Council in chapter 3-12, B.R.C. 1981, currently set to expire March 31, 2018, through March 31, 2023 for the purposes of implementing programs to increase energy efficiency, increase renewable energy use, reduce emission from motor vehicles, and take other steps toward the goal of reducing greenhouse gas emissions; setting forth the ballot title; and setting forth related details**
- I. Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8070 approving supplemental appropriations for Open Space and Information Technology to the 2015 Budget**
- J. Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8071 amending Title 10, "Structures," B.R.C. 1981 to add a new Chapter 10- 7.7 "Commercial and Industrial Energy Efficiency" and amending**

Section 10-1-1 “Definitions” by adding definitions and setting forth related details
(Building Performance)

K. Introduction, first reading and consideration of a motion to order published by title only **Ordinance No. 8072 to improve occupancy enforcement by amending Title 9 “Land Use Code” by amending Section 9-15-9, “Multiple Dwelling Units And Occupancy - Specific Defenses,” eliminating a defense to over-occupancy “active and diligent” management practices, amending Title 10 “Structures” amending Section 10-3-2, “Rental License Required Before Occupancy and License Exemptions” adding a prohibition of offering or advertising rental of a property without a valid rental license, adding a new Section 10-3-20 “Occupancy” requiring that the maximum legal occupancy be posted on all rental properties, requiring all rental licenses to include a notation of maximum occupancy and requiring all rental advertisements to include the maximum legal occupancy; and amending Section 10-3-16 “Administrative Remedy” by increasing the fines for first and second violations and setting forth related details**

L. Introduction, first reading and consideration of a motion to order published, by title only, **Ordinance No. 8073** authorizing and directing the **acquisition of various property interests located along 28th Street between Canyon Boulevard and north of Glenwood Drive**, by purchase or eminent domain proceedings, **for the construction of the 28th Street Multimodal Transportation Improvements Project**

M. Introduction, first reading, consideration of a motion to publish by title only, and adopt as an **emergency measure Ordinance No. 8074 authorizing the issuance** by the City of Boulder, Colorado, of its **Water and Sewer Revenue Bonds, Series 2015, in the aggregate principal amount of \$10,210,000** for the purpose of **providing funds to water and sewer improvements** by the Utility and pay the costs of issuance of the Series 2015 Bonds; prescribing the form of said Series 2015 Bonds; providing for the sale of said Series 2015 Bonds; providing for the payment and redemption of said Series 2015 Bonds from and out of the revenues derived directly or indirectly by the City from the Water and Sewer Fee billed to customers of the City’s water and sewer systems; providing other details and approving other documents in connection with said Series 2015 Bonds; and declaring an emergency and providing the effective date hereof

4. POTENTIAL CALL-UP CHECK IN

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8-A.

A. 2775 Valmont Road (Boulder Food Park) Use Review

ORDER OF BUSINESS

5. PUBLIC HEARINGS

Note: Any items removed from the Consent Agenda will be considered after any City scheduled Public Hearings.

A. **Two matters related to a property located at 747 12th Street:**

1. Continuation of the second reading and consideration of a motion amending and adopting Ordinance No. 8029 designating the building and property at 747 12th St., to be known as the Cowgill Property, as an individual landmark under the City's Historic Preservation Ordinance; and

Owner: 747 Twelfth Street, LLC Applicant: Landmarks Board

2. Introduction, first reading, and consideration of a motion to order published by title only Ordinance No. 8075 granting authority to the approving authorities under Title 9, "Land Use Code," B.R.C. 1981, to approve the subdivision of one building site into two building sites for a property generally described as 747 12th Street and as an amendment to Title 9, "Land Use Code," to waive or modify certain land use regulations including standards related to the minimum lot size, setbacks, and building separation in order to meet city historic preservation objectives, and setting forth related details

B. Second reading and consideration of a motion to adopt by emergency Ordinance Nos. 8068 and 8069 setting the ballot titles for two initiated amendments to the Boulder Charter, and setting forth related details.

6. MATTERS FROM THE CITY MANAGER

A. Proposed **Housing Boulder action plan for 2015 and 2016**

7. MATTERS FROM THE CITY ATTORNEY

A. Request for **Council Direction Regarding Whether the Chautauqua Leasehold Area Should be Considered "Parks Land" Under the Charter**

8. MATTERS FROM MEMBERS OF COUNCIL

A. **Potential Call-Up**

1. 2775 Valmont Road (Boulder Food Park) (LUR2015-00060)

Request for **Use Review approval** to permit a new tavern with outdoor seating area over 300 square feet in size at 2775 Valmont Road (to be operated in conjunction with "Boulder Food Park" mobile food vehicle sales) within the Business Community One (BC-1) zone district. Proposal also includes a request for a 25 percent parking reduction.

B. Consideration of a motion to approve the order of the ballot measures in the 2015 General Municipal Coordinated Election

C. "Nod of Five" for the HEALS Cities & Towns Campaign

D. Appointment of Retreat Committee Members

9. PUBLIC COMMENT ON MATTERS -15 min

Public comment on any motions made under Matters.

10. FINAL DECISIONS ON MATTERS Action on motions made under Matters

11. DEBRIEF -Opportunity for Council to discuss how the meeting was conducted-5 min

12. ADJOURNMENT

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Anyone requiring special packet preparation such as Braille, large print, or tape recorded versions may contact the City Clerk's Office at (303) 441-3002, 8 a.m. – 5 p.m. Monday through Friday. 48 hours notification prior to the meeting or preparation of special materials **IS REQUIRED.**

If you need Spanish interpretation or other language-related assistance for this meeting, please call (303) 441-1905 at least three business days prior to the meeting. Si usted necesita interpretación o cualquier otra ayuda con relación al idioma para esta junta, por favor comuníquese al (303) 441-1905 por lo menos 3 negocios días antes de la junta.

Electronic presentations to the city council must be pre-loaded by staff at the time of sign up and will NOT be accepted after 3:30 p.m. at regularly scheduled meetings. Electronic media must come on a prepared USB jump (flash/thumb) drive and no technical support is provided by staff.