

CAC Summary
December 15, 2014

PRESENT: Mayor Pro Tem Suzanne Jones, Council Member Mary Young, Council Member Lisa Morzel, City Manager Jane Brautigam, City Attorney Tom Carr, Deputy City Attorney David Gehr, City Clerk Alisa Lewis, Assistant to the City Manager Tammye Burnette and Acting Deputy City Clerk Dianne Marshall

CAC convened at 8:04 AM.

I. December 16 Final Agenda Review **EARLY START 5:30 PM**

A. Resolution in Support of County Clerk Hillary Hall

CAC found the topic to be political but needed to show solidarity with other County entities such as BVSD and other cities that aren't Home Rule. The City Clerk advised CAC that all members of the Canvass and Audit committee did sign off on the audit results that verified the accuracy of the ballot tabulations. This item will be placed on the December 16 agenda under "Matters from Mayor and Council."

B. Google Call Up Discussion – Request to schedule discussion earlier in the meeting
The City Manager requested that Council schedule this discussion under Agenda Item 4 - Potential Call-Ups. This eliminates the need for staff to stay until the end of the meeting. The City Attorney stated the public would have an opportunity to speak to this item during Open Comment; any vote on this item would happen during "Final Decisions" at the end of the meeting.

Council Member Young requested that it be made clear that there would not be any further discussion under "Final Decisions," only the vote on the motion.

Staff was requested to provide the full motion by Planning Board on the site review for the Google development and to provide a copy of the map, on the dais, showing the interface between the Reve and Google sites.

The City Attorney advised CAC that discussions by council members with Google representatives prior to the item being called up were not an issue; council members would be required to disclose exparte conversations during the quasi judicial call up hearing.

The Mayor Pro Tem will announce at the beginning of the meeting that public interested in the Google site review should sign up under Open Comment.

C. Retreat Committee Update*

D. Review of Agenda

1. **CALL TO ORDER AND ROLL CALL**

5:30

5:30-5:45 A. Janet Driskell Turner Award*
This award will be presented by Shelley Sullivan, the program manager of Boulder Reads .

5:45-5:55 B. Latino History Project Declaration*
Council Member Young will present.

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE**

5:55-6:40 *Mayor Pro Tem Jones indicated the she will not limit the length of Open Comment but will enforce the two minute rule given the number of expected speakers addressing the Goggle site and Joder Property.*

3. **CONSENT AGENDA**

6:40-6:55

A. Consideration of a motion to approve the City Council Meeting Minutes from November 6, 2014*.

B. Consideration of a motion to approve a 20 year lease for an air rights encroachment of multiple cornices for the benefit of the property located at 901 Pearl Street. Case No. REV2014-00019.

Applicant: 901 Eldridge, Inc, a Colorado Corporation*

C. Fourth reading and consideration of a motion to adopt and order published by title only Ordinance No. 7957 amending Title 2, "Government Administration," Chapter 7, "Code of conduct," B.R.C. 1981 and setting forth related details.*

D. Second reading and consideration of a motion to adopt by title only Ordinance No. 8021 amending the cable television franchise agreement between the City of Boulder and Comcast of Colorado IV, LLC, to extend the term of the agreement by 120 days.*

E. Second reading and consideration of a motion to adopt Ordinance No. 8018 amending Title 9, "Land Use Code," B.R.C. 1981, to create an additional method of property valuation for the determination of whether proposed work on a property triggers upgrades to lighting, landscaping, site access and non-conforming drive-throughs under the Land Use Code.*

F. Second reading and consideration of a motion to order published by title only, Ordinance 8016 amending Chapter 4-11, "Mall Permits and Leases," Sections 4-1-9 "Authority to Deny Issuance of Licenses," 4-20-11 "Mall License and Permit Fees," and 8-6-6 "Requirements for Revocable Permits, Short-term Leases and Long-term Leases," B.R.C 1981, to update the code to be consistent with current mall practices and needs, and setting forth related details.

The Mayor Pro Tem requested information about advocacy areas at the Pearl Street Mall.

POST MEETING NOTE:

Staff responded that while this was in the code the reality was that people express their first amendment rights anywhere on the mall.

4. **POTENTIAL CALL UP CHECK IN**

6:55-7:40

Opportunity for Council to indicate possible interest in the call-up of an item listed under agenda Item 8-A1.

See I B above.

5. **PUBLIC HEARINGS**

7:40-8:10

A. Second reading and consideration of a motion to adopt Ordinance 8012 authorizing and directing the acquisition of property located along the Wonderland Creek corridor between Winding Trail Drive and Foothills Parkway, by purchase or eminent domain proceedings, for the construction of the Wonderland Creek Greenways Improvement Project.

The Mayor Pro Tem asked if Page 164 of the memo showed all the easements. The City Manager stated staff would follow up and respond.

8:10-9:40

B. Second reading and consideration of a motion to order published by title only two emergency ordinances numbered 8020 and 8027 both amending Chapter 6-16, B.R.C. 1981, amending Sections 6-16-2 “Definitions,” and 6-16-3 “License Required” with ordinance 8020 extending the time for medical marijuana businesses to convert to recreational marijuana businesses from December 31, 2014 to March 31, 2015 and ordinance 8027 amending those sections to eliminate the deadline for conversion of those businesses that existed on October 22, 2013.

The Mayor Pro Tem asked for clarification on the two different sections impacted by the ordinances. The City Attorney responded that Section 6-14 concerns medical marijuana and Section 6-16 concerns recreational marijuana. He also stated that he would have a problem with an “emergency” ordinance if it was just the merchandise that was brought forward. Additionally, the issue of trade marking of merchandise is not allowed at federal level.

6. **MATTERS FROM CITY MANAGER**

9:40-10:10

A. Motion to accept the City Manager’s recommendation to disburse 2015 Human Services Fund allocations to community human services agencies.

Mayor Pro Tem Jones asked for clarification between approve and accept.

Staff responded that the city manager is the approving authority. However, council can make comments and request reconsideration of items on the list. Human Services Director Karen Rahn will be available to answer questions.

10:10-10:25

B. Consideration of a response to **City and County of Denver’s Request for Support for its National Western Center Project***

7. **MATTERS FROM CITY ATTORNEY**

None

8. **MATTERS FROM MAYOR AND MEMBERS**

A. POTENTIAL CALL UPS

1. Landmark Alteration Certificate to alter window to create an entrance at the north (primary) elevation of 1029 Broadway St. (pending landmark).*
2. Disapproval of historic landmark designation of the property at 445 College Ave.*
3. Landmark Alteration Certificate to construct a 753 sq. ft. addition to a contributing house and to construct a 336 sq. ft. one-car garage at 735 Mapleton Ave.*
4. Site and Use Review application no. LUR2008-00034, Flatirons Storage Facility located at 5675 Arapahoe Ave., a request to extend the original Site and Use Review approvals for the property beyond the expiration period as permitted by the development code.*
5. Site review for the proposed removal of existing structures and a two-phased redevelopment with three, four-story buildings of Class A office in a campus format with below grade parking for the property located at 2095, 2111 and 2121 30th Street along with 2920 and 2930 Pearl Street. A total of 330,000 gross square feet is proposed to be developed in two phases (220,000 square feet in initial phase) with maximum 55' building height and four-stories. Site Review case no. LUR2014-00035. The applicant, Google, intends to pursue Vested Rights per section 9-2-19, B.R.C. 1981.

See I B above.

10:25-10:40 **B. RETREAT COMMITTEE UPDATE**

CAC approved adding this item to the agenda.

10:40-10:55 **C. Council Member Cowles requested Council make a declaration of thanks to Gordon and Grace Gamm for their generous donation of \$1 million to the Dairy Center for the Arts**

CAC requested this be added to the December 16 agenda for a "Nod of Five" to move forward on this request.

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** (5 Min.) Opportunity for Council to discuss how the meeting was conducted.
10:55-11

12. **ADJOURNMENT**

II. **New 2015 Study Session Requests**

A. Change the times on the January 27 Study Session

- Energy Future 6-8 PM
- University Hill Moratorium and Reinvestment Strategy 8-9 PM

CAC approved the study session items and requested that the order be reversed and that each be two hours long. The UniHill topic will only cover the moratorium and the reinvestment strategy discussion will be rescheduled for a later date.

CAC expects a council member will request information regarding the agreement between Minnesota and Xcel for the Energy Future portion of the study session.

The City Manager announced that all study sessions from January 1 through June 30 will be televised.

B. Utility Rate Study: Key Questions and Guiding Principles – April 28, 8-9 PM*

C. Housing Boulder – June 9, 7:30-9 PM

CAC requested changes to the scheduling of this very important topic.

- *Add Briefing on February 24*
- *Add Study Session on May 14. This will provide Council with an update on the direction staff is taking prior to the study session scheduled for June 9.*
- *The June 9 study session will be devoted entirely to Housing.*

The City Manager reminded CAC that a lot of Housing information would be presented at the pre-retreat study session on January 13. This may change the above time line. Therefore, these items will be labeled tentative until after the January 13 study session.

CAC removed the Energy Future item as they have a study session scheduled for May 12.

D. Community Cultural Plan – July 14, 7:30-9 PM

Council Member Young requested a briefing on May 28 prior to the July 14 study session.

III. **Agenda Calendar Items**

- A. January 20 Meeting
 - 1. Motion to amend Cunningham Farms Annexation Agreement for 310-390 Linden Avenue (on consent)*
- B. February 3 Meeting
 - 1. Acquisition of Schnell Property in Boulder Canyon (public hearing)*
- C. February 17 Meeting
 - 1. Motion to transfer ownership of 4525 Palo Parkway to BHP (public hearing)
Council Member Morzel requested a chart of all the transfers on this property. She is aware of a neighborhood effort to find a legal issue with the ownership of this property.
- D. March 3 Meeting
 - 1. 2nd Reading to change BMS zoning district standards and uses as part of the UniHill moratorium project (public hearing) (1st Reading is February 17)*

IV. Joder Property Update

Council Member Weaver requested that an update on the Joder Property be provided.

CAC suggested that this would be a better fit for a broader discussion at the Council Retreat to include the North TSA.

CAC adjourned 9:04

**CAC Summary
December 8, 2014**

PRESENT: Mayor Matt Appelbaum, Mayor Pro Tem Suzanne Jones, Council Member Mary Young, City Manager Jane Brautigam, City Attorney Tom Carr, Deputy City Attorney David Gehr, City Clerk Alisa Lewis, Assistant to the City Manager Tammye Burnette, Senior Assistant City Attorney Kathy Haddock and Acting Deputy City Clerk Dianne Marshall

December 9 Study Session - 6 PM start

I. Design Excellence with Victor Dover (televised)

CAC requested a more focused direction for this discussion. The Mayor Pro Tem requested that the September 16 council meeting minutes containing the motion language relating to Planning Policy Issues be attached to the CAC Summary.

II. Preliminary Agenda Review

1. CALL TO ORDER AND ROLL CALL – Early start of 5:30 PM

- A. Janet Driskell Turner Award - Boulder Reads person will be there from Library they will be giving the award

Shelley Sullivan, Boulder Reads Program Manager, will be available to present the award.

- B. Latino History Project Declaration Mary will be presenting

Council Member Young will present this declaration.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE

3. CONSENT AGENDA

- A. Consideration of a motion to approve the City Council Meeting Minutes from November 6, 2014.*

- B. Consideration of a motion to approve a 20 year lease for an air rights encroachment of multiple cornices for the benefit of the property located at 901 Pearl Street. Case No. REV2014-00019.

Applicant: 901 Eldridge, Inc, a Colorado Corporation

The Mayor requested that staff review the memo and “clean it up” for repeat information.

- C. Fourth reading and consideration of a motion to adopt Ordinance No. 7957 amending Title 2, “Government Administration,” Chapter 7, “Code of Conduct,” B.R.C. 1981 and setting forth related details.*
- D. Second reading and consideration of a motion to adopt Ordinance No. 8021 amending the cable television franchise agreement between the City of Boulder and Comcast of Colorado IV, LLC, to extend the term of the agreement by 120 days.*
- E. Second reading and consideration of a motion to adopt Ordinance No. 8018 amending Title 9, “Land Use Code,” B.R.C. 1981, to create an additional method of property valuation for the determination of whether proposed work on a property triggers upgrades to lighting, landscaping, site access and non-conforming drive-throughs under the Land Use Code.

CAC briefly discussed when it is appropriate to place second reading ordinances on the consent agenda. It was clarified that when items are not controversial and have had no public input to date it is CAC’s practice to place on consent in order to promote meeting efficiency. The public may address this item during Open Comment.

- F. Second reading and consideration of a motion to order published by title only, Ordinance 8016 amending Chapter 4-11, “Mall Permits and Leases,” Sections 4-1-9 “Authority to Deny Issuance of Licenses,” 4-20-11 “Mall License and Permit Fees,” and 8-6-6 “Requirements for Revocable Permits, Short-term Leases and Long-term Leases,” B.R.C 1981, to update the code to be consistent with current mall practices and needs, and setting forth related details.*

4. POTENTIAL CALL UP CHECK IN

5. PUBLIC HEARINGS

- A. Second reading and consideration of a motion to adopt Ordinance 8012 authorizing and directing the acquisition of property located along the Wonderland Creek corridor between Winding Trail Drive and Foothills Parkway, by purchase or eminent domain proceedings, for the construction of the Wonderland Creek Greenways Improvement Project.

Staff will prepare a brief presentation and will clearly outline justification for the use of eminent domain.

- B. Second reading and consideration of a motion to order published by title only two emergency ordinances numbered 8020 and 8027 both amending Chapter 6-16, B.R.C. 1981, amending Sections 6-16-2 “Definitions,” and 6-16-3 “License Required” with ordinance 8020 extending the time for medical

marijuana businesses to convert to recreational marijuana businesses from December 31, 2014 to March 31, 2015 and ordinance 8027 amending those sections to eliminate the deadline for conversion of those businesses that existed on October 22, 2013.

Two options are being brought forward for considerations: (1) the extension of the conversion deadline, and (2) the provision allowing merchandise sales.

The Mayor requested that pages 190-191 be revised for more clarity.

The City Manager noted that the staff recommendation would be that no other changes should be considered until the 3rd quarter of 2015, after the regulations had been in effect for one year.

6. MATTERS FROM CITY MANAGER

- A.** Motion to accept the City Manager's recommendation to disburse 2015 Human Services Fund allocations to community human services agencies.

Staff will have a short presentation. The City Manager has approved the disbursements and is requesting that Council accept the recommendation. The City Manager stated that approval was based on supporting human services strategy. She further clarified that the city did not fund operating budget requests.

7. MATTERS FROM CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS

- A.** Call Ups – None at this time.

POST MEETING NOTE

The City Manager and City Clerk recommend adding a Retreat Committee Update to the December 16 agenda under "Matters from the Mayor and Council."

III. Schedule Call Up Hearing for Reve at 30th and Pearl – January 15 at 6 PM

All council members are available to attend a special meeting for this call up hearing on January 15.

IV. City/CU Get Together

The City Clerk reported that the CU/Student Government would rather reschedule the "Get Together" and she will work with them to bring a new date in February to CAC.

V. Calendar Items

A. February 10 Study Session

Two items were scheduled for this study session:

(1) VRBOs from 6-8 PM

(2) Chautauqua Lease 8-9 PM – This is a land lease as opposed to a building lease that is negotiated every twenty years. Staff would like to begin working on this lease in order to address outdated format and content.

The Mayor added that another issue to resolve is the number of members Council appoints to the Chautauqua Board.

B. January 20 Council Meeting

The Climate Commitment summary has been moved from the December 16 agenda to the January 20 agenda to allow more time for input from council members unable to attend the November 12 study session.

CAC may add a call up of the Google site since two council members will not be able to attend the December 16 meeting.

POST MEETING NOTE

Council Member Karakehian will be available for this meeting and the Council indicated at its special meeting on December 8 to place this on the December 16 agenda for call up or discussion.

C. February 3 Council Meeting

CAC approved “Update to Implementation to Secure Trash and Curbside compost from Bears” under “Matters from the City Manager.”

D. February 17 Council Meeting

CAC approved adding “Zero Was Strategic Plan and Options for Commercial Recycling (will include a public hearing).

E. March 17 City Council Meeting

CAC approved adding a 1st Reading “Annexation of Old Tale Road Neighborhood” item to the consent agenda. 2nd Reading added to the April 21 agenda.

VI. Additional Items

A. Request for Support for National Western Center Project (City of Denver)

Denver is submitting a Regional Tourism Act (RTA) application to the Colorado Economic Development Commission for the *National Western Center Project* that will re-imagine the existing facilities in early February of 2015. Mayor Hancock is asking to list Boulder as a supporting jurisdiction on its proclamation by Wednesday, December 31, 2014. Policy Advisor Carl Castillo would be the staff contact.

CAC approved this item to be added under “Matters from the City Manager” on the December 16 agenda. The Mayor stated the RTA is strategic to Denver and fits with the City’s philosophy. Policy Advisor Carl Castillo will be present to answer questions. The City Clerk stated a prepared proclamation will be included in the agenda packet for Council to review.

B. Certification of Election Results

The City Attorney reported that the Secretary of State has accepted the election results for Boulder County and State issues but has not accepted results from the City of Boulder. The City Clerk, as the designated election official, is the secretary to the Canvas Board (city council) and has verified and accepted the election results of November 2014. With these unique circumstances, the City Attorney reviewed the Charter and finds it quite clear that elections are inherent matters of local concern. Staff will present a resolution or ordinance for Council approval asserting the City’s authority to do this.

POST MEETING NOTE:

The deadline to challenge the election has passed. Therefore, no action is required by the council on this matter.

CAC Adjourned 9:14