1. Roll Call
2. Appreciation of Scott Crabtree
3. Swearing in of New Commissioner: Andrew Niemeyer
4. Election of Officers
5. Approval of the February 6 and March 6, 2017 Meeting Minutes
6. Public Participation
7. Police Update
8. Parks Update
9. Prohibition of Financial Institutions on First Floor Ordinance - Connelly
10. Update on Downtown Garage Access and Revenue Control System PARCS - Yates
11. Pearl Street Grill Mobile Vending Cart - Operate before 10 pm, which was a previous condition in their present permit based upon an issue 12 years ago with Old Chicago - Landrith
12. Capital Improvements Sales Tax Extension – Input Sought - Connelly
13. Matters from Commissioners
14. Matters from Staff
   • D2d Initial Debrief - Connelly
   • Retreat Date
15. Action Summary

Attachments
   • February 6 and March 6, 2017 Draft Meeting Minutes
   • Police Stats
   • Open/Close List
   • 4/6/17 Planning Board Memo
   • Capital Improvement Tax Renewal Letter

Upcoming Meetings/Topics
Development of Key Monthly Stats
Farnsworth Facilities Assessment
2018 CIP Approval

Commissioner Terms
Andrew Niemeyer: 2017-2022 Citizen at Large
Eli Feldman: 2015-2020 Property Rep
Adam Knoff: 2016-2018 Property Rep
Jerry Shapins: 2016-2021 Citizen at Large

DMC 2017 Priorities:
- Work with the community and downtown stakeholders to develop a downtown master plan to ensure the ongoing success of downtown into the future. The plan would include an urban design framework to establish concepts, programs and implementation steps for sustainable transportation and mobility systems, parks and open spaces, and urban land uses, as well as policies, programs and recommendations in the area of economic vitality and social sustainability.
- Work with City Council and other boards and commissions, the public and other
stakeholders to educate and increase understanding of downtown parking supply/demand and future needs; increase awareness and understanding of all modes of transportation used by residents and visitors to access downtown, and the need to increase downtown's accessibility.

-Increase discourse and understanding of impacts the homeless population on downtown Boulder and opportunities for long-term solutions.
AGENDA ITEM 1 – Meeting/Roll Call: Called to order at 5:35 p.m.

AGENDA ITEM 2 - Approval of the January 9, 2017 Meeting Minutes (See Action Item Below):

AGENDA ITEM 3 – Public Participation: None

AGENDA ITEM 4 – Police Update: McEldowney said the January stats were uneventful. Mall officer hours have been changed with one officer position to be filled and an injury to another. Some officers are coming in early to hit the campers on the mall. Mall area is being hit hard and looking for assistance with the 13th Street bathroom complaints. Abel and Riley put out an internal note on the cases they are working - 8 chronic users of the system. McEldowney said from the 700 block west, residents are seeing a lot of campers. Crabtree asked how other cities deal with it. McEldowney has reached out to regional cities for their solutions and no one has found one. McEldowney said there are 10 vacancies in the department.

AGENDA ITEM 5 – Parks Update: Hayden said the Parks crew is being impacted by the transients on the mall. Mall plants ordered, working with DBP to create a better planting schedule and looking at bollard replacement. Civic Area construction is underway. Lighting will come down this month and trees will go dark.

AGENDA ITEM 6 – Civic Area Construction Update: Nothing new since update given last month.

AGENDA ITEM 7– BID Update: Maher said January was busy, seasonal banners are down and student banners are up until April. January was a bad graffiti month. Holiday lights are down, marketing published the 2017 Visitor’s Guide and distributed. Tulip Fairy and Elf Festival is April 2, and Boulder Arts Week - March 31 to April 8th.

AGENDA ITEM 8 - Matters from the Commissioners: Shapins attended the Canyon
Complete Streets meeting and bikes were a puzzle, three options were presented and some people are questioning the need to accommodate bikes. Shapins continued that there will be a lot of amenities. The scope is 17th Street to 9th Street with no money dedicated, working on the concept and then funding. Crabtree questioned if it was still the four options presented earlier. Shapins said yes. Shapins voted for the buffered bike lane that is somewhat protected and flexible for future changes. Timing was questioned. Landrith mentioned that two lanes of traffic be maintained east and west bound, trees and band shell would remain intact. Shapins said that with mobility changes there may not need such a wide roadway.

Landrith said the Farmers’ Market will expand to host additional vendors use the ice rink area at One Boulder Plaza.

**AGENDA ITEM 9 – Matters from the Staff:** Connelly said that 2d2, as of today, had 5005 people registered, with 1.79 rides taken per registrant. People are registering and not using it. Pilot will go through 2/14/17 and will have a full report for the commission in April with what was learned from the pilot and what the opportunities ahead. The goal of reducing parking demand is being met. Deans questioned if there would be funding to do it again in the summer. Winter said they will be exploring various possibilities.

Winter said staff is working with Library and Arts to incorporate arts in the parking garages and looking at an RFP soon for both permanent and temporary art.

Winter said that starting today the PARCs system is being replaced in the 15th and Pearl Street garage and will take two weeks. The gate access system will be installed in each garage. The gates will be down all the time and will require payment during operating hours from 7am to 2am. Free parking in garages will continue on Saturdays. Validation system will change and will use a license plate tracking system.

Winter said that Pollard Motors has left the 30th and Pearl site and there is an opportunity to do remote parking there for about two years before the Pollard site is developed.

Connelly said that the Head Tax will not be pursued by council this year.

Recruitment: Crabtree said he would reapply and Andy Niemeyer is looking to apply.

Connelly said the ordinance prohibiting financial institutions on first floor uses on the Pearl Street between 9th and 18th Streets will be presented to council tomorrow. Knoff said he sees a big backlash on this ordinance. Knoff continued that the mall needs a plan for the mall businesses and would like to see a more comprehensive plan. Deans hopes to see a planning and discussion process to bring more vibrancy to the mall. Feldman was concerned that banks would push out retail and mentioned it’s a character of rent increases. Maher said that the new Capital One site is more of a coffee shop with Capital One monitors but no bankers and no cash. Maher said he would recommend that the Downtown Boulder Partnership board recommend that Council table this item and develop a collaborative plan and work together to come up with an alternative and for now, this is premature. Winter recommended for the commission to provide a motion to council.

The Downtown Management Commission (DMC) reviewed and discussed the proposed ordinance regarding restricting first floor uses along Pearl Street in downtown Boulder, and unanimously passed (5-0) the following motion for Council consideration.

*The Downtown Management Commission recommends that City Council table consideration of the ordinance prohibiting financial institutions on the ground floor along Pearl Street between 9th and 18th Streets in the downtown pending further involvement with the downtown community to better understand and define the problem in order to consider possible*
AGENDA ITEM 10 – Action Items:
* Mall officers attend March meeting
* Send council packet regarding Complete Streets to commissioners when available.

MOTION: Crabtree moved to approve the January 9, 2017 meeting minutes. Deans motioned to approve the January 9, 2017 meeting minutes. All commissioners approved and the motion passed 5 - 0.

Meeting adjourned at 6:52 p.m.

NEXT MEETING: March 6, 2017 - Council Chambers - Regular Meeting

APPROVED BY: DOWNTOWN MANAGEMENT COMMISSION

Attest:
Ruth Weiss, Secretary  Eli Feldman, Vice- Chair
AGENDA ITEM 1 – Meeting/Roll Call: Called to order at 5:30 p.m. There was no quorum.

AGENDA ITEM 2 - Approval of the February 6, 2017 Meeting Minutes (See Action Item Below): No quorum

AGENDA ITEM 3 – Public Participation: George Karakehian discussed the bathrooms on the mall. He visited them and found them filthy, people doing drugs, and trash strewn about. In his years on the mall, Karakehian has never seen them in such a state and suggested closing them. Deans asked who is in charge of the bathrooms and Hayden stepped up to reply she is in charge. Hayden said that other bathroom locations are being reviewed. Hayden said that Denver has staffed portable bathrooms. P & R is looking at all options. Maher said there is no substitution for police presence on the mall to deter bad behavior.

AGENDA ITEM 4 – Police Update: Month of February police stats were distributed to the commission. Number of calls for February for the mall were 108, 4 were summons, 9 were arrests, and 7 resulted in reports being generated. The mall overtime has begun, with a dedicated mall officer between noon and 6 pm. McEldowney and the police chief will be present at next week’s DBI meeting. Watch One has been contacted to address early morning issues on the mall but they, too, are short staffed. Calls are being handled and prioritized. Hot Team formed to deal with the chronically homeless with hopes to provide available options for housing and resources. Numerous chronic users have been connected to services and resources. Paddock said the problem is a lack of housing and inventory of housing for those with behavioral and mental health issues.

AGENDA ITEM 5 – Parks Update: Hayden said the ice rink is closed in the Civic Area and will be disassembled and prepared for the opening of the Farmers’ Market in April. There is a new P & R Events Coordinator on board.

AGENDA ITEM 6 – Update on Downtown Garage Access and Revenue Controls System - PARCS -Yates: Yates said the project is on schedule, 1500 Pearl and RTD are complete.
Anticipating a mid to late April completion for the installation of all garages. Crabtree questioned the initial feedback and Yates responded that some people who had not paid previously were upset that they now have to pay. The original system was not designed to give free parking to anyone but with raising the gates in the evening and up all weekend, people had learned how to work the system. The new system will bill to 2 am on Saturday and people are not accustomed to it. A lot of data will be derived with this new system. Connelly said that the late night downtown employee impact on the garage system will be discussed with the DBI board. Parking for the late night employer/employee is under review.

**AGENDA ITEM 7– Discussion of Next Steps re: Ordinance Prohibiting Financial Institutions on the First Floor on Pearl Street between 9th Street and 18th Street - Connelly:** Connelly said the Planning Board consideration was moved to 4/6 and the Planning Department will provide the memo to the Planning Board. An option will be listed to prohibit offices on the first floor. An 18-month moratorium is an option to allow for a downtown vibrancy study which DBP will partner. Connelly suggested the commission communicate with the Planning Board.

Update on Height Moratorium - Connelly: This does not apply to downtown. Two options are: extend moratorium or make it a permanent restriction. Connelly suggested the commissioners speak with their council liaisons.

**AGENDA ITEM 8 - Matters from the Commissioners:**

**AGENDA ITEM 9 – Matters from the Staff:**

HOP Refresh Recommendations - Stiffler: During the fall 2016 and winter 2017 various community and student groups gave input that staff used to create recommendations for council. These recommendations will be presented to TAB on March 13 and council on April 4. A handout was distributed to the board with short term and long term recommendations. Stiffler gave an overview of all alternatives. A transit service delivery study will be completed re: how to in order to supplement RTD services in other areas.

Jobert discussed the Sales and Use Tax Revenue report with the commissioners.

**AGENDA ITEM 10 – Action Items:**

- Address First Floor Ordinance at April 3rd DMC meeting.

**MOTION:** No quorum

Meeting adjourned at 6:36 p.m.

**NEXT MEETING:** April 3, 2017 - Council Chambers - Regular Meeting

APPROVED BY: DOWNTOWN MANAGEMENT COMMISSION

Attest:  
Ruth Weiss, Secretary  
Sue Deans
## Opened in 2017

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<thead>
<tr>
<th>Business</th>
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<th>Notes</th>
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<tr>
<td>By elke</td>
<td>2037 17th St</td>
<td>January-17 sharing space with Fabricate</td>
</tr>
<tr>
<td>Capital One</td>
<td>1247 Pearl St</td>
<td>January-17 replaces Boulder Café</td>
</tr>
<tr>
<td>Ku Cha House of Tea</td>
<td>1211 Pearl St</td>
<td>January-17 new space; replaces Pitaya and Firefly Garden</td>
</tr>
<tr>
<td>Fior Gelato</td>
<td>1021 Pearl St</td>
<td>January-17 replaces Two Spoons</td>
</tr>
<tr>
<td>Reality Garage</td>
<td>1320 Pearl St</td>
<td>January-17 Virtual Reality Studio</td>
</tr>
<tr>
<td>Experimac Boulder</td>
<td>1468 Pearl St</td>
<td>February-17 replaces former PoshSplat space</td>
</tr>
<tr>
<td>Niche Workspaces</td>
<td>944 Pearl St</td>
<td>February-17</td>
</tr>
<tr>
<td>Le Pops</td>
<td>1048 Pearl St</td>
<td>March-17</td>
</tr>
<tr>
<td>Canoe Club</td>
<td>777 Pearl St</td>
<td>March-17</td>
</tr>
<tr>
<td>Ellison</td>
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<td>March-17</td>
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## Closed in 2017

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<tbody>
<tr>
<td>Bayleaf</td>
<td>1222a Pearl St</td>
<td>January-17</td>
</tr>
<tr>
<td>Smoke Time</td>
<td>1640 Pearl St</td>
<td>January-17</td>
</tr>
<tr>
<td>Oliverde</td>
<td>2027 Broadway</td>
<td>January-17</td>
</tr>
<tr>
<td>Crocs</td>
<td>1129 Pearl St</td>
<td>February-17</td>
</tr>
<tr>
<td>American Apparel</td>
<td>1130 Pearl St</td>
<td>February-17</td>
</tr>
<tr>
<td>Business</td>
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<td>Notes</td>
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</tr>
<tr>
<td>Bartaco</td>
<td>Robbins</td>
<td>West</td>
</tr>
<tr>
<td>Rapha</td>
<td>1815 Pearl St</td>
<td>replacing Vilona Gallery</td>
</tr>
<tr>
<td>Vinca</td>
<td>1141 Pearl St</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>Odd Molly</td>
<td>1048 Pearl St</td>
<td>February-17</td>
</tr>
<tr>
<td>Warby Parker</td>
<td>1949 Pearl St</td>
<td></td>
</tr>
<tr>
<td>Nani Nalu</td>
<td>1048 Pearl St</td>
<td></td>
</tr>
<tr>
<td>The North Face</td>
<td>1129 Pearl St</td>
<td>Summer 2017</td>
</tr>
<tr>
<td></td>
<td></td>
<td>replacing Crocs</td>
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AGENDA TITLE:
Public hearing to consider a recommendation to City Council on Ordinance 8167 amending Title 9 “Land Use Code” B.R.C. 1981 by amending Section 9-6-7 “Office, Medical and Financial Uses” and setting forth related details.

REQUESTING DEPARTMENT: Planning, Housing and Sustainability
David Gehr, Interim Director
Charles Ferro, Development Review Manager

OBJECTIVE:
Define the steps for Planning Board consideration of this request:

1. Hear staff presentation
2. Hold public hearing
4. Planning Board action to recommend approval or denial of the proposed ordinance.

BACKGROUND:
On February 7, 2017, City Council approved first reading (5-4) of the attached ordinance (Attachment A) prohibiting the location of financial institutions on the first floor of buildings that are located along the Pearl Street Mall between 9th Street and 18th Street (the meeting materials can be found here, meeting minutes can be found in Attachment B).

Section 9-16 B.R.C., 1981 of the city’s code defines “financial institution” as “a use that provides financial and banking services to consumers and clients. Typical uses include banks, savings and loans associations, savings banks, credit unions, and automatic banking and teller machines.” Financial institutions are generally located on the ground floor of buildings to provide easy access to customers and a visible presence in the community. These types of uses are usually closed on evenings and weekends and don’t typically contribute to active, lively streetscapes such as that of the Pearl Street. While City Council has approved this ordinance on first reading, council recommended that Planning Board review the ordinance and provide a recommendation prior to second reading. Council also recommended that staff do some outreach with the downtown business community.

There are currently four ground floor banks on Pearl Street between 9th and 18th Street. Most recently, a new concept coffee shop owned and operated by Capital One opened at 1247 Pear St. While banking within the café is possible, it has the operational characteristics of a coffee shop that is open to the public seven days a week from 7:00AM to 7:00PM, similar to other café and restaurant uses along the Pearl...
KEY ISSUE:
Staff has identified one key issue for the Board’s consideration which is explored in the “Analysis” section below.

1) Should financial institutions be prohibited on the first floor along the Pearl Street between 9th Street and 18th Street?

ANALYSIS:
Pearl Street has long been the retail, restaurant and entertainment heart of downtown Boulder. Pearl Street between 9th Street and 18th Street is part of three zone districts: Downtown - 2 (DT-2), Downtown – 4 (DT-4) and Downtown - 5 (DT-5) with a majority of the pedestrian mall (between 11th Street and 15th Street) located within the DT-4 zone district. The zoning map of the Pearl Street area of downtown is as follows:

![Zoning Map of Pearl Street Area](image)

Currently, financial institutions are allowed as a use by-right in the DT-2, DT-4 and DT-5 zones. That said, the city’s code requires Use Review in the DT-4 zone district for all types of office uses (medical dental, professional, technical) as well as several similar uses if proposed on the first floor. If such uses are proposed above the ground floor in the DT-4 zone, they are allowed as a matter of right. The rationale behind these regulations is to allow discretion over ground floor uses that may be incompatible with the lively, vibrant pedestrian nature of Pearl Street, particularly the pedestrian mall.

The relevant portion of the existing use table from Section 9-6-1, B.R.C. 1981 can be found below. Note that a “G” below indicates that the use is allowed, provided that it is not located on the ground floor. If a ground floor use is proposed, a Use Review is required, in the table, an “A” indicates that the use is allowed by-right.

<table>
<thead>
<tr>
<th>Use</th>
<th>DT-4 Zone</th>
<th>DT-5 Zone</th>
<th>DT-2 Zone</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>Use</td>
<td>DT-4 Zone</td>
<td>DT-5 Zone</td>
<td>DT-2 Zone</td>
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<td>----------------------------------------------------------</td>
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</tr>
<tr>
<td>Hostels</td>
<td>G</td>
<td>G</td>
<td>U</td>
</tr>
<tr>
<td>Data processing facilities</td>
<td>G</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Medical or dental clinics or offices or addiction recovery facilities</td>
<td>G</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Offices, administrative</td>
<td>G</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Offices, professional</td>
<td>G</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Offices, technical; with &lt;5,000 square feet of floor area</td>
<td>G</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Offices, technical; with &gt;5,000 square feet of floor area</td>
<td>G</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Offices - other</td>
<td>G</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Computer design and development facilities</td>
<td>G</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Telecommunications use</td>
<td>G</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

The proposed ordinance would attempt to preserve Pearl Street’s character as a vibrant retail, dining and entertainment district by completely prohibiting new financial institutions from locating on the ground floor in the DT-2, DT-4, and DT-5 zones along Pearl Street between the east side of 9th Street and the west side of 18th Street.

Alternatively, as with office uses along Pearl Street in the DT-4 zone, the board may find that regulating
ground floor financial institutions through Use Review in the DT-2, DT-4 and DT-5 zones between the east side of 9th Street and the west side of 18th Street would provide sufficient discretion to ensure that ground floor uses remain compatible with the lively, vibrant, pedestrian nature of the Pearl Street.

PUBLIC OUTREACH:
As indicated above, council directed staff to conduct some outreach with the downtown business community.

Staff spoke with the Downtown Boulder Partnership who provided a letter via email to Planning Board on March 30, 2017 (Attachment C). Staff also contacted the Downtown Boulder Business Improvement District (BID) board however, they did not meet in March and will not meet again until April 13th, so there has not yet been any input provided.

Finally, the Downtown Management Commission did not have a quorum on March 6th, 2017 and, therefore could take no formal action. They are scheduled to discuss this matter on Monday, April 3rd. They will send a letter directly to Planning Board if they have information to share.

NEXT STEPS:
Planning Board’s recommendation will be forwarded to City Council in advance of their consideration of second reading and adoption of the proposed ordinance. Second reading of the proposed ordinance is scheduled for a public hearing before the City Council on May 2, 2017.

STAFF RECOMMENDATION:
Staff recommends that Planning Board:


Approved By:

David Gehr, Interim Director of Community Planning and Sustainability

ATTACHMENTS:

A. Ordinance 8167
B. Draft minutes from the February 7, 2017 City Council hearing
C. Email from the Downtown Boulder Partnership dated March 30th, 2017
ORDINANCE 8167

AN ORDINANCE AMENDING TITLE 9, “LAND USE CODE”
B.R.C. 1981 BY AMENDING SECTION 9-6-7 “OFFICE,
MEDICAL AND FINANCIAL USES” TO PROHIBIT
FINANCIAL INSTITUTIONS ON THE GROUND FLOOR ON
PEARL STREET FROM NINTH TO EIGHTEENTH STREET
AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Table 6-1 “Use Table” is amended as follows:

The entry for “financial institutions” is amended changing the entries under the column for
the DT-2, DT-4 and DT-5 zone districts from an “A” to a “C” and adding a reference to Section
9-6-7 in the column labeled “Specific Use Standard.”

Section 2. Section 9-6-7 is amended to read as follows:

9-6-7. - Office, Medical and Financial Uses.

Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or
Dental Clinics and Offices, Medical and Dental Laboratories, Financial Institutions, or Addiction
Recovery Facilities: The following criteria apply to the uses and zoning districts specified in this
subsection:

(1) In the BCS zoning district, the combined total amount of any office, computer design and
development facility, data processing facility, telecommunication use, medical or dental
clinic or office, or addiction recovery facility shall not exceed fifty percent of the total
floor area of the building.

(2) In the MU-4 zoning district, any public and private office use providing social services;
data processing facility; financial institution; medical or dental clinic or office; addiction
recovery facility; medical and dental laboratory; office, administrative; office,
professional; and office, other, shall not exceed 20,000 square feet in floor area of the
building. The floor area may exceed 20,000 square feet if the use is approved pursuant to
a use review and the approving authority finds that the use:

(A) Meets the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), “Use
Review," B.R.C. 1981; and

(B) The proposed use will contribute to a diversity of uses in the area and to making the
area a lively and engaging place.
(3) In the IG zoning district, the following standards and criteria apply to any medical or
dental clinics or offices and any addiction recovery facilities:

(A) The use must be located on a lot or parcel designated in Appendix K, "Properties
Where Medical or Dental Clinics or Offices and Addiction Recovery Facilities May
Be Located as Conditional Uses in the IG Zoning District;"

(B) The use must be located in a building existing on the lot or parcel with a certificate
of occupancy on or before April 7, 2015, or in a building for which a building permit
application for new construction on the lot or parcel was submitted on or before April
7, 2015; and

(C) Any changes to the building for the medical or dental clinic or office use or addiction
recovery facility use shall not result in a cumulative total increase in floor area of
more than ten percent of the floor area of the building existing on April 7, 2015, or
shown in the building permit application submitted on or before April 7, 2015, as
applicable.

(4) On Pearl Street from the east curb line of 9th Street to the west curb line of 18th Street,
no financial institution shall be located on the ground floor facing a street, with the
exception of minimum necessary ground level access.

Section 3. For the limited purposes of this ordinance, the city council suspends the
1981.

Section 4. This ordinance is necessary to protect the public health, safety, and welfare of
the residents of the city, and covers matters of local concern.

Section 5. The city council deems it appropriate that this ordinance be published by title
only and orders that copies of this ordinance be made available in the office of the city clerk for
public inspection and acquisition.
Attachment A – Proposed Ordinance

READ ON FIRST READING, PASSED AND ORDERED PUBLISHED BY TITLE

ONLY this 7th day of February 2107.

______________________________
Suzanne Jones
Mayor

Attest:

______________________________
Lynnette Beck
City Clerk

READ ON SECOND READING AND PASSED this ___ day of ______ 2017.

______________________________
Suzanne Jones
Mayor

Attest:

______________________________
Lynnette Beck
City Clerk
1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:02 p.m.

Council Members Appelbaum, Brockett, Morzel, Yates and Young were present. Council Members Burton arrived at 6:04 and Shoemaker arrived at 6:08 p.m.

**COUNCIL MEMBER MORZEL MOVED TO APPROVE THE AMENDED AGENDA BY ADDING ITEMS 3N AND 8C. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 8-0 WITH COUNCIL MEMBER SHOEMAKER ABSENT AT 6:05 P.M.**

2. OPEN COMMENT

(Please note that public comments are a summary of actual testimony. Full testimony is available on the web at: [https://www.bouldercolorado.gov/](https://www.bouldercolorado.gov/).

Open Comment started at 6:05 p.m. and the following spoke:

1. Lynn Segal spoke in opposition to not being able to have solar at her home.

2. Will Cooper, pooling with Chris Barge, promoted the Family Learning Center and provided a hand-out to Council.

3. Kathryn Todorof spoke in support of the Bear Creek flood mitigation plan.

4. Carl Norby spoke in support of the Bear Creek flood mitigation plan.

5. Paul Culnan spoke in opposition to the CU City Electronic Agreement.

6. Kristen Daly spoke in support of Healthy Boulder Kids and thanked Council for their assistance.

7. Evan Ravitz spoke in opposition to outrageous fines and jailing of homeless for violations.

8. Rob Smoke spoke in opposition to limiting Open Comment at City Council meetings.

9. Patrick Murphy spoke in opposition to municipalization.

10. Nicole Dial-Kay spoke in support of Boulder Museum of Contemporary Art and promoted the Spark Program, which helps people with Alzheimer’s Disease.
11. Sean Maher spoke in opposition to restriction of financial institutions on Pearl Street.
12. Ellen Stark spoke in opposition to annexation of Tamarack Avenue.
13. Jan Morzel spoke in opposition to annexation of Tamarack Avenue.
14. Jo Morgan spoke in opposition to the management at Mapleton Mobile Home Park.
15. Paul Keaton spoke in opposition to the management at Mapleton Mobile Home Park.
17. Leslie Glustrom spoke in support of the CU/Boulder Electronic Agreement.
18. Julia Leiser spoke in opposition to disturbances at the Pearl Street Starbucks by various homeless persons.
20. Ed Byrne spoke in opposition to restrictions of financial institutions on Pearl Street.
21. Lili Francklyn spoke in support of the CU/Boulder Electronic Agreement.
22. Steve Altermatt spoke in support of the Bear Creek flood mitigation plan.

Open Comment closed at 6:49 p.m.

City Manager Brautigam gave an update and answered questions for Council.

Council Member Morzel gave comments about any potential conversion of Mapleton Mobile Home Park. Council Morzel also gave comments about the Stark home at 2010 Upland and showed Council a Power Point presentation.

3. **CONSENT AGENDA**

   A. Consideration of a motion to approve the November 28, 2016 Special Meeting Minutes

   B. Consideration of a motion to approve the December 6, 2016 Regular Meeting Minutes

   C. Consideration of a motion to approve the December 13, 2016 Special Meeting Minutes

   D. Consideration of a motion to accept the January 10, 2017 Study Session Summary regarding Potential Extension of 0.3 Percent Sales Tax for 2017 Ballot
E. Consideration of a motion to accept the January 10, 2017 Study Session Summary on the city’s current inclusionary housing program and affordable housing financing

F. Consideration of a motion to approve the January 31, 2017 Advance Study Session Summary on Proposed Revisions to the City’s Investment Policy and City Financial Business and the Dakota Access Pipeline (“DAPL”)

G. Consideration of a motion to approve the January 31, 2017 Advance Study Session Summary on the Update on First Phase of Exploratory Work on Potential Head Tax Ballot Item

H. Third reading and consideration of a motion to adopt Ordinance 8161 amending Chapter 6-3, “Trash, Recyclables and Compostables,” B.R.C. 1981, by amending Section 6-3-2, to clarify the definition of “Refuse Attractant,” amending Section 6-3-5(a)(9), to allow residents to put out bear-resistant and recycling containers the evening before collection and amending Section 6-3-12, to clarify the city council’s intent and reduce the amount of the fines and setting forth related details

I. Introduction, first reading and consideration of a motion to order published by title only and adopt on Emergency, Ordinance 8164 adopting Supplement 130, which codifies previously adopted Ordinances 8132, 8133, 8137, 8140, 8143, 8147, 8154, 8157, and 8162, as an amendment to the Boulder Revised Code, 1981

J. Items related to the annexation and initial zoning of the property at 994 55th Street:
   1. Consideration of a motion to adopt Resolution 1203 finding the annexation petition in compliance with state statutes and establishing March 21, 2017, as the date of the second reading of the ordinance;
   2. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8165 related to the annexation of a 19,042 square-foot enclave property with an initial zoning designation of Residential – Low 2 (RL-2); Applicant/Owner: LAF LLC (Leslie Pendergrast and Alexandre Fomenko, Partners)


M. Consideration of a motion to accept the Bear Canyon Creek Flood Mitigation Plan

N. Consideration of a motion to call a Special Meeting on Wednesday, February 22, 2017 at 6 p.m. to go into Executive Session to obtain and discuss legal advice including negotiation strategy with respect to Boulder’s electric utility

COUNCIL MEMBER MORZEL MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A-3N WITH THE AMENDMENTS/CORRECTIONS TO ORDINANCE 8164 IN ATTACHMENT F. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 5-4 WITH COUNCIL MEMBERS BROCKETT, BURTON, SHOEMAKER AND YATES “NAY” ON 3L AT 7:16 P.M.

4. CALL-UP CHECK-IN

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

8A. Call-Ups at 7:16 p.m.  
1. 3289 Airport Road – Use Review

Council Member Appelbaum addressed the need to make changes to the process so that a site review is triggered for developments like this in the future. Council was not interested in taking any action at this time.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

A. Second reading and consideration of a motion to adopt Ordinance 8163 amending Chapter 3-9, “Housing Excise Tax,” Section 8-9-3, “General Regulatory Requirements,” and Section 4-20-62, “Capital Facility Impact Fee,” setting the fees rates for impact fees; and setting forth related details regarding the affordable housing commercial linkage fee

City Manager Jane Brautigam introduced this item to council at 7:22 p.m. Senior Planner Chris Meschuk and Planning, Housing and Sustainability Deputy Director Susan Richstone shared a presentation to the Council.

The public hearing began at 7:30 p.m.

1. Lesli Durgin supported the $12 per square foot fee.

2. Lynn Segal did not speak.

3. Mike Marsh spoke in support of $15 per square foot fee.

4. Donna George spoke in support of higher fees.
5. Gavin McMillan spoke in support of higher fees.

6. Lisa Spalding spoke in support of higher fees.

7. John Tayer pooled with Andrea Meneghel and Elisabeth Patterson and spoke in support of the $12 per square foot fee.

8. Mark Ruzzin spoke in support of the $12 per square foot fee.

9. Evan Ravitz spoke in support of $15 per square foot fee.

The public hearing closed at 7:56 p.m.

Council Member Weaver moved to approve the to adopt Ordinance 8163 amending Chapter 3-9, “Housing Excise Tax,” Section 8-9-3, “General Regulatory Requirements,” and Section 4-20-62, “Capital Facility Impact Fee,” setting the fees rates for impact fees; and setting forth related details regarding the Affordable Housing Commercial Linkage fee. Council Member Morzel seconded the motion. (Note to HL: Council Member Appelbaum proposed amendment at $12 per square foot fee. That amendment was the one that passed). The motion passed 6:3 with Council Members Morzel, Weaver and Young voting “nay” at 8:30 p.m.

6. Matters from the City Manager

A. Consideration of a motion to authorize the city manager to enter into an Agreement for Services between the Regents of the University of Colorado and the City of Boulder

Heather Bailey introduced this item to council with a presentation at 8:30 p.m.

Vice Chancellor, David King spoke to the benefits of the partnership between the City and CU.

Mayor Jones moved to authorize the city manager to enter into an Agreement for Services between the Regents of the University of Colorado and the City of Boulder. Council Member seconded the motion. The motion passed 7:2 with Council Members Burton and Yates voting “nay” at 9:36 p.m. (The vote took place under Item 9 “Comments on Motions under Matters.”)

7. Matters from the City Attorney

8. Matters from Mayor and Members of Council

A. Call-ups
1. 3289 Airport Road – Use Review

No action was taken by Council at this time.

B. Consideration of a motion to approve the 2017 Council Committee and Board Assignments

    **COUNCIL MEMBER XX MOVED TO APPROVE THE 2017 COUNCIL COMMITTEE AND BOARD ASSIGNMENTS. COUNCIL MEMBER XX SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 9:36 P.M. (VOTE TAKEN UNDER “COMMENTS ON MOTIONS MADE UNDER MATTERS).**

C. Discuss timing of the February 14, 2017 Study Session

    Council discussion of the February 14, 2017 Study Session began at XXX p.m. It was decided that the briefing would begin at 6 p.m. and that the study session would adjourn at 9:30 p.m.

9. **COMMENT ON MOTIONS MADE UNDER MATTERS**

10. **DECISIONS ON MOTIONS**
    Action on motions made under Matters

11. **DEBRIEF**
    Opportunity for Council to discuss how the meeting was conducted

12. **ADJOURNMENT**

    **THERE BEING NO FURTHER BUSINESS TO COME BEFORE COUNCIL AT THIS TIME, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED ON FEBRUARY 7, 2017 AT 9:37 P.M.**

    APPROVED BY:

    ________________________________
    Suzanne Jones, Mayor

    ATTEST:

    ________________________________
    Lynnette Beck, City Clerk
Dear Planning Board Members:

The board of the Downtown Boulder Partnership has worked tirelessly for decades to ensure the tenant mix downtown is vibrant, unique and reflective of Boulder's culture, values and lifestyle. As a result, we have one of the highest ratios of locally owned businesses of any successful downtown district and a much envied mix of restaurants and retail.

Not surprisingly, we agree with the sentiment by a majority of Council that additional financial institutions locating in our main pedestrian corridor and displacing retail or restaurant uses is not desirable. However, we disagree with the general practice of banning specific uses as a solution to maintaining a vibrant tenant mix.

Instead we hope the City of Boulder will partner with us to take a more positive and proactive approach. This would include:

1. Engaging a nationally known consulting team to work with us in creation of a downtown retail strategy that would reflect the Boulder market, best practices from comparable downtown districts across the country and the rapidly changing global retail landscape.
2. Pursuing an active tenant recruiting effort to locate, assess and pursue the most unique, experiential and innovative retail uses from both the local talent pool as well as across the country.
3. Exploring creation of a "Local Retail Accelerator" space downtown that could provide the smaller, more affordable spaces that young businesses require.

We have discussed the above options with Community Vitality staff and believe, with them as partners, we can complete the retail strategy and set the groundwork for tenant recruiting and creation of the accelerator by the end of 2017.

To that end, we recommend tabling the banking ban until the end of the year and directing staff to pursue these more positive steps to encourage and incentivize the types of unique and vibrant tenants that will maintain downtown Boulder as a crown jewel of our community and a national model of success.

Sean Maher
CEO
Downtown Boulder Partnership
1942 Broadway Suite 301
Boulder, CO 80302
303.449.3774
BoulderDowntown.com
Memorandum

To: City of Boulder Advisory Boards and Commissions
From: Capital Improvements Tax Renewal Team
Date: March 15, 2017
Re: 0.3% Sales Tax Renewal Process and Feedback

Boards and Commissions:
- Arts Commission
- Environmental Advisory Board
- Downtown Management Commission
- Greenways Advisory Committee
- Landmarks Board
- Library Commission
- Parks and Recreation Advisory Board
- Planning Board
- Transportation Advisory Board
- University Hill Commercial Area Management Commission

Executive Summary:
City staff is requesting input from City of Boulder boards and commissions on suggested criteria for prioritization of projects and recommended mix of projects for potential funding by and extension of the 2014 0.3% sales tax for capital investment. Board and Commission members are encouraged to provide feedback to the committee regarding criteria for prioritization of unfunded capital needs and the mix of project types that might be considered for funding by a renewal of the 0.3% capital improvement sales tax.

Background
The purpose of the 2017 Capital Investment Tax Renewal Project is to develop a draft funding package for possible inclusion in the 2017 ballot that:

- Extends revenues to invest in high priority new or expanded community facilities;
- Funds other important deficiencies not addressed in the 2014 initiative; and
- Is understandable and has broad community support.

The background information for this topic can be found in the study session memorandum dated Jan. 10, 2017, and the City Council information packet dated February 24, 2017.

The city has identified a much longer list of unfunded needs than could be funded with this revenue and this funding source may not be appropriate for all needs. Initial eligibility criteria for use of these funds includes:
**Capital Projects Only** - Operating costs and ongoing maintenance costs will not be considered for funding.

**Project Size**: In order to support a diverse set of projects of varying scale, the maximum size of any one project should not exceed 50 percent of the anticipated revenues (approximately $30 million to $40 million, depending upon length of renewal).

**Plan and Goals Alignment**: Projects must be identified in or aligned with an approved departmental master plan, strategic plan, or be in furtherance of city council goals.

**Public Utility Projects Not Eligible**: Eligible city projects must reside within funds supported by governmental revenues. Projects residing within Enterprise Funds (e.g., Public Utilities) will not be eligible for funding.

**Level of Planning**: Large projects (over $10 million) that do not already have conceptual planning or studies underway will not be eligible for funding.

**Stakeholder Committee Process**
City Council has established a stakeholder committee which will make recommendations to city staff and city council on the Capital Improvement Tax Renewal project. The purpose of the Stakeholder Committee is to:

- Serve as a diverse and balanced forum for exploring options
- Develop consensus around criteria for council selection of projects to be funded
- Provide recommendations to city staff and city council on a package of projects most likely to garner community support; and
- Provide feedback to city staff about community outreach materials and process.

**Requested Feedback from Advisory Boards**
City advisory boards play an important role in the development of the annual Capital Improvement Program (CIP). In light of the review and advisory role in the CIP, city staff values city advisory board and commission members’ input regarding criteria and prioritization of projects for potential use of renewed 0.3% sales tax. Important considerations include the broad nature of citywide needs and that the package will need to appeal to city voters as a whole, not specific interests. **Boards are asked to take a citywide view of priorities and needs and provide feedback on the following questions:**

1. **Does the board have feedback about prioritizing any of these four categories of unfunded needs?**

The city’s unfunded needs can be categorized into categories described below. Additionally, the package of capital projects may include funding for non-city-owned assets or projects sponsored by community organizations.

   - **Essential deficiencies** – improvements or corrections that achieve health and safety, maintaining industry standards, and/or legal/ballot requirements (e.g. Fire Station #3 Replacement, building repairs, maintenance backlog). Many of these are described in master plans as high priority needs.
o **High priority action items** – new or expanded facility or infrastructure enhancements requiring new or additional funding sources or the implementation of a significant reallocation. These projects are identified in master plans as first priority should additional funding be identified. *(e.g. Scott Carpenter Aquatics Facility Replacement (unfunded portion for enhancements), transportation safety enhancements)*.

o **Vision projects** – Projects identified in area plans or vision plans of master plans. Vision plan projects identified in master plans include the complete set of service and facilities desired by the community, not tied to a fiscally-constrained plan. *(e.g. Civic Area improvements, Valmont City Park Development South)*.

o **Community-based projects** – projects sponsored by community organizations that may or may not be city-owned assets or facilities *(e.g. projects that were funded in the 2015 renewal: Museum of Boulder renovation, Dairy Center renovations)*

2. **Does the board have feedback about the allocation of funding between these categories to be included in a potential ballot proposal?**

Feedback from Advisory Boards and Commissions will be compiled and summarized to share with the committee and City Council.

**Schedule and Process**

The Committee has six scheduled meetings starting in late March with expected final recommendations by Mid-June. City Council discussion of the item is scheduled for May and July with final action on the potential ballot item in August. Additionally, various opportunities for public participation to gauge support and gather feedback are anticipated throughout the coming months. Advisory Boards will be updated on the process as it moves forward.

**Staff Contacts**

Jean Gatza, *gatzaj@baoudercolorado.gov*, 303-441-4907
Joel Wagner, *wagnerj@bouldercolorado.gov*, 303-441-3871
# DRAFT Stakeholder Committee Agendas
*(with other key milestones)*

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting Type</th>
<th>Meeting Purpose</th>
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<tbody>
<tr>
<td>3/23</td>
<td>Stakeholder Committee</td>
<td>• Foundations and background</td>
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<tr>
<td>4/13</td>
<td>Stakeholder Committee</td>
<td>• Shape community engagement process</td>
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<td>• Draft selection criteria</td>
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<td>• Introduce and discuss city projects list</td>
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<td>4/14</td>
<td>Community Group</td>
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<td>Letters of Interest</td>
<td>Due</td>
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<td>4/27</td>
<td>Stakeholder Committee</td>
<td>• Continue discussing city projects list, initial</td>
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<td>ranking</td>
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<td>• Introduce community projects</td>
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<td>• Share feedback from city advisory boards</td>
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<td>• Prepare for 5/9 City Council session</td>
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<td>5/9</td>
<td>Council Study Session*</td>
<td>• Outreach/engagement plan</td>
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<td>• Update on community-based projects</td>
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<td>• Draft selection criteria</td>
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<td>5/11</td>
<td>Stakeholder Committee</td>
<td>• Community group presentations</td>
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<td>• Initial ranking of community projects</td>
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<td>• Begin drafting renewal packages (5yr &amp; 7yr)</td>
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<td>5/25</td>
<td>Stakeholder Committee</td>
<td>• Refine recommendations and packages</td>
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<tr>
<td>6/8</td>
<td>Stakeholder Committee</td>
<td>• Finalize recommendations to council</td>
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*Committee members not expected to attend city council study session.*