

COUNCIL AGENDA COMMITTEE
February 24, 2014

Present: Council Member Young; Council Member Plass; Council Member Weaver; Deputy City Manager Paul Fetherston; City Attorney Tom Carr; Deputy City Attorney David Gehr and City Clerk Alisa Lewis; and Deputy City Clerk Alisa Darrow

CAC convened at 8:02 AM.

1. March 5 – Preliminary Agenda

A. Matters from Mayor and Members of Council – Board and Commission applicant request

City Clerk Alisa Lewis noted that this item was being added to the agenda so Council could make the decision as to whether or not board and commission applications would be posted on the website.

PRELIMINARY AGENDA

15 Minutes

1. CALL TO ORDER AND ROLL CALL*

45 Minutes

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.*

15 Minutes

3. CONSENT AGENDA (to include first reading of ordinances) Vote to be taken on the motion at this time.

A. Consideration of a **motion to approve the City Council Meeting Minutes from November 19, 2013 Morning Meeting***

B. Consideration of a **motion to approve the City Council Meeting Minutes from January 7, 2014***

C. Consideration of a **motion to approve the City Council Meeting Minutes from January 21, 2014***

D. Consideration of a **motion to approve the City Council Meeting Minutes from February 4, 2014***

E. Consideration of a **motion to amend Resolution No. 936 and No. 936A***

F. **Second reading** and consideration of a motion to adopt **Ordinance No. 7964 vacating and authorizing** the city manager to execute a **Deed of Vacation and Quitclaim Deed**

for the property known as 3211 Pearl and a separate 1,820 square-foot portion of Pearl Street right-of-way generally located east of the BNSF Railway Company crossing, near the western terminus of Pearl Street along the frontage of 3211 Pearl Street, and consideration of a **motion to authorize the city manager**, pursuant to Section 2-2-8, “Conveyance of City Real Property Interests,” to **dispose of the vacated 1,820 square-foot portion of Pearl Street** and setting forth related details*

Applicant: City of Boulder, Public Works – Transportation

Ord. 7965 G. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance amending Titles 4, 5, 6, 7 and 8, B.R.C. 1981, to modify the general penalty provisions**, by repealing Section 7-5-15 regarding **pedestrian obedience to signal** and Section 7-5-25 regarding **staying on medians** and moving their contents to new Sections 5-6-16 and 5-6-16 in the Boulder Revised Code, and setting forth related details

Council Member Weaver asked for an explanation of the item because it was not clearly stated in the packet.

City Attorney Tom Carr commented that the current practice was to issue warrants for non-jailable offenses and then send them to collections. He was asked to remove this provision because many offenders were unable to pay the fines, so failure to comply offenses would now be punishable as a criminal offense and allow for jail time.

Ord. 7966 H. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance amending Title 5, “General Offenses,” Chapter 5, “Offenses Against Government Operations,” B.R.C. 1981, by adding a new Section 5-5-20 prohibiting unlawful conduct on public property and amending Chapter 2 “General Provisions,”** by amending Section 5-2-4, B.R.C. 1981 **to allow for criminal penalties under the new Section 5-5-20** and setting forth related details

City Attorney Tom Carr noted that this item was to align the municipal code with state law.

Ord. 7967 I. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance amending Sections 4-20-60, “Voice and Sight Control Evidence Tag Fees,” 6-1-16, “Dog Running at Large Prohibited,” 6-13-4, “Voice and Sight Control Evidence Tags Upon Violations,” and adding a new Section 6-13-4.5, “Terms of Voice and Sight Control Evidence tag,” B.R.C. 1981, and setting forth related details**

City Clerk Alisa Lewis noted that staff anticipates that this item may draw a lot of speakers to open comment.

J. Consideration of a **motion to approve** the City Manager’s signature, Jane Brautigam, on **an Intergovernmental Agreement to create a multi-agency Governmental Authority on the Colorado Information Sharing Consortium (CISC)**

Council Member Plass asked why there wasn’t a signature block on the IGA for the city of Boulder.

City Attorney Tom Carr noted he would check into that as the purpose of the item was to authorize the City Manager to sign the document.

4. **POTENTIAL CALL- UP CHECK IN**

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

There were no items listed as potential call-ups.

ORDER OF BUSINESS

5. **PUBLIC HEARINGS**

90 Minutes

A. **Second reading** and consideration of a motion to adopt **Ordinance No. 7959, amending Chapter 7-6, “Parking Infractions,” B.R.C. 1981, by adding a new Section 7-6-30 prohibiting parking by non-electric vehicles at electric vehicle charging stations, amending Section 7-6-2 by adding a penalty of \$20 and setting forth related details**

CAC agreed to schedule this item for thirty minutes.

City Attorney Tom Carr stated that he would like to amend the ordinance to clarify that it was for plug-in electric vehicles only and not all electric vehicles. He noted that the State requires registration and the placement of a sticker on each electric vehicle stating that it is a plug-in vehicle. Enforcement of the proposed ordinance would be far easier if the city added this as a requirement as well. City Attorney Carr indicated that would be a recommended amendment.

Council Member Weaver asked if electric scooters would be included.

City Attorney Tom Carr responded that he would look into it, but he thought their plug was different than those used by electric vehicles.

Council Member Plass noted that ordinance changes on second reading would require a third reading which could be placed on Consent.

1 Hour

B. **Second reading** and consideration of a motion to adopt **Ordinance No. 7962 amending Chapter 6-3, “Trash, Recyclables and Compostables,” B.R.C. 1981, by adding a new Section 6-3-12 requiring bear resistant containers in a designated area of the city; amending Section 6-3-2, by adding new definitions; adding administrative penalties for violations, amending Section 6-12-5, “Containers for Recycling or Composting Collection,” and setting forth related details**

CAC agreed to schedule this item for an hour and a half.

Council Member Weaver asked for an update from Western Disposal and other haulers on how this ordinance would be implemented.

Council Member Plass asked for pricing information for purchase or rental of a bear resistant container and how enclosures would be dealt with by haulers.

City Attorney Tom Carr commented that he would be clarifying the language around the rules the city manager could make regarding the requirements for bear resistant containers.

Council Member Plass asked if representatives from the hauling companies could be invited to speak at the meeting. He suggested Western Disposal, Republic and One-Way Disposal.

6. MATTERS FROM THE CITY MANAGER

1 Hour

A. Consideration of a motion to revise the city of Boulder's 2014 State and Federal Legislative Agenda

CAC agreed to schedule this item for forty five minutes.

15 Minutes

B. Update on 2014 Human Services Fund allocations*

7. MATTERS FROM THE CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

None

45 Minutes

B. Sister City Discussion

This item would be a brief presentation regarding a request for assistance from the Yamagata Sister City Group for hosting a delegation of 35 in May of this year to celebrate the 20 anniversary of the Boulder Yamagata Sister City relationship.

CAC agreed to schedule this item for half an hour.

C. Board and Commission Applicant Request

Council Member Weaver requested that the names of applicants, under the heading of the various Boards and Commissions, be posted on the Board and Commission Web page. Because this is a change from past practice, the CAC suggested this request go to the full council.

CAC agreed this item would be scheduled for fifteen minutes.

Council Member Young asked if the City Attorney's Office could vet the applications for conflict of interest.

City Attorney Tom Carr responded that in the past applicants would contact his office and work through any potential issues.

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*
12. **ADJOURNMENT***

2. February 25 – Study Session – No Meeting

3. Calendar Items

A. Briefing on March 18 – Flood Recovery

Deputy City Manager Paul Fetherston commented that the County Commissioners would be joining Council for this discussion.

Council Member Plass asked the City Clerk to make sure an appointment for the 4:00 p.m. start had gone to all council members..

Deputy City Manager Paul Fetherston noted that the briefing would occur in Council Chambers and would be televised.

4. Additional items

A. Board and Commission Special Recruitment Schedule

Deputy City Clerk Alisa Darrow explained there were no applicants for Landmarks Board, not enough applications received for UHCAMC and that BURA had a resignation that created an additional vacancy that would need to be filled.

City Clerk Alisa Lewis noted that the Landmarks Board vacancy may be filled by another applicant from the annual recruitment or we could hold a special recruitment.

CAC agreed to start the special recruitment on March 19 if there were vacancies remaining.

CAC agreed and asked that an email be send to all Board and Commission applicants asking the following:

- 1) *Were they able to apply for a Board or Commission seat because of the ballot measure that removed the requirement of candidates to be registered electors?*

- 2) *Are they aware of the conflict of interest restrictions that apply to Board and Commission applicants?(City Attorney Carr to provide appropriate language for this portion of the email)*
- 3) *Since there are additional vacancies for BURA, UHCAMC and Landmarks Board, would you be interested in serving on one of these boards if not appointed to the board for which you applied?*

B. YOAB Dinner with Council – Request for May, 2014

CAC agreed to discuss this item after the master calendar was updated.

C. Channel 8 Broadcasting of meetings

Council Member Plass commented that he had received many complaints about the broadcasting of the meetings on Channel 8. He specifically noted camera and sound issues that needed to be resolved.

D. Visitors from Dushanbe

Council Member Weaver noted that there were visitors coming from Dushanbe and he would be meeting with them. They have also requested time with Liz Hanson and Mayor Appelbaum.

City Clerk Alisa Lewis responded that if the Mayor Appelbaum was not available Mayor pro tem Karakehian could be asked to attend on in his stead. The City Clerk's Office will assist in this event.

E. Request from Naropa

Council Member Young noted she would be attending the special event at Naropa on Friday.

CAC adjourned at 8:42 AM.

COUNCIL AGENDA COMMITTEE
March 3, 2014

Present: Mayor Appelbaum; Council Member Shoemaker; Council Member Morzel; City Manager Jane Brautigam; Deputy City Manager Paul Fetherston; City Attorney Tom Carr; Deputy City Attorney David Gehr; City Clerk Alisa Lewis; and Deputy City Clerk Alisa Darrow

CAC convened at 8:00 AM

1. March 5 – Final Agenda

AGENDA

6:00-6:15 PM 1. **CALL TO ORDER AND ROLL CALL***

6:15-7:00 PM 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.

Mayor Appelbaum noted that there may be quite a few speakers coming regarding the green tag ordinance and speakers will likely be limited to two minutes with remaining speakers allowed to address Council at the end of the public hearings.

7:00-7:15 PM 3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time.

A. Consideration of a **motion to approve the City Council Meeting Minutes from November 19, 2013 Morning Meeting***

B. Consideration of a **motion to approve the City Council Meeting Minutes from January 7, 2014***

C. Consideration of a **motion to approve the City Council Meeting Minutes from January 21, 2014**

Mayor Appelbaum noted that on page 16 there was a double negative multiple times and on page 18 at the bottom of the page MPCT 64 is the name of the group, not MPACT 36.

Council Member Morzel noted that on page 14 Council Member Young needed to be capitalized. She also noted that NAMS was Northwest Area Mobility Study.

- D. Consideration of a **motion to approve the City Council Meeting Minutes from February 4, 2014***
- E. Consideration of a motion to **accept the February 11, 2014 Study Session summary** regarding social misbehavior on the municipal campus*
- F. Consideration of a **motion to amend Resolution No. 936 and No. 936A***

Ord. 7965

- G. **Second reading** and consideration of a motion to adopt **Ordinance No. 7964 vacating and authorizing** the city manager to execute a **Deed of Vacation and Quitclaim Deed for the property known as 3211 Pearl and a separate 1,820 square-foot portion of Pearl Street right-of-way generally located east of the BNSF Railway Company crossing,** near the western terminus of Pearl Street along the frontage of 3211 Pearl Street, **and** consideration of a **motion to authorize the city manager,** pursuant to Section 2-2-8, “Conveyance of City Real Property Interests,” **to dispose of the vacated 1,820 square-foot portion of Pearl Street** and setting forth related details*

Applicant: City of Boulder, Public Works – Transportation

Ord. 7966

- H. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance amending Titles 4, 5, 6 and 8, B.R.C. 1981, to modify the general penalty provisions** and amending Titles 5 and 7 by repealing Section 7-5-15 **regarding pedestrian interference with vehicles** Section 7-5-25 regarding **staying on medians** and adding those provisions to new Sections 5-6-15 and 5-6-16, B.R.C. 1981, and setting forth related details*

Ord. 7967

- I. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance amending Title 5, “General Offenses,” Chapter 5, “Offenses Against Government Operations,”** B.R.C. 1981, by adding a new **Section 5-5-20 prohibiting unlawful conduct on public property and amending Chapter 2 “General Provisions,”** by amending Section 5-2-4, B.R.C. 1981 **to allow for criminal penalties under the new Section 5-5-20** and setting forth related details*

- J. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance amending Sections 4-20-60, “Voice and Sight Control Evidence Tag Fees,” 6-1-16, “Dog Running at Large Prohibited,” 6-13-4, “Voice and Sight Control Evidence Tags Upon Violations,” and adding a new Section 6-13-4.5, “Terms of Voice and Sight Control Evidence tag,”** B.R.C. 1981, and setting forth related details

Mayor Appelbaum asked for the cost analysis to be included with second reading. He noted that Council had been concerned about the high cost of implementation.

- K. Consideration of a **motion to approve** the City Manager’s signature, Jane Brautigam, on **an Intergovernmental Agreement to create a multi-agency Governmental Authority on the Colorado Information Sharing Consortium (CISC)***

4. POTENTIAL CALL- UP CHECK IN

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

ORDER OF BUSINESS

5. PUBLIC HEARINGS

7:15-7:45 PM

A. **Second reading** and consideration of a motion to adopt **Ordinance No. 7959, amending Chapter 7-6, “Parking Infractions,” B.R.C. 1981**, by adding a new Section 7-6-30 **prohibiting parking by non-electric vehicles at electric vehicle charging stations**, amending Section 7-6-2 by adding a penalty of \$20 and setting forth related details*

7:45-9:15 PM

B. **Second reading** consideration of a motion to adopt **Ordinance No. 7962 amending Chapter 6-3, “Trash, Recyclables and Compostables,” B.R.C. 1981**, by adding a new Section 6-3-12 **requiring bear resistant containers in a designated area** of the city; amending Section 6-3-2, by adding new definitions; adding administrative penalties for violations, amending Section 6-12-5, “Containers for Recycling or Composting Collection,” and setting forth related details

Mayor Appelbaum noted that on page 183 defining bear resistant containers as plastic could be problematic. He also commented that on page 178 there was a typo on line 11.5 regarding where trash would be secured.

Council Member Morzel asked how compost would be dealt with and asked staff to address backyard composting.

City Attorney Tom Carr stated that the code already covered compost and he would have that information available for Council at the meeting.

Mayor Appelbaum commented that the definition of refuse attractants was confusing and asked that it be reworded.

Council Member Morzel noted problems with bears in her area east of Broadway that had gone unreported and indicated that she would bring up whether west of Broadway was realistic or whether it need to be citywide.

Mayor Appelbaum suggested additional time be given to the Department of Wildlife at the meeting.

CAC agreed that it would offer additional time to representatives from the Department of Wildlife rather than make them sign up and speak for only three minutes under the public hearing. They will be allowed to speak after the staff presentation.

6. MATTERS FROM THE CITY MANAGER

9:15-10:15 PM

A. Consideration of a **motion to revise** the city of **Boulder's 2014 State and Federal Legislative Agenda**

Mayor Appelbaum noted that there was a request to support SB-14-125 relative to ride sharing. He commented that the Mayor's Consortium of Cities had expressed numerous concerns regarding the ability to deny ride sharing to certain areas based on the driver's preference. He also commented that he wanted to ask Carl Castillo to give an update on the recent Washington D.C. trip that he, Council Member Karakehian, key Boulder and University of Colorado staff participated in last week.

Relating to SB-14-125, Council Member Morzel wondered if other communities were using similar legislation.

Mayor Appelbaum wondered how a taxi with one passenger was considered as taking a car off the road.

CAC agreed to schedule this item for 45 minutes.

10:15-10:45 PM

B. Update on 2014 Human Services Fund allocations*

7. MATTERS FROM THE CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups*

None

10:45-11:00 PM

B. Board and Commission Applicant List Posting Request

This item reflects a request to post the list of applicants for the vacant positions on the city's Boards and Commissions. This would be a new policy of the council so should be discussed by the council as a whole.

Mayor Appelbaum commented that he would also raise his concern with the direction of CAC at its February 24th meeting to send a survey to board and commission applicants.

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*

12. ADJOURNMENT*

2. March 6, 11 and 13 – Board and Commission Interviews 6:00-9:00 PM

City Clerk Alisa Lewis reminded Council that Board and Commission interviews would be held on March 6, 11 and 13 from 6-9:00 PM.

3. Calendar Items

A. Briefing – Boulder Office of Emergency Management, Flood Recovery and Emergency Preparedness – March 18 from 4 – 5:30

City Manager Jane Brautigam noted that Mike Chard would be making this presentation and she wanted to give Council time for questions and dinner before the meeting.

B. April 22 Study Session

a. Budget/Ballot and Resilience; or*

b. Resilience Briefing, Budget/Ballot and The Hill

City Manager Jane Brautigam explained the purpose of the meeting and that staff preferred to have a briefing and a full study session including The Hill.

CAC agreed to option B for the April 22, 2014 study session, with the briefing beginning at 5:00 PM.

C. Request for Briefing on Climate Commitment – April 29

CAC agreed to schedule this briefing at 5:00 PM on April 29.

D. Request for Briefing on Utility Transition Work – May 13

CAC agreed to schedule this briefing at 5:00 PM on May 13.

4. Additional items

A. Request for YOAB Dinner with Council – May 27

Mayor Appelbaum commented that he would not be in town due to Memorial Day weekend.

Council Member Morzel stated she may not be there either.

CAC agreed to schedule this dinner on May 27, 2014 at 4:30 PM.

P.S. Staff heard back later today that the May 27 date will not work for YOAB. Therefore staff will bring another date forward for CAC consideration.

B. Daily Camera Building

Mayor Appelbaum asked when a change is substantial enough to go above staff for approval. He was specifically concerned about modifications being requested to the old Daily Camera building that quite different from the original proposal. He further expressed concern that the community might be very displeased that this change was occurring.

Deputy City Attorney David Gehr commented that there were provisions in the code that would drive who has what discretion over modification requests.

Mayor Appelbaum was concerned about changes to the parking proposal that would remove the theater in the building. He noted that Council Member Weaver may raise this issue at the meeting on March 5, 2014.

Staff was asked to be prepared to provide an update on this issue.

CAC adjourned at 8:45 AM.

**Items not addressed at CAC*

Council Master Calendar will be attached to future CAC Summaries once updated