

**Boulder of Boulder  
City Council Retreat  
January 23 - 24, 2015  
East Boulder Community Center - 5660 Sioux Dr.**

**Agenda**

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**Council Retreat: Friday, January 23, 2015**

**4:00 pm**      **Welcome and Agenda Review**

**4:05 pm**      **Going Deeper (3 minutes total for each council member for both items)**

1. Council members will each speak to an event or action that had a profound impact on them personally in the past year.
2. Council members will identify a specific Council action in 2014 of which they are particularly proud or by which they were particularly impacted.

**4:40 pm**      **Council Agreements, Procedures, and Committee Assignments**

1. Meeting Management (20 minutes)
  - o Start times
  - o Meeting Duration and how to make/keep efficient
2. Do we want to establish a permanent Boards & Commission Committee? (10 minutes)
  - o If so, what is responsibility
3. Chair flexibility regarding public comment length (10 minutes)
4. Re-examine/Reconfirm protocols around when we need Nod of 3, Nod of 5 (10 minutes)
5. Keeping Council in the loop (avoiding surprises) (10 minutes)
  
6. Do we need to change any external/internal committee assignments? (10 minutes)

**5:50 pm**      **Working Dinner – Council procedures continued**

**6:30 pm**      **Discussion: Council Priority Topic #1 - Bike Rack Items from 1/13 Study Session**

1. Cottage Industries – Local Food
2. Owner-Occupied time of sale – Energy efficiency ordinance
3. Follow-up process on Landmark Certifications
4. Demolition ordinance
5. Overarching Issues OSMP/ NTSA – timing, public engagement, improvements
6. Extension of Boulder Junction Access Districts - combine boards and extend boundaries
7. Hospital Sites - Mapleton, Broadway and Arapahoe

**8:00 pm**      **Enforcement Discussion**

1. Staff Report about how consolidating and transferring many code enforcement responsibilities to police has been working
2. Short-term (VRBOs) and long-term rental licensing enforcement--how new FTEs and code simplification could improve situation

**8:30 pm**      **Adjourn**

## Council Retreat: January 24, 2015

- 8:30 am**      **Continental Breakfast**
- 9:00 am**      **Review of Discussion and Outcomes on Day One of the Retreat**
- 9:15 am**      **Discussion: Council Priority Topic #2 – Code Changes**  
1. Priorities  
2. Sequencing – (use Pilot projects as a tool)  
(Revisit at end of day to see how code priorities fit with other work plan priorities)
- 10:15 am**      **BREAK**
- 10:30 am**      **Discussion: Council Priority Topic #3 – Housing**  
1. Should we appoint a Housing Board?  
2. Should we appoint 2 Council reps to a Housing Process sub-committee?  
3. Is there agreement on the proposed six-month plan to develop a Housing Strategy?  
4. What should be the response to request for more funding and incentives for affordable housing and middle income housing?  
5. What should be the response to Landmark’s proposal for incentives to preserve smaller historic homes and structures?
- 12:30 pm**      **LUNCH**
- 1:00 pm**      **Discussion Council Priority Topic #4 – All Things Planning  
Boulder Valley Comprehensive Plan**  
1. Is the Foundational Work sufficient?  
2. What is the appropriate time line?
- Other Development Issues: what are work plan trade-offs**  
1. Should we schedule a Council discussion to define community benefit and, if so, when?  
2. Timing and sequencing of proposed short-term priority planning projects—e.g., Hospital Sites – (Mapleton, Broadway and East Arapahoe medical offices).  
3. Linkage fees, MU-1 zoning changes, energy measures in support of municipalization as described in planning board packet.
- 3:00 pm**      **Circle back and check-in on Code Change Priorities**  
1. Do the prioritized code changes align with other planning priorities?
- 3:30 pm**      **Finalize Work Plan for 2015**  
What does the Work Plan look like now? Can we still accomplish everything on it?
- 4:00 pm**      **Adjourn**

### Attachments:

- A. Effective Meetings
- B. Council Agreements, Procedures, and Committee Assignments
- C. Additional input from HRC
- D. Report From the City Manager

## EFFECTIVE/EFFICIENT MEETING DISCUSSION

Submitted by Council Member Karakehian

Below are ideas I have accumulated regarding managing our Council meetings more efficiently. There is no preference to this list.

#1 Earlier start time combined with fixed finish time.

#2 The following items could all begin at a potential 5:00 pm start time

- \*Science Tuesdays

- \*Proclamations

- \*Open Comment

- \*Landmarking

#3 As has been agreed in council rules Council Members should self-limit themselves in discussion to 3 minutes and should say they agree with other members comments by saying "I agree". Long discussions can be shortened by emails in advance to staff and Council.

#4 Better time management by Mayor/Mayor Pro Tem during meetings by moving Council members along when appropriate. This could be accomplished through continual time check-ins by the Mayor Pro Tem.

#5 More efficient staff presentations.

#6 CAC is the key to meeting length. Efficient meetings begin at CAC. Meeting length negatively affects public, staff and Council Members.

In closing, it appears that 2015 meetings and study sessions will be packed full. Perhaps we should consider an extra full Council meeting per quarter. We can always cancel if not necessary. Is it better to have an Extra meeting than a midnight Meeting??

## **Council Working Agreements**

### **Council Process:**

- The council will work on general discipline in being prepared to ask questions and make comments.
- The council asks the mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.
- During a council meeting, any form of electronic messages, including emails and texts, that relate to matters being considered and which arrived at any time during that meeting shall not be read by council members, nor shall any messages on matters under consideration be sent by council members.

### **Council Communication:**

- Council members agree to keep quasi-judicial roles scrupulously separate between members of boards and members of council, avoid expressing ideas to board members on things coming before the board, and carefully disclose or recuse themselves when there is involvement with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, through hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The council will find ways to support majority council decisions and adequately inform the public, through responsive letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

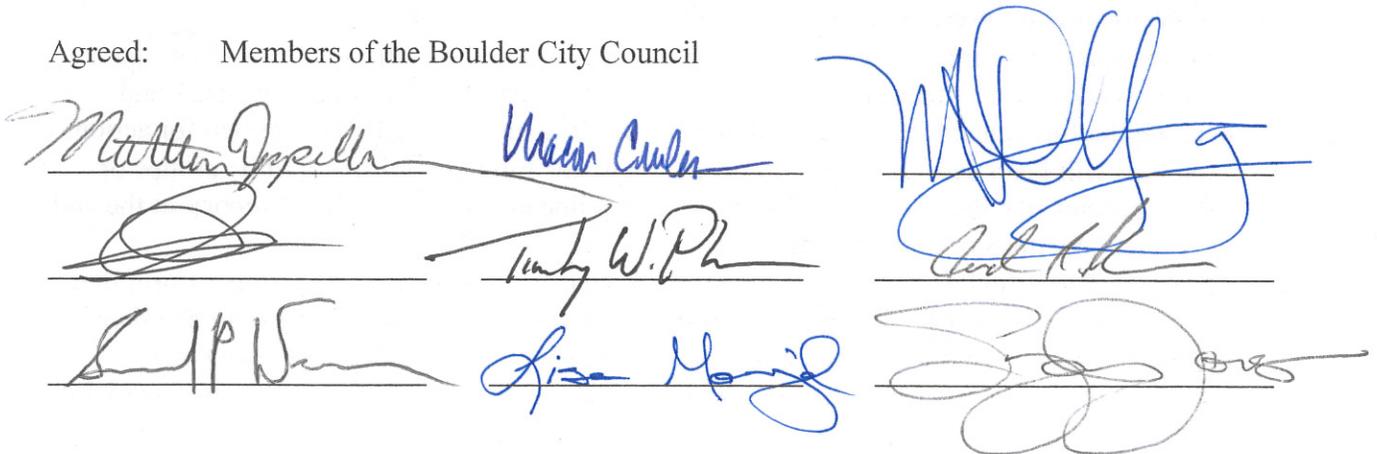
**Council Committees:**

- Council committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.

**Selection of Mayor and Mayor Pro Tem:**

- Council members will make a good faith effort to select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
  - make their interest in the positions known to their fellow members as soon as possible;
  - focus their communication with other council members on the positive attributes the member brings to the positions; and
  - refrain from any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals' presentations may include, but need not be limited to the following:
  - the skills and attributes the member would bring to the mayoral position;
  - the member's ability to efficiently run council meetings, respect the views of the minority while allowing the majority to rule, and perform other mayoral duties;
  - how the member would represent the city and city council and mayor position at gatherings outside of city council meetings
  - how the member would serve on and appoint other council members to regional and national boards and commissions; and
  - how the member would promote trust of the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed: Members of the Boulder City Council



The image shows nine handwritten signatures in blue ink, arranged in three rows and three columns. Each signature is written over a horizontal line. The signatures are: Row 1: Matthew Appella, Warren Cullen, [unclear]; Row 2: [unclear], [unclear], [unclear]; Row 3: [unclear], Lisa Meryl, [unclear].

Approved by Council: January 21, 2014

## **COUNCIL PROCEDURE**

### **( Excerpt from the Boulder Revised Code 1981, Appendix to Title II.)**

This procedure is intended to govern the actions of the city council in the general conduct of its business and to serve as a reference in settling parliamentary disputes. In handling routine business, the council may by general consent use a more informal procedure than that set forth in this procedure.

This procedure may be suspended at any time by vote of five council members or of two-thirds of the council members present, whichever is the greater.

#### **I. Presiding Officers: Mayor and Mayor Pro Tem**

Council members shall be selected to serve as mayor and mayor pro tem. The mayor pro tem shall fulfill the position identified as "acting mayor" in Charter [section 15](#). All council members are equal; the mayor and mayor pro tem have no additional authority except as set forth in the City Charter, the City Code, or in these procedures. The mayor, or the mayor pro tem in the mayor's absence, shall serve as the chair of the council. The mayor or the mayor pro tem are responsible for conducting meetings in an orderly and democratic manner and assuring that minority opinion may be expressed and that the majority is allowed to rule. At the same time, the mayor and mayor pro tem retain all of the prerogatives of a duly elected council member: The mayor or mayor pro tem may make and second motions and take part in discussions and must vote on all matters not involving their personal financial interest or official conduct. In addition to chairing council meetings, the mayor is frequently called upon to perform certain ceremonial duties or to serve on intergovernmental committees. Whenever possible, the mayor shall attempt to share these responsibilities equitably among the other council members, including the mayor pro tem.

#### **II. - Communication With Council**

It is very important for the council to hear the views of members of the public. There are several ways in which a person can participate.

- (1) City phone numbers and e-mail addresses are provided to reach all council members.
- (2) Electronic means of communication with and from council members as a group is provided through Hotline and Council Correspondence on the City's website. The Hotline is an electronic means for council members to ask questions of staff and convey information to the public that is posted in a manner that is available to the public on the City's website. Staff responses to Hotline questions of council members are posted on Hotline in order to be available to the public. The City's website contains a Council Correspondence e-mail which directs the comment of the person to each council

member and many staff members. The city manager's office directs questions from Council Correspondence to the appropriate staff member for response. Computers are available at city libraries for those who may not be able to view the City's website from other locations. In addition, printed versions of the Hotline and Council Correspondence postings are kept in chronological order and available for public viewing at the City's central records office.

- (3) Open Comment. At the beginning of every formal council meeting, forty-five minutes are set aside for open comment. During the time, members of the public are invited to express their views on any issue, except those set for public hearing later in the meeting. Members of the public who wish to comment on call up items listed under Agenda Item 8 will be added to open comment if they have signed up before 5:45 p.m.
- (4) Public Hearings. Public hearings are held to seek input on a particular ordinance or policy decision. These hearings provide an organized forum to address a particular subject. Statements made during a public hearing become part of the record for council's decision on the issue. Quasi-judicial hearings have different procedures addressed in chapter 1-3. These council procedures do not address procedures for quasi-judicial matters.
- (5) Comment on Motions Made Under Matters. The council will consider motions arising from matters raised by the mayor, members of council, the city manager, or the city attorney. No vote will be taken on these motions until the public has been given an opportunity to comment.

### **III. Agenda**

- A. Notice. The printed agenda is generally distributed to council members no later than the Thursday preceding the council meetings, whether regular, special, or continued meetings. Items will generally not be added, but may be added or deleted with the consent of the mayor. Whenever practicable, notice shall be given of all agenda items by publication of the title or a general description thereof in the Boulder Daily Camera on the weekend preceding the council meeting. However, failure to give such notice shall not invalidate any action taken by the council, and such provision shall not apply at all to items adopted by emergency.
- B. Council Agenda Committee (CAC). Items are placed on the agenda by the staff, with the approval of the members of an agenda committee in attendance at a meeting called by the mayor to review the agenda, which normally takes place in the manager's office on Monday mornings. In addition to the mayor and the council member designated as the acting mayor (generally referred to as the mayor pro tem), the council designates a third council member for six to seven weeks at a time (depending on the council meeting cycle) to serve on the agenda committee. A sign-up list is circulated to council members, from alternating ends of the council table each time it is circulated, until all time blocks are filled for that time period. Replacements are solicited from all remaining council members whenever an agenda committee member cannot attend a meeting. If more council members wish to

attend than there are vacancies, the mayor makes the appointment. Meetings of the agenda committee are open to the public and the press/media, but are not advertised. No more than four council members may attend an agenda committee meeting at any time. "Drop-ins" should notify the mayor in advance whenever possible. Presence of staff members at agenda committee meetings is subject to the discretion of the city manager.

- C. Quarterly Agenda Review. At least once a quarter, the agenda committee holds an agenda review to review the successes and the difficulties of the council in dealing with agenda items during the preceding calendar quarter and to schedule agenda items for the next calendar quarter, when such items are known in advance. The agenda committee reports on its agenda review to the council as a whole.
- D. CAC Mission. Representing the views of the entire city council, the agenda committee: 1) sets the agenda for council meetings and study sessions; 2) comments on written agenda materials to assure that all reasonable questions anticipated from the public and any member of the council are answered; 3) acts as a sounding board for staff; 4) informs the city council and staff of emerging issues; 5) requests that staff supply information to the council concerning emerging issues; and 6) discusses correspondence, faxes, and e-mail to the mayor and the city council and responses to open comment. The agenda committee assigns the responsibility for drafting and signing such responses. Responses are placed in a binder in the council office, so that council members can be assured that the public's concerns have been addressed. But individual council members may respond as well, at their discretion. 7) The agenda committee determines when boards and commissions should be requested to address the council concerning their deliberations, and when matters should be referred back to a board or commission before council action is scheduled. Generally, it is expected that boards and commissions with an adopted mission statement that includes a certain area of concern will be asked to advise council about any agenda item dealing with that area of concern. 8) The agenda committee also establishes check points for council input on important staff projects. 9) Agenda committee minutes are made available to the council on the morning following the day of the agenda committee meeting whenever possible by e-mail. Recommendations and information are segregated in the minutes. The approved draft agenda is attached.
- E. CAC Ground Rules.
  - 1. No Decisions. The agenda committee should not make a "decision" on anything except for specific decisions relating to the council agenda and assignment of correspondence for a response.
  - 2. No References. Agenda committee members should avoid reference to the meeting in debate, as by statements such as: "This was discussed in the agenda committee meeting," or "We dealt with that question in the agenda committee meeting." Above all, there should be no reference to any "decision" having been made by the agenda committee.

3. CAC Communications With Council. If, as a result of an agenda committee meeting, the committee determines that it is necessary to contact the remaining council members to convey information or to obtain advice about proposed staff action, staff should contact each available council member. Council members, including agenda committee members, generally should not be involved in such communications. But this does not restrict any council member from contacting other council members and conveying any information or requesting any advice or action. Agenda committee and other council members may use a telephone (or e-mail or fax) tree to communicate with other council members about any matter, but such process should not substitute for staff action as set forth above, and is subject to the "open meeting" requirements of state law (§ 24-6-402(2)(d)(III), C.R.S.).
  4. CAC to Focus on Council Concerns Rather Than Personal Point of View. It is not appropriate for agenda committee members to use the agenda committee meeting to advance their own political agendas or points of view. This is conceded to be difficult to avoid, especially when three council members are discussing an upcoming decision, but it is essential.
  5. CAC Not to Indicate Council Support. Prior to approval by the council, the agenda committee and staff are prohibited from indicating any city commitment to city sponsorship or support of an event or to city support for a development proposal.
  6. Questions to CAC. Council members are urged to send questions, comments, and suggestions to the staff or to members of the agenda committee prior to its meeting. The agenda committee will endeavor to discuss all such questions, comments, and suggestions at its meeting.
  7. Postponement of Issues. It is acceptable for members of the city council to ask for postponement of issues to accommodate a brief absence, when the rescheduling will not inconvenience other council members and the individual council member has a significant interest in the particular issue being decided. However, no council member has a right to require such a change, and the decision of the CAC is generally treated as final, although the council is, as always, the final decision maker.
  8. No Rule of Three. Meetings of the CAC shall not be used to indicate a "rule of three" for information/research requests. See section VIII, Research and Study Sessions, subsection A, Information/Research Requests/Rule of Three.
  9. Tuesday Meetings. CAC shall not schedule council meetings on dates other than Tuesdays without polling the entire council for their availability.
- F. Consent Items, Urgent Items, Time Budget, and Order of Agenda. The CAC designates potential consent items, so that they can be dealt with in a summary fashion. Although consent items are separately listed on the agenda, the mayor asks for any objection from the city council, and, hearing none, requests a motion to approve the consent agenda. The CAC also designates urgent items, for which delay is not possible or inadvisable, so that the council can deal with such items prior to adjournment. The CAC sets the order of the agenda.

#### IV. - Council Meeting Agenda

Council meetings shall be conducted as follows:

1. Call to Order and Roll Call. Meetings are generally called to order at 6 p.m. sharp.
2. Open Comment.
  - a. Time for open comment on any subject not scheduled for public hearing is provided for at each regular business meeting of the council. Up to forty-five minutes is provided at the beginning of the meeting. If all of the speakers that want to speak to the council on any topic not scheduled for public hearing cannot speak during that time, additional open comment time is on the council's agenda later in the business meeting, after the items with public hearings have been heard. Provided however, the mayor may extend the Open Comment period to give individuals seeking to comment on consent agenda items or potential call-up items an opportunity to be heard. During open comment, an individual speaker can speak for up to three minutes. However, a speaker's time may be limited to two minutes if more than fifteen people have signed up to speak. Three or more people can pool their time so one speaker can speak for five minutes if all of the people pooling time have signed up to speak when the spokesperson is called to speak and are in the council chambers when the speakers are called. The five minutes of pooled time can be reduced to four minutes by the presiding officer if the time for individuals has been reduced to two minutes.
  - b. A speaker shall begin by stating his or her name and address. If a speaker believes that providing such information would put the speaker at risk, the speaker need not disclose his or her name or address, but should say whether or not he or she resides in the City of Boulder.
  - c. Sign up for speakers will be available via the internet as soon as the agenda for the meeting is made available. Individuals may sign up to speak in person at council chambers beginning at 5:00 p.m. on the day of the meeting. All speakers who have signed up prior to 4:30 p.m. on the day of the meeting will be included in a speakers' pool. Speaking slots will be assigned at random from the speakers' pool regardless of the time at which the speaker signed up. Speakers signing up after 4:30 p.m. will be heard after those in the speakers' pool.
  - d. Prior to the end of Open Comment, the mayor shall announce the end of the opportunity to sign up to speak.
3. Consent Agenda. Including generally, but not strictly limited to:
  - a. Minutes. Minutes of previous meetings are approved as made available beforehand, and as corrected by the city clerk, in response to council suggestions, in the discretion of the clerk. This procedure should not be used to alter remarks to express a more considered point of view. Such remarks should be made under item 8, Matters From Mayor and Members of Council. A motion to approve the minutes is deemed to include such corrections, as well as any corrections made at the meeting.

- b. First Readings. Although generally calendared as part of the consent agenda, the city manager may request that a particular first reading be scheduled early on the agenda when staff/council interaction on the item is important on first reading. See section V, Procedure in Handling Ordinances, Resolutions and Important Motions, subsection C, First Reading.
4. Call-Up Check-In. Call-ups (typically appeals to council) are considered during item 8, Matters From Mayor and Members of Council. During call-up check-in, council members are provided an opportunity, and are generally expected, to announce that they have questions or concerns with respect to a potential call-up. This advance warning, while not binding on any council member, would generally indicate those potential call-ups for which staff or interested parties should be present. Notwithstanding the failure of any council member to indicate questions or concerns, Council may still consider any potential call-up should a council member change their views during the meeting.
5. Public Hearings. Expected substantial public comment items are generally placed first on the agenda, in the order of public interest in the item, as anticipated by the council agenda committee, but critical short items may be placed first when deemed appropriate by the agenda committee. Items from the city manager, city attorney, or mayor and members of council which are of substantial public interest are placed in this section of the agenda, in the order of public interest. Speaking rules are the same as for open comment, except that there is no electronic signup for speakers for public hearings. An applicant may request additional time as reasonably required to present his or her case. In response, the mayor may designate a longer time period for applicants, generally not to exceed fifteen minutes and to occur immediately upon the opening of the public hearing, in order to give the public an opportunity to respond. Additional support for applicant's positions should come from individual witnesses. Board or commission members, whose board or commission acted on a matter and who have been designated to speak by the board or commission, will be allowed to speak during staff presentation or at the beginning of the public hearing. A board or commission may designate a person who voted with the majority or a person who voted with the minority or one speaker from each side.
6. Matters From the City Manager. No final decision may be made under this item, or item 7, Matters From the City Attorney, or 8, Matters From Mayor and Members of Council, until after an opportunity for public comment, as provided in item 9, Comment on Motions Made Under Matters. Proposed decisions are announced by the mayor prior to item 9, Comment on Motions Made Under Matters, to allow for public testimony, council questions, staff response, council motion, consideration, and debate, and an informed final decision.
7. Matters From the City Attorney.
8. Matters From Mayor and Members of Council. At this point, any council member may place before the council matters which are not included in the formal agenda. This item is generally limited to responses to open comment, appointments to boards and commissions, sharing of information, and requests for advice concerning matters pending before other bodies, consideration of call-ups, requests for staff work, and

requests for scheduling future agenda items. Matters requiring a formal council vote, such as motions to sponsor an event or to allocate funds, are normally placed on the agenda through the regular agenda review process, rather than dealt with under this item.

9. Comment on Motions Made Under Matters. Prior to council decisions on motions, an opportunity shall be given for public comment on such motions. The rules are the same as for open comment, but with a fifteen-minute total time limit. This time may be extended at the mayor's discretion.
10. Decisions on Motions. Final decisions on items discussed under items 6, Matters From the City Manager, 7, Matters From the City Attorney, and 8, Matters From Mayor and Members of Council.
11. Discussion Items. Discussion items are generally scheduled for study sessions rather than council meetings.
12. Debrief. Council will have a brief discussion of no more than five minutes for council members to discuss issues regarding that evening's meeting. The discussion is intended to identify issues to be addressed by the Council Agenda Committee or by the council at a future meeting. This time should not be used to revisit arguments raised earlier in the meeting. The intent is to improve council's process by identifying issues concerning process, scheduling, and meeting implementation while fresh in council members' minds to allow for later discussion and resolution.
13. Adjournment. The council's goal is that all meetings be adjourned by 10:30 p.m. An agenda check will be conducted at or about 10:00 p.m., and no later than at the end of the first item finished after 10:00 p.m. Generally, absent a deadline which the council cannot affect, no new substantial item will be addressed after 10:30 p.m. The Debrief is not a substantial item. No new item shall be introduced after 10:30 p.m. unless a majority of the council members in attendance at that time agree. All council meetings shall be adjourned at or before 11:00 p.m., unless the meeting is extended by a vote of two-thirds of the council members present.

- **V. Rules of Speaking**

- A. Mayor Directs Meeting. To obtain the floor, a council member or staff member addresses the mayor.
- B. Assignment of Floor. To assign the floor, the mayor recognizes by calling out the council member's name. Only one council member may have the floor at a time. A council member shall not speak while another has the floor, except to make a point of order. The mayor generally next recognizes the council member who first asks for the floor after it has been relinquished. The mayor may, in his or her sole discretion, temporarily suspend the rules of speaking in order to permit a direct colloquy between council members with respect to an issue or motion properly before the council. All council members and staff members are requested to direct their remarks to the council action under consideration.
- C. Outline of Decisions. The staff and the mayor should attempt to focus discussion of agenda items in accordance with the materials, which should contain a proposed outline of decisions.

- D. Minimize Debates Prior to Public Hearings. Council members should minimize debate prior to public hearings and use the period prior to public hearings to ask questions for clarification rather than to lecture, give speeches, score debating points, or ask rhetorical questions. The mayor may intervene to avoid extended debate prior to public hearings.
- E. Minimize Debates After Decisions. Council members should minimize debate after decisions and move on to the next item.
- F. Motions to Table. Tabling motions are generally discussed before they are made, in order to allow for a reasonable amount of council discussion prior to making a non-debatable motion.
- G. Early Warning Process. Council members should give early warning to the mayor and the city manager whenever substantial opposition is anticipated to an agenda item, so that an appropriate staff and council response can be prepared.
- H. Rotation of Questions. Questions are rotated so that, to the extent practicable, different council members are given the lead on each agenda item and questions are grouped by subject matter whenever it is practicable to do so.
- I. Mayor May Intervene. The mayor may intervene in council debate in order to solicit a motion after five to ten minutes of debate, seek to wrap-up discussion when debate seems to be proceeding longer than warranted, determine whether council wishes to postpone council action when more information or staff work appears warranted to facilitate a council decision, and ask council to group follow-up questions by topic.
- J. No Surprises. Council members will make every effort not to surprise each other by bringing up something new at a meeting, and rather will give notice of their intention to do so as soon as practical before the meeting.

- **VI. - Procedure in Handling Motions**

- A. Making a Motion. A council member, after obtaining the floor, makes a motion. (If long or involved, it should be in writing.) The council member may state reasons briefly before making the motion; but may argue the motion only after it has been seconded; and having spoken once may not speak again until everyone who wishes to be heard has had the opportunity to speak, except to answer questions asked by other council members. Having made a motion, a council member may neither speak against it nor vote against it.
- B. Seconding a Motion. Another council member seconds the motion. All motions require a second, to indicate that more than one member is interested in discussing the question. The seconder does not, however, have to favor the motion in order to second it, and may both speak and vote against it. If there is no second, the mayor shall not recognize the motion.
- C. Stating the Motion. The mayor states the motion and asks for discussion.
- D. Debate. General debate and discussion follow, if desired. Council members, the city manager, the city attorney or the city clerk, when wishing to speak, follow the rules of speaking outlined above. The speaker's position on the motion should be stated directly:

"I favor this motion because...," "I am opposed to this because...," etc. Remarks should be addressed to the mayor.

- E. Question. The mayor restates the motion and puts the question. Negative as well as affirmative votes are taken.
  - 1. If the mayor is in doubt of the result of a voice vote, the mayor may call for raising of hands or a roll call vote.
  - 2. If any council member is in doubt of the result of a voice vote, the council member may obtain a vote by raising of hands or by roll call by calling for it (without need to be recognized by the mayor).
  - 3. In case of a tie vote, the motion is lost.
- F. Result. The mayor announces the result. The motion is not completed until the result is announced.

- **VII. - Procedure in Handling Ordinances, Resolutions and Important Motions**

- A. Two Readings. All ordinances require at least two readings, since the city charter requires ten days' advance publication in final form. The agenda committee may require similar publication of complex or important motions and resolutions, in order to assure informed public participation.
- B. Notice. All documents delivered to council members' residences or electronically prior to any meeting shall be deemed to have been received and read, unless a council member indicates to the contrary during consideration of the matter. In the event that a council member has not received and read the document in question, the mayor shall determine an appropriate course of action, which may consist of an explanation of the substance of the document by a person familiar with its contents, or a recess. Abstentions are not permitted by the city charter under these circumstances.
- C. First Reading. On first reading, the clerk reads the title or the general description of the item set forth on the agenda, and the council has an opportunity to ask questions of the staff. Whenever practicable, council members ask first reading questions in writing or by e-mail to "Hotline" in advance of the meeting. Any remaining questions are asked at the meeting. The deadline for first reading questions is noon on the day following the meeting. Complex questions are subject to the "rule of five" for information and research requests set forth in section VIII, Research and Study Sessions, subsection A, Information/Research Requests/Rule of Three. The mayor then requests an appropriate motion. However phrased, an affirmative motion is construed as one to order the item published. Unless otherwise stated in the motion, all publication shall be by title only. The mayor then states the question, followed by proposal of amendments, if any, restates the question if necessary, and puts the question to a vote. After the conclusion of the vote, the mayor declares the item to have been ordered published or to have been rejected for publication. Publication does not constitute substantive approval of an item.
- D. Second Reading. On second reading, the clerk reads the title or the general description of the item set forth on the agenda, followed by the staff presentation, and then the council

has an opportunity to ask questions of the staff. Thereafter, the mayor opens a public hearing and supervises the public hearing. If any council member wishes, questions may be asked of persons testifying. Council may consider a response to public testimony at the meeting, and the agenda committee may consider a response the following week, but the normal response is in the council members' actions on the agenda. The mayor then requests an appropriate motion. The motion should be one to adopt the ordinance, and, however phrased, an affirmative motion shall be so construed. Unless otherwise stated in the motion, all publication shall be by title only. The mayor then states the question, followed by discussion by the council, the city manager and the city attorney and dialogue with staff in response to questions raised by the council, followed by debate, proposal of amendments, if any, and consideration thereof in the form of motions. After debate, the mayor restates the question and requests that the clerk conduct a roll call vote. After the conclusion of the roll call vote, the mayor declares the ordinance adopted or defeated.

- E. Resolutions. Resolutions are handled in the same manner as the second reading of an ordinance, except that the vote need not be by roll call.
- F. Emergencies. Ordinances may be passed by emergency on first or second reading, upon appropriate findings of urgency and need. In the event of passage by emergency on first reading, the first reading is handled in the same manner as the second reading of an ordinance, and the second reading is omitted.
- G. Amendments. Non-emergency ordinances which are amended in substance rather than in form on second reading are republished in the same form originally published (either in full or by title only), as amended, and voted on again at a third reading, without further staff presentation or public hearing. The council retains the discretion to set a public hearing on third reading by majority vote. The same procedure applies to later substantive amendments as well.

- **VIII. - Voting**

Voting ultimately decides all questions. The council may use any one of the following ways of voting:

- A. Voice Vote. All in favor say "aye," and all opposed say "no." The mayor rules on whether the "ayes" or the "nos" predominate, and the question is so decided.
- B. Raising of Hands. All in favor raise their hands, and then all opposed raise their hands. The mayor decides which side predominates and notes dissents for the record.
- C. Roll Call. The clerk calls the roll of the council members, and each member present votes "aye" or "no" as each name is called. The roll is called in alphabetical order, with the following special provision: On the first roll call vote the clerk shall begin with the first name on the list; on the second vote, the clerk shall begin with the second and end with the first; and so on, continuing thus to rotate the order. This rotation shall continue from meeting to meeting.

- **IX. - Nominations and Elections**

The mayor and mayor pro tem shall be selected in the following manner:

- A. On the second Tuesday in November, of every odd-numbered year, at 6:00 p.m. council members and council members elect shall gather in council chambers for the purpose of expressing interest in nomination for mayor and/or mayor pro tem for the new council. The mayor shall chair the meeting. Any council member with an unexpired term or council member elect may express his or her interest in serving as mayor or mayor pro tem. Any person expressing an interest shall make a speech regarding his or her qualifications for either or both positions. Each candidate shall make only one speech regardless of whether the council member is seeking either position or both positions. No speech shall exceed five minutes in length.
- B. The council meeting convened pursuant to Charter [section 9](#), on the third Tuesday in November of odd-numbered years, shall be chaired by the council member with the most consecutive years of service on the council who did not express an interest in serving as mayor or mayor pro tem at the meeting on the second Tuesday in November. If there is more than one council member with the most consecutive years of service on council not seeking to be elected mayor or mayor pro tem, the city clerk shall place the names of each such council member in a container and select one who shall preside at the convening meeting.
- C. In the interest of transparency and public participation, after the new council members are sworn in pursuant to [section 9](#) of the charter, the meeting convened at 10:00 a.m. on the third Tuesday in November shall be continued until 6:00 p.m. At that time, the council shall hold a public hearing on the selection of the mayor and mayor pro tem.
- D. The mayor pro tem shall serve for a period of one year. In even numbered years, council members interested in serving as mayor pro tem shall express interest and speak to their qualifications at the first meeting in November. In even numbered years, nominations and election for the mayor pro tem shall be held at the second meeting in November.
- E. Nominations. At the conclusion of public testimony, council will consider nominations for mayor and mayor pro tem. Any council member may nominate anyone that expressed an interest and made a speech at the second Tuesday in November, including himself or herself, for either position. Provided, however, that the requirement of prior expression of interest shall be waived for any council member whose election was not decided before the second Tuesday in November. Nominations for mayor and acting mayor (generally referred to as mayor pro tem) are made orally. No second is required, but the consent of the nominee should have been obtained in advance. Any person so nominated may at this time withdraw his or her name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.
- F. Order of Vote. A motion then is made and seconded to close the nominations and acted on as any motion. The voting is accomplished by raising of hands unless there is only one nomination and a unanimous vote for the candidate. The names shall be called in alphabetical order or reverse alphabetical order depending upon a flip of a coin by the clerk,

who shall thereafter alternate the order for all further election ballots during the same meeting.

- G. Ballots. If it is the desire of the council to use paper ballots rather than a voice vote, such a procedure is proper. However, since there is no provision for a secret vote, each ballot must be signed by the council member casting the vote.
- H. Elimination Process. If any of the candidates nominated receives five votes on the first ballot, such person is declared elected. If none of the candidates receives five votes on the first ballot, the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. If this elimination would leave one candidate or less for the office, another vote is taken, and once again the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. In the event that one candidate or less is left for the office after the second vote, a flip of a coin shall be used in order to eliminate all but two candidates for the office.
- I. Impasse Process. In the event that neither of the two final candidates receives five votes on the first ballot on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives such a majority vote, the meeting shall be adjourned for a period not to exceed twenty-four hours, and new nominations and new ballots shall be taken. If no candidate receives five votes on the first ballot at the adjourned meeting on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives a majority vote on the second such ballot at the adjourned meeting, a flip of a coin shall be used to determine which of the two final candidates shall be declared elected as mayor or mayor pro tem.
- J. Appointment of Board Alternates. In the event that the Boulder Revised Code provides for the appointment of temporary alternate board members, such members shall be appointed as follows: The most recently departed member of the board needing a temporary alternate, who is eligible and able to serve, shall be appointed. In the event that more than one member departed at the same time, alternates shall be chosen in reverse alphabetical order, with appointments alternating between the eligible and able former members who departed at the same time. In the event that the most recently departed member is not eligible or able to serve, the next previously departed member shall be chosen, applying the procedure above if there is more than one potential appointee. No person shall be eligible for a temporary alternate appointment if he or she was removed from the board by the council. A temporary alternate shall be appointed only when a member's absence either results in the lack of a quorum or may prevent the board from taking action. No person appointed as a temporary alternate shall serve at two consecutive meetings of the board to which he or she is appointed unless it is necessary to complete an agenda item that has been continued to another meeting.
- K. Boards and Commissions. Elections to fill positions on boards or commissions shall be conducted in the same manner. However, a majority of the council members present rather

than a majority of the full council is sufficient to decide an election of this nature. Each board or commission vacancy shall be voted on separately.

- L. Advertising of Vacancies After Partial Terms. Prior to advertising board and commission vacancies, when a person has already served on the board or commission and is seeking reappointment, council should make the decision of whether or not to advertise that particular vacancy.

- **X. - Research and Study Sessions**

- A. Information/Research Requests/Rule of Three. Requests for information should be directed to "Hotline," or, if a public request is not appropriate, directly to the city manager or the city attorney. Requests for a briefing should be directed to the city manager or the city attorney. A single council member may require the city manager or the city attorney to provide available information at any time or to answer any question concerning an agenda item. The concurrence of three council members is required to assign a matter for research by staff. For staff to spend more time than the city manager or the city attorney considers reasonable in light of other staff time commitments, the concurrence of five council members is required. In such case, the manager or attorney shall report the results of the preliminary research and an estimate of the time required to complete the task as the manager or attorney proposes. In any case, a vote shall be taken at a council meeting, but work may proceed in an emergency pending such vote. The council shall be informed of any such emergency work.
- B. Budget Rule. A matter shall be placed before the council for decision during the deliberation of the budget by a vote equal to or greater than the number of council members remaining at the meeting after deduction of the majority thereof.
- C. Study Sessions. Materials for study sessions generally will be made available to the council and the public at least ten days before the date of the study session. Notice will be given as for other council meetings. Written comments received by staff prior to noon on the Thursday preceding study sessions will be forwarded to all council members that evening. Testimony of persons other than staff or consultants or subject-matter experts designated by the city manager is not permitted at study sessions unless a majority of the council members present votes to suspend this rule. The council will give direction to staff at study sessions for the presentation of action items at future regular council meetings. Summaries of study sessions are placed on the council agenda for approval, including the direction given, any remaining issues and any staff reaction or proposed work plan in response to the study session.

- **XI. - Procedure in Handling Major Capital Improvement Projects**

Major capital improvement projects shall be handled, to the extent practicable, in accordance with the City Plans and Projects Handbook, dated November 2007. Failure to follow any aspect of such processes shall not be grounds for any challenge to any city project. Prior to a development review decision by the planning board or approval of the community and

environmental assessment process by an advisory board, the council may determine by motion to review the project prior to the decision on the concept review or community and environmental assessment process. If so, the manager will schedule a public hearing and consideration of a motion directing staff concerning: 1) the goals and objectives of the program which will be served by the project, and 2) the conceptual design of the project. For those projects requiring development review, the council will deal only indirectly with the factors which may ultimately be entailed in a development review application under chapter 9-4, "Land Development Review," B.R.C. 1981, in recognition that it may later be called upon to adjudicate such questions on a call-up of a planning board decision.

- **XII. - Council Calendar**

The council office maintains and sends at least weekly to council members a calendar of hearings set by city staff and boards and commissions and events at which the mayor or any council member will have a ceremonial or a substantive role. Any council member may attend such hearings and events, but council members may not testify at a board or commission hearing and may be disinvited from ceremonial events by the host. Council members are responsible for notifying the council office of hearings and events for which they are the liaison to the council.

- **XIII. - Council Member Appointments**

The council may appoint council members to serve on ad hoc and ongoing intergovernmental committees, such as the Colorado Municipal League Policy Committee, the Denver Regional Council of Governments, the CU/City Oversight Group, the National League of Cities, or the Boulder County Consortium of Cities. Council members may be appointed for staff activities on an ad hoc basis. Appointments shall be made at council meetings, after notice to the council that the appointment will be considered as part of the agenda of the meeting. The mayor appoints one of the members to the Housing Authority and one to the Urban Renewal Authority, in conformity with state law, but council is notified at a council meeting of each such appointment, and the Urban Renewal Authority appointment is subject to council ratification. The council appoints one of its members to the board of directors of the Boulder Museum of Contemporary Art, the Boulder Convention and Visitors Bureau, the Downtown Business Improvement District Board, the Rocky Flats Stewardship Council, the US 36 Commuting Solutions Committee, the Urban Drainage and Flood Control District, the Boulder County Resource Conservation Advisory Board, and the board of directors of the Dairy Center for the Arts. The mayor will serve on the Metro Mayor's Caucus and the US 36 Mayors and Commission Coalition. Council members are expected to inform the council of their committee activities and to request advice on important policy issues.

- **XIV. - Parliamentary Procedure**

Except as otherwise provided herein or as advised by the city attorney, all matters of procedure are governed by the then current Robert's Rules of Order Newly Revised.

- **XV. - Declarations, Proclamations and Resolutions**

- A. Mayor to Screen. All matters proposed for council or mayoral action which commemorate a period of time or commend the actions of a person or a group or endorse a position or an idea not directly related to the affairs of the City shall be screened by the mayor.
- B. Mayoral Declarations. If a group with substantial local support requests such action, and the mayor determines that there is no substantial political issue concerning such action, the mayor may issue a declaration for the action. Such declaration shall be forwarded to a binder kept for such purpose in the city council office but shall not be placed on the agenda unless the council determines at a meeting by majority vote of the council members present to call up the matter, in which case the action shall be revoked upon the passage of the call-up motion, pending further action by the council at its next regular meeting.
- C. Council Proclamations and Resolutions. In extraordinary circumstances, if the group supporting the action determines that it wishes council action rather than a mayoral declaration, and the action otherwise meets the criteria set forth above, the mayor may, if the mayor considers such action appropriate in light of the importance of the action and the additional business on the council agenda, place a proclamation or a resolution on the agenda for council action.
- D. Resolutions. Resolutions are appropriate for legislative concerns, including, without limitation, conveyances of positions or ideas to other legislative and administrative bodies. But all legislative actions must be by ordinance.
- E. Political Questions. In the event that a substantial political issue is determined to be presented by a proposed declaration or proclamation, the mayor shall not act or place the matter on the agenda, but instead will inform the group supporting the action that the matter will be placed on the agenda only if a majority of the council members present at a meeting of the council so directs. The burden shall be on such group to present the issue to the council. The mayor may request council advice at any time concerning proposed mayoral or council action.
- F. Foreign Policy and National Policy Questions. Council shall not act on a foreign policy or national policy issue on which no prior official city policy has been established by the council or the people, unless sufficient time and resources can be allocated to assure a full presentation of the issue.
- G. Fund-Raising. Publicity for fund-raising efforts and community events will be deemed inappropriate for council action, although major efforts and events may be commemorated if the majority of the council members present at a meeting of the council so directs.

- **XVI. - Rules of Decorum**

- A. Council Intent for Rules of Decorum. The City's business is conducted at city council meetings by the elected officials of the City. All council meetings are open to the public, but the public's participation is permitted only at formal council business meetings during the time and in the manner set forth in these rules. Public participation is generally not permitted during study sessions and other informal council meetings, although the public is encouraged to express comments in writing or other communication prior to those meetings. In order for the council to conduct its business in a manner completely open to the public in person, by audio and by video recordings, rules of decorum are necessary. Historically, council meetings have lasted numerous hours which may limit the practical ability for the public to participate and the effectiveness of staff to make presentations and elected officials to discuss issues and make decisions. The intent of these rules is to:
  1. Provide a safe and secure setting for council and the public to attend to the City's business.
  2. Enable council to conduct its deliberative process without interruption in a manner that can be heard and viewed by all in attendance and recorded for the simultaneous or later viewing by the public.
  3. Ensure that the public has a full opportunity to be heard during public hearings and open comment periods of council meetings.
  4. Facilitate transparency in the conduct of council meetings so that all persons have the opportunity to observe and hear all of the council discussion and votes.
  5. State specific rules so that all may know the rules in advance and be subject to the same rules.
  6. Limit interruptions, unreasonable delay, or duplication of comments, presentations, or discussion.
  7. Develop an atmosphere of civility that is respectful of diverse opinions and allows presentation of positions that vary from the position of others at the meeting without insults or intimidation.
  8. Balance the need for the council to conduct effective meetings without the meetings extending late into the night or early morning with the need to give a full opportunity for the public to be heard.
  9. Facilitate council meetings as business meetings, therefore public comments should relate to the business of the City and, as such, be addressed to the council as a whole, which conducts the business of the City.
  10. Adopt these rules of decorum as the standard for conduct of meetings of the city council and staff of the City.
- B. Rules of Decorum for the Public. During all times a meeting of the city council is being conducted, the following rules shall apply:
  1. Prior to addressing council, a person shall complete an electronic sign-up card for the council record.

2. All remarks to the council shall be at a microphone and only after the speaker is acknowledged by the presiding officer.
  3. While in attendance at a council meeting, no attendee shall disrupt, disturb, or otherwise impede the orderly conduct of any council meeting by any means in a manner that obstructs the business of the meeting. Disorderly conduct also includes failing to obey any lawful order of the presiding officer to be seated, leave the meeting room or refrain from addressing the council.
  4. No attendee shall make threats or other forms of intimidation against any person in the council chambers or meeting room, or possess any weapon or firearm while in the council chambers or meeting room unless the attendee possesses a valid permit meeting all of the requirements set forth in § 18-12-204, C.R.S.
  5. To maintain the fire code occupancy limits and allow for safe exit, unless addressing the council or entering or leaving the council chambers or meeting room, all persons in the audience shall remain seated in the seats provided. No person shall stand or sit in the aisles, nor shall the doorways be blocked.
  6. All persons in the council chambers or other meeting room, including, without limitation, council members, staff, and attendees, shall silence all cell phones, pagers, and other electronic devices to prevent disruption at the meeting.
  7. No person at any council meeting shall be in a state of intoxication caused by the person's use of alcohol.
- C. Enforcement of Decorum. The mayor or other presiding officer of the council, with the assistance of the sergeant-at-arms, if any attending, shall be responsible for maintaining the order and decorum of meetings. The mayor or presiding officer may order removed from the council chambers, or other room in which a meeting of the council is occurring, any person who fails to observe these rules of decorum:
1. The mayor or presiding officer may interrupt any speaker who is violating these rules of decorum or disrupting a meeting.
  2. The mayor or presiding officer shall attempt to provide a verbal warning to any attendee or particular speaker that may be violating these rules of decorum, but such verbal warning shall not be required as a condition of removing an offender from the council chambers or meeting room.
  3. These enforcement provisions are in addition to the authority held by the sergeant-at-arms or any other peace officer in attendance, to maintain order pursuant to the officer's lawful authority.
  4. Any person removed from the council chambers or meeting room shall be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon the motion adopted by a majority vote of the council.
  5. Any person who has been removed from a meeting may be charged with violation of the applicable provision of the Boulder Revised Code.
  6. In addition, by vote of the council, any person removed from a meeting may be excluded from attendance at council meetings for thirty (30) days after such removal.

A longer period of prohibition from attendance at council meetings may be determined by council by a vote, if the person has been removed from the council chambers or meeting room in the past twenty-four months for violation of these rules of decorum, or the council determines that the attendee's conduct was so severe as to necessitate a longer period of prohibition.

7. A person prohibited from attendance at council meetings may request a hearing to dispute prohibition under the provisions of chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, if the appeal is filed with the manager within ten days of the date of prohibition. The hearing will be before a hearing officer that is appointed by the city manager. The scope of the hearing will be limited to the following: (1) whether there was a prior removal in the past twenty-four months, and (2) the nature and extent of the behavior resulting in the suspension. The hearing officer will forward a recommendation to the council to affirm the sanction, modify the sanction, or to remove the sanction to the city council for its consideration at a subsequent meeting of the council.
  8. In addition to any other authority of the mayor or presiding officer, the presiding officer may call a recess during which time the members of the council shall leave the meeting room.
  9. If necessary for the safety of the council and public, the mayor or presiding officer may order the council chambers or meeting room cleared of all attendees. In such event, the meeting may continue only so long as the proceedings are televised or otherwise recorded so that the proceedings of the meeting are available to the public.
  10. Any staff member may request that a police officer assess any person at a council meeting for intoxication. A police officer may also make such an assessment based on personal observation. If, in the officer's professional opinion, the officer has a reasonable suspicion that a person in attendance at a council meeting is intoxicated through the use of alcohol, the officer may exclude that person from further attendance at that meeting. A person excluded shall be readmitted if the person excluded submits to an alcohol breath test and produces a result below .05 blood alcohol level.
- D. Rules of Decorum for Council. Members of the council shall attempt to balance the right of the public to know positions of the elected and appointed officials and rationale for decisions with the need for balanced discussion and timely adjournment of the meeting. In order to realize this balance, members shall endeavor to:
1. Articulate questions, opinions, comments and reasons for votes succinctly;
  2. Exercise self-discipline by avoiding repeating statements of others, being verbose in expressing opinions or straying off the topic;
  3. Allow the presiding officer to manage the meeting and call on members before speaking;
  4. Support the presiding officer in enforcement of these rules;

5. Permit other members an opportunity to speak once on an issue before speaking a second time on the same issue;
  6. Focus on the issue being discussed rather than disagreement of ideas by using "I" statements and avoiding personal attacks or assuming motives of another;
  7. Consider the adopted council goals, staff work plans and limited resources when making requests for delay or additional information;
  8. Acknowledge that new topics raised during a meeting by a member of the public or of the council may not have the benefit of all of the necessary background information, may not be presented from a balanced perspective, and decisions in such situations are more often emotionally driven. New topics raised during a meeting are most often best resolved by deferring the decision to the city manager or to a future agenda with direction to staff to provide background materials before the matter is considered at a future meeting. If council desires to take up a matter raised during a meeting, the request should be made and additional information requested under "Matters From the Mayor and Members of Council" portion of the agenda;
  9. During a council meeting, refrain from electronic communication regarding subjects considered at that meeting. Except that council members may receive electronic copies of materials from staff displayed on monitors or otherwise made available at the meeting.
- E. Interpretation of Rules. These rules are intended to support the intent of the council set forth above. These rules are not to be used to limit public participation or council debate, but to enable the effective functioning of the council. Either the council or the presiding officer may temporarily suspend these rules or grant exceptions in order to effectuate their intent.

• **XVII. - Procedure for Executive Sessions**

- A. At a regular or special public meeting, prior to holding an executive session, the council may by 2/3 vote of the members present elect to go into executive session to obtain and discuss legal advice, including negotiation strategy, with respect to Boulder's electric utility. The motion may be for the executive session to be held immediately after the vote or at a specific time and place in the future.
- B. Any executive session shall be recorded in its entirety. The recording for the executive session shall be separate from the recording of the meeting during which the executive session is being held. The City Manager or the City Attorney are the only persons authorized to make any audio or visual recording of an executive session.
- C. The council shall take no final action during any executive session.
- D. Only council members, attorneys and city staff or consultants necessary to provide information to council relating to legal advice, including negotiation strategy, with respect to Boulder's electric utility, shall attend an executive session. The council may, by a majority vote, exclude city consultants or staff members, other than the city manager or the city attorney, that it concludes are not necessary for an executive session.

- E. All persons must attend any executive session in person. No one may participate remotely by conference call or other means.
- F. During any executive session, the discussion shall be limited to obtaining and discussing legal advice, including negotiation strategy, with respect to Boulder's electric utility.
- G. Any discussion during an executive session shall end immediately if any two council members express the opinion that the subject being discussed does not involve legal advice, including negotiation strategy, with respect to Boulder's electric utility.
- H. The discussion shall not resume until all council members agree on the scope of the discussion.
- I. Each council member has the affirmative duty to prevent any discussion during any executive session about any matter not necessary for the purpose of obtaining and discussing legal advice, including negotiation strategy, with respect to Boulder's electric utility, and to avoid and prevent any discussion of matters discussed during an executive session outside of an executive session.
- J. Any recording of an executive session shall be maintained in a secure place within the city and may not be accessed by anyone, other than the City Manager or City Attorney, their authorized delegate or a Member of the City Council, except upon order of a court of competent jurisdiction.
- K. Any recording of an executive session shall be maintained for 90 days until December 31, 2022, unless litigation relating to matters discussed is initiated or pending during that time in which case the recording shall be maintained until the conclusion of the litigation. The City Council shall be informed before any recording of an executive session is destroyed. The council shall be required to approve the destruction of any such recording of an executive session.
- L. Council may, by unanimous vote, release all or part of a recording of an executive session.
- M. The minutes of the regular or special meeting during which an executive session is held shall include the motion and vote for the executive session and the start and stop time of the executive session.
- N. The city council intends that [section 9](#) of the charter be interpreted and construed to be more restrictive than the provisions of the state Open Meetings Law, C.R.S., 24-6-401, et seq.
- O. By adopting these procedures, the city does not waive the attorney-client privilege for any of the legal advice provided to the council. In the event the electronic recording is released by unanimous vote of the council or by court order, nothing related to the legal advice provided during the executive session may be used in any other proceeding.
- P. No portion of the electronic recording of an executive session of a local public body shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon the unanimous consent of the council, or as provided in C.R.S., 24-72-204(2)(d.5)(II)(C).

## 2014 City Council Committee Assignments

### INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass (Castillo – staff alternate)
Boulder County Consortium of Cities	Morzel, Young
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Jones, Plass
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum, Cowles
Resource Conservation Advisory Board	Morzel (at large seat), Plass
Rocky Flats Stewardship	Morzel, Plass (1 <sup>st</sup> alternate), Castillo (2 <sup>nd</sup> alternate)
University of Colorado (CU) / City Oversight	Cowles, Shoemaker, Weaver
US36 Mayors and Commission Coalition	Appelbaum
US36 Commuting Solutions	Karakehian, Morzel (alternate)
Urban Drainage and Flood Control District	Karakehian

### LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Young
Boulder Convention and Visitors Bureau	Plass, Cowles (alternate)
Dairy Center for the Arts	Jones
Downtown Business Improvement District Board	Shoemaker, Weaver, Young

### INTERNAL CITY COMMITTEES

Audit Committee	Cowles, Morzel, Shoemaker
Boards and Commissions Committee	Plass, Shoemaker
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	Karakehian
Charter Committee	Karakehian, Morzel, Weaver
Civic Use Pad/ 9 <sup>th</sup> and Canyon	Karakehian, Morzel, Young
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Legislative Committee	Jones, Karakehian, Weaver
School Issues Committee	Morzel, Plass, Shoemaker

### SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llasa, Tibet	Shoemaker
Dushanbe, Tajikistan	Weaver
Yamagata, Japan	Plass
Mante, Mexico	Young
Yateras, Cuba	Karakehian
Sister City Sub-Committee	Morzel, Cowles, Karakehian



## MEMORANDUM

**To:** Members of City Council

**From:** Jane S. Brautigam, City Manager

**Date:** January 22, 2015

**Subject:** **City Council Retreat: January 13 Study Session Follow Up Items**

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As a follow up to the January 13, 2015 Study Session focused on the upcoming City Council Retreat, staff has prepared additional materials for your consideration. I invite you to review summary responses to the list of "Bike Rack" items identified at the study session (Attachment A), a Code Enforcement Update (Attachment B) and a list of potential Code Updates (Attachment C). We look forward to your discussion on January 23-24 as Council identifies priorities for the coming year.

Attachment A: "Bike Rack" Items Identified on January 13, 2015

Attachment B: Code Enforcement Update

Attachment C: Potential Code Updates

**“Bike Rack” Items Identified on January 13, 2015**

**2015 City Council Retreat  
Council Priority Topic #1  
 (“Bike Rack” Items Identified on Jan. 13, 2015)**

**1. Longs Garden**

Staff is working with the Longs family to acquire a conservation easement that will meet the community’s goals and the Longs family interest. The city sent a draft term sheet to the Longs on September 8, 2014. The city and Longs family continue to work on it.

**2. South Boulder Creek Flood Mitigation/CU South Campus**

At the flood management study session held on Sept. 30, 2014, City Council requested that staff further evaluate flood mitigation alternatives on land owned by the University of Colorado (CU) which would reduce impacts to city Open Space, especially those areas where endangered and threatened species have been identified. Since then, several additional conceptual alternatives have been developed and discussed with CU. The alternatives are in the process of being further refined in order to determine the technical feasibility of each proposal. An update on the status of this effort will be presented to the Water Resources Advisory Board (WRAB) in March. The WRAB is tentatively scheduled to make a recommendation to City Council on an updated mitigation study that includes new alternatives at its May 18, 2015 meeting. If new alternatives include impacts to city Open Space, the Open Space Board of Trustees (OSBT) will also be asked to make a recommendation. Following consideration by WRAB and OSBT, City Council will be asked to consider acceptance of the revised mitigation study. It is anticipated that this item will be scheduled for City Council consideration during the 3<sup>rd</sup> quarter of 2015.

**3. Overarching Issues from Open Space and Mountain Parks**

The staff fully appreciates the urgency expressed by the Open Space Board of Trustees (OSBT) to make progress in 2015 on the important topics included in the Overarching Issues. This important work has had to wait while the focus turned to flood repair priorities. In 2015 Open Space and Mountain Parks is seeking to accelerate a draft plan for the North Trail Study Area (North TSA) for board and City Council review by the end of December, complete the Agricultural Resources Management Plan, and complete the planning and public process necessary to develop an interim trail on the Joder Ranch open space property. In parallel, the department continues flood recovery and repair, West Trail Study Area (West TSA) plan implementation and the continued rollout of the enhanced Voice and Sight Tag program. Staff also anticipates significant progress on other regional trail connections (Eldorado Springs to Walker Ranch and Boulder Creek westward extension) this year. This is an ambitious set of annual goals and staff is concerned about the ability to focus on new priorities. Additional background information is that the Visitor Master Plan (VMP) will be 10 years old in 2015. Staff has been considering how best to bring forward a VMP update. Considering the Overarching Issues within the context of a VMP update would allow for broad consideration of a number of Overarching Issues.

Should Council direct staff to include progress on the Overarching Issues, staff suggest two approaches for Council consideration:

- 1) Direct staff to conduct a public process on Overarching Issues beginning in 2015. Council identifies the one or two top Overarching Issues to be resolved. Since Overarching Issues and North TSA would be proceeding in parallel, both processes would have extended timelines of up to two years. Other projects also could be impacted, such as West TSA implementation and regional trail expansion.
- 2) Direct staff to set time aside starting in 2016 for an update to the Visitor Master Plan, which would include resolution of Overarching Issues. A major update of this plan would allow for community conversations about existing programs, better place the VMP in the context of the city's sustainability and resiliency frameworks, and provide a forum for discussion of topics such as nighttime use, and visitor management policies such as on-trail/on corridor requirements or temporal access management (e.g., alternating days for activities). A major update of the VMP is likely to take 18-24 months. Alternatively, within this option, the update could be shortened by limiting it to specific program and policy updates identified by council with recommendations from the OSBT (e.g., *just* nighttime use, on-trail/on corridor or temporal management).

#### **4. Ordinance to Allow Sales of Fresh Produce and Cottage Foods as a Home Occupation**

A group of residents have asked the city to adopt an ordinance allowing direct-to-the-consumer home sales of certain items (e.g., vegetables, honey, eggs) which are legal to produce in residential zones under existing city ordinance. State law allows for the conditional sale of these "cottage foods" without a license or permit from the Colorado Department of Public Health and allows (but does not require) municipalities to make conforming changes to ordinances so as to permit these sales as part of "home occupations." Doing so would likely further Boulder's goal of encouraging the sale and consumption of local foods. However, while the drafting necessary to permit such sales may be straightforward, crafting an ordinance to address neighborhood concerns about increased production and traffic would not. Similar to the process to adopt a community gardens ordinance, the city first needs to conduct a significant amount of neighborhood outreach to understand the needs, desires and concerns associated with cottage food sales. Pursuing such an ordinance (estimated to take six months) is *not currently on the city's workplan and will need to be prioritized by council along with other pending code changes already in the queue.*

#### **5. Education on Municipalization**

Staff has developed a continuous communication plan that includes:

- An on-going process to engage the community on the vision for the utility of the future, including facilitated workshops;
- Regular email outreach, including announcements, updates, and press releases to a large listserv;
- Rapid, vetted responses to community emails, phone calls, and requests for face-to-face conversations or presentations, often responded to by the director or senior members of the Energy Future team;
- Frequent meetings with multiple working groups, comprised of residents, businesses, industry experts and stakeholders to assist with the implementation of the transition plan;
- Recently increased attention and resources to be allocated to issues that may require a rapid response, while maintaining an overall strategic communication plan;

- Research on ways to use multipurpose educational tools (e.g., short, educational videos that can be used for council presentations and on social media); and,
- Scheduled study sessions and planned presentations to the community to talk about the rapid changes around the country and world with respect to the energy utility of the future.

**6. Environmental Advisory Board (EAB) Liaison on Energy Issues**

Staff will work with Brett KenCairn, the EAB staff liaison, to ensure that an EAB member is selected and invited to attend future Energy Tech Team meetings.

**7. Community Broadband**

With the recent passage of ballot item 2C, the city is now free to study potential uses and business models for using its fiber optic and conduit infrastructure, along with needed enhancements to better serve the telecommunication needs of the community including broadband and wireless services. A work plan is in place that begins with the establishment of a Broadband Working Team composed of community representatives to aid staff in:

- Assessing needs, contributing ideas and helping guide the initial vision for Boulder’s broadband efforts.
- Designing and executing initial public participation, communication and marketing strategies.
- Advising on the design of an RFQ for a consulting partner to perform a broadband network engineering assessment, as well as possible business modeling and implementation analyses.

The visioning discussion and consultant-assisted assessment of existing infrastructure and potential business and implementation models is anticipated to begin during the first quarter of 2015, extending into the third quarter of the year. In the interim, the City is analyzing the feasibility of small projects that would have a positive impact on public spaces, similar to the current availability of Wi-Fi in the Boulder Public Library. Depending on the outcome of these efforts later in the year, Council may be asked to consider next steps in the phased development of future community broadband service offerings.

**8. Executive Session for Municipalization Legal Discussion**

Staff will work with City Council to determine the process for scheduling regular or ad hoc executive sessions related to municipalization in the upcoming weeks.

**9. Boulder Design Advisory Board (BDAB) Role in Design Excellence**

Victor Dover’s recommendations (Jan. 15 memo) on the city’s Design Excellence Initiative include a number of items that would directly involve BDAB. The priority short term work plan item is the proposed form-based code pilot. The proposed process includes a multi-stakeholder committee and staff anticipates a member of BDAB as well as other key boards would be included on the committee. Additionally, as other components of the project move forward, either BDAB as a whole or a representative will be included.

**10. Funding and Incentives for Affordable Housing and Middle Income**

To be discussed as part of Council Priority Topic #3.

## **11. Pollard Property**

The city-owned site at 30<sup>th</sup> and Pearl is discussed in the Council Action Guide, under the Boulder Junction entry. In the period since the guide was released, a “form based code” pilot has been proposed for the Boulder Junction area. Discussion and direction regarding the Pollard property would occur in conjunction with the form-based code pilot. Based on current information, the site will likely become available (unencumbered by the current lease) in December 2016. However, subsequent post-tenancy environmental testing will be required (per 2004 contract) which could trigger some short-term remediation work that could delay full site availability to a later date.

## **12. Extensions of the Boulder Junction Access District and Consolidation of the Districts**

There are two general improvement districts in the Phase I area of the Transit Village Area Plan (TVAP) now called Boulder Junction: the Boulder Junction Access District Parking (BJAD -P) and Boulder Junction Access District Travel Demand Management (BJAD-TDM). Originally, staff did consider a single general improvement district however two districts were formed for the following reasons: mill levy charged for the two districts are different (10 mills in the BJAD-P and 5 mills in the BJAD-TMD) due to the difference in the goals and expenses of the districts. And secondly, the boundaries of the districts are different: the BJAD-P district covers the mixed-use zoning area with commercial and residential uses and BJAD-TDM covers both the mixed-use zone as well as the high density residential zones. Staff is working with the BJAD commissioners on ways to facilitate and clarify the dual commission meetings and recruitment process.

The concept of expanding the BJAD-TDM district to include properties both in and adjacent to the TVAP defined area is supported by both staff and the BJAD Commissioners. The services provided by the levied tax in the BJAD TDM district are Eco Passes for residents and employees as well as support for car and bike share memberships. Staff has had preliminary discussions regarding the concept with the Reve development team and plans to do outreach to the Google development.

Expanding the BJAD-P district is more complicated in that agreements need to be reached regarding shared parking and locating assets for parking development. The process for expanding the district involves the owner of the property petitioning to join the district, agreeing to pay the taxes and an agreement for Payment in Lieu of Taxes. This process differs slightly from other general improvement districts in that the BJAD Commission is the decision maker regarding inclusion of the property; the City Council as the Board of BJAD can change the decision if it feels the commission has acted arbitrarily. (BRC 2-3-22(e)(1)(F)).

## **13. Energy Efficiency**

The Environmental Advisory Board (EAB) indicates in their recent letter to the City Council that their top priorities include the Commercial Energy Benchmarking and the Commercial Energy Ordinance. Under the “new” priorities for 2015, the letter from the EAB also lists an efficiency policy for owner-occupied residences at the time of sale.

The City is developing options for a Commercial and Industrial (C&I) Energy Efficiency Ordinance. This proposed ordinance is intended to move beyond voluntary programs to require actions that would reduce energy use and improve the quality of the commercial and industrial building stock. This follows the model of what has been done in the residential sector, with successful voluntary programs (EnergySmart) leading up to energy efficiency regulations for the rental housing stock (SmartRegs).

*What is the status of the Commercial and Industrial (C&I) Energy Efficiency Ordinance?*

Staff is currently wrapping up a working group effort that convened building owners, property managers and service providers and is about to begin a broader outreach to additional community stakeholders. This public engagement effort will inform options for potential regulations that are expected to be provided to Council for review and discussion during the 1<sup>st</sup> or 2<sup>nd</sup> Quarter of 2015. Based upon Council feedback, an ordinance would be developed for Council consideration and potential action during the 3<sup>rd</sup> Quarter of 2015. The proposed ordinance will include recommendations for rating and reporting and required efficiency actions.

*How would the development of a potential energy efficiency policy for owner-occupied residences at time of sale during 2015 impact resources and the existing work plan?*

Council's two year vision and action plan from the 2014 retreat directed staff to develop the C&I ordinance. Ordinance development and implementation will be a major work effort in both 2015 and 2016. The C&I ordinance effort combined with an accelerated effort to achieve compliance of rental units with SmartRegs over the next few years while we are also exploring energy services for a potential city electric utility are all important priorities within a challenging work program. Given the small contribution from owner occupied residential units to overall GHG emissions (only ~17% of the city's emissions come from residential uses and ~60% of that square footage is rental property), the current work program is focused on areas of highest impact. It may be possible to explore a policy directed at owner-occupied residences after the C&I Ordinance has completed its first year of implementation.

#### **14. Follow-up Process on Landmark Alteration Certifications**

In 2014, Historic Preservation staff reviewed close to 250 applications for Landmark Alteration Certificates (LACs) for exterior changes to individually landmarked properties or properties located in designated historic districts. There has been increasing concern about follow-up on LAC approvals during construction and once a project is completed to ensure what is built is consistent with the approval.

Currently, detailed inspections of permits for LAC compliance may not be performed by building inspectors who generally check for compliance with building code in terms of framing, electrical, plumbing, etc. unless the LAC items are specifically identified on the approved plans. Staff is working towards better specificity in identifying LAC items on the approved plans. In addition, many LAC approvals do not require a building permit. For instance, replacement of windows on an existing building and hardscaping on a property does not require building permit review. Historic preservation staff works with inspection staff on complaints for alleged violations.

A number of communities with historic preservation programs have inspection staff that focus on historic preservation issues. Santa Fe is one such program that employs an inspector dedicated to following-up on historic preservation approvals and to responding to alleged violations of the preservation ordinance. Currently, the city does not have staffing resources available to undertake detailed historic preservation inspections for projects under construction or following completion.

Staff estimates that adding this activity would require an additional .5 FTE. The review of LACs is funded through the General Fund since it is considered a benefit to the community, and there is not an application fee.

**15. Demolition Ordinance Revisions (for non-designated buildings older than 50 years of age):**

A subcommittee of the Landmarks Board and staff have been working with the City Attorney's Office to draft an administrative rule which would allow the Landmarks design review committee to do an initial review of the scope of a proposed demolition (in some cases, the removal of a portion of a building that might not be historically significant but meet the definition of demolition and prompt demolition review for the entire building). The intent is to avoid such demolition cases from being unnecessarily called up to the Board and potentially having stays of up to 180 days imposed upon them. A draft of the rule is currently under development by staff and will be brought to the subcommittee shortly. The intent is that the Landmarks Board will have a draft administrative rule for review in a public hearing this spring.

This discrete change to the demolition process is currently not on staff's work program, but is achievable with existing staffing and could potentially reduce time that staff and the Landmarks Board spend on demolition permit applications where the proposed change is minor but meets the definition of demolition. Comprehensive revisions to the demolition ordinance would have resource implications and are not currently part of the historic preservation program's work plan.

**16. Landmarks Housing Strategy**

To be discussed as part of Council Priority Topic #3.

**17. Library Safety**

Due to recent criminal activity and escalated disruptive behavior at the Main Library; the Library Commission, Library staff, Boulder Police Department, City Attorney's Office and City Manager's Office have worked together to enlist the assistance of uniformed Boulder Police Officers in the library to address and ticket criminal behavior. This action began on Tuesday, January 20<sup>th</sup>. Boulder Police will be stationed at the library to enforce the law and deter problem behavior. Library security personnel will continue to enforce minor behavioral issues and rules of conduct infractions. Overtime funding for Boulder Police Department will come from the City Manager's office. Staff will continue to discuss long term solutions to address library safety which may have future budget implications.

Uniformed police presence will:

1. Create a safe and welcoming environment for all library patrons.
2. Create a safe working environment for staff.
3. Serve as a means to immediately ticket criminal activity and deal with escalated behavioral issues.
4. Deter criminal activity in and around the library.

No immediate action is required of City Council.

**18. North Trails Study Area (North TSA)**

Completing a draft of the North Trails Study Area (North TSA) Plan for the Open Space Board of Trustees review by the end of 2015 is a high priority for Open Space and Mountain Parks (OSMP). Staff believes this is a feasible goal, but acknowledges it will be challenging.

Staff has been collecting and summarizing background information, leveraging relevant resource information developed for the North Boulder Valley Plan (1997). An inventory report will be available at the start of the second quarter. Staff will then begin the community engagement process, inviting ideas about how visitor access and recreational opportunities can be improved in ways that are compatible with natural, cultural, and agricultural resource sustainability. The development and

assessment of strategies to improve the current situation will proceed through the second and third quarters, with a set of preferred recommendations presented in a draft plan during the fourth quarter.

Community participation in the North TSA will be significantly different than the process used in the West TSA. Also for context, the North TSA contains less area, fewer trails and is less complex from a variety of perspectives when compared with the West TSA. Staff has been exploring the scope of the North TSA plan and public engagement options and will vet an approach with the OSBT during a study session on Feb. 18. The OSBT study session will focus on how the public process can be structured to result in a draft plan by the end of the year and a process that is inclusive, encourages community engagement, and builds understanding and support for recommendations. The North TSA process will make greater use of online engagement tools including Inspire Boulder to share information, generate ideas and seek input.

## **19. Sponsorships & Partnerships**

The city partners with governmental, non-profit and for-profit entities to further certain city goals, such as capital improvements and expansion of programs and services. Examples vary but include providing city land for B-Cycles to operate a bike share program, funding the Dairy Center for the Arts and selling naming rights on rocks to finance park improvements. The city has policies to address aspects of the matter, specifically a 2002 policy on *"City Support of Non-Profit Organizations,"* and a 2010 policy on *"Sponsorship Naming of City Facilities."* Moreover, in 2013 staff provided council with an inventory of ongoing relationships where the city leases (at market or subsidized rates) property and/or provides financial or in-kind support to private entities. What the city does not have, however, is a uniform policy, practice or position for considering, entering into, or renewing the full range of partnership opportunities. Last month an inter-departmental staff team convened to discuss the value of resurrecting a previous effort to develop a comprehensive public/private partnership policy for the city. The team concluded that such a policy and council direction may someday become necessary, but that the city should start with a focus on creating a cross-departmental resource team to share and learn about existing and potential city partnerships. Staff asks that these conversations be allowed to continue for at least the next year before elevating them to the council level.

## **20. Transit to Chautauqua**

The Chautauqua Board expressed interest in making progress on establishing regular transit service to Chautauqua (ideally year-round, potentially on weekends and seasonally to complement the existing Auditorium event shuttle on summer evenings) to provide access for Chautauqua residents and visitors.

The management of access to Chautauqua and the role of transit has been an important concern over the years. An RTD route that provided limited service was discontinued approximately fifteen (15) years ago due to low productivity. Several pilot efforts to extend the HOP have not been maintained due to low productivity and cost considerations. The renewed vision for transit was established as part of the Transportation Master Plan (TMP) update adopted by City Council in August, 2014. The renewed vision does not include transit service to Chautauqua. Staff will work with Chautauqua, Open Space and Mountain Parks (OSMP), and Parks and Recreation leadership to share the TMP update's renewed vision for transit and discuss potential partnership opportunities.

## **21. Downtown Parking**

Downtown access, including parking, is a part of the Access Management and Parking Strategy (AMPS). While AMPS does encompass access and parking strategies citywide, there is a focus on improving and

raising the bar on the parking, access programs and strategies in all of the existing access districts: Boulder Junction Access District, University Hill, and downtown. Downtown access issues are addressed in most of the focus areas: enforcement, parking pricing, district management, travel demand management and on and off street. AMPS priorities that focus on downtown include: analysis of edge parking, shared public/private partnerships, curbside management plan, exploring a parking cash-out program for downtown employees, replacing the downtown garage gate access and revenue control system, and consideration of increasing parking pricing and the amount of parking tickets.

## **22. Enhanced Outreach on Planning Projects**

Several recent initiatives have been implemented to improve public notification and community engagement in planning initiatives, including items pending before the Planning Board. These include:

- a new “Boulder Planning Update” bi-weekly email, currently reaching over 5,000 subscribers, which provides a convenient “click-through” summary of upcoming meetings and events, with links to agenda items and other web content;
- broadcast of all Planning Board meetings on Channel 8, including availability through live web-streaming and in web-based archives;
- launch of a partnership with Code for America, a national nonprofit focused on helping local governments bring 21st century tools to transform the dialog between government and the community, as well as between those in the community.

Additionally, the staff team has initiated a process to identify alternative community notification methods that are above and beyond those currently required under the Boulder Revised Code. This effort will seek to enhance rather than replace existing notification procedures in a cost effective manner, and would apply to reviews being conducted through either the concept or site review processes. It may include but is not limited to: targeted emailing; expanded use of mail notifications; and/or improved signage on properties undergoing review processes. These enhancements are expected to be implemented during the first half of 2015. In addition, the city anticipates a renewed connection with neighborhood groups as the result of hiring the new Neighborhood Liaison position in early 2015, which may provide additional avenues by which notifications of upcoming events and project reviews can be channeled.

## **23. Community Benefit**

To be discussed as part of Council Priority Topic #4.

## **24. Hospital Site**

To be discussed as part of Council Priority Topic #4.

## **25. Urban Trees/Forest**

Urban Forestry manages 38,500 public trees with 9,000 in urban parks and 26,500 on public streets. Forestry has offered a residential planting program for the past 20 years. Planting in the downtown area was added in 2008 due to additional funding allocated for the commercial tree program. Since doubling the program in 2009 the department has planted between 400 and 500 trees each season depending on drought conditions. Forestry staff plant approximately 300 trees with in-house staff each spring; the planting for the remaining trees is contracted.

Since identification of Emerald Ash Borer (EAB) in September 2013 the Forestry staff established the EAB Strategic Team, and have held a series of initial meetings with city staff and stakeholder groups within specific focus areas to ensure consistency in EAB management approach. To address the continued spread of EAB, meetings are planned with additional city staff stakeholder groups within specific focus areas to ensure consistency in EAB management and identify key issues in preparation for a July/August Study Session with City Council. Davey Resource Group is working on a full tree inventory of all public trees in city parks and in street rights-of-way to be completed in April, 2015. Ongoing monitoring over the next several years will continue to track EAB progression through the city of Boulder.



## MEMORANDUM

**To:** Members of City Council

**From:** Jane S. Brautigam, City Manager  
Tom Carr, City Attorney  
Greg Testa, Police Chief  
David Driskell, Executive Director of Community Planning & Sustainability  
Maureen Rait, Executive Director of Public Works

**Date:** January 20, 2015

**Subject: City Council Retreat – Code Enforcement Update**

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The city enforces the Boulder Revised Code. The city's code enforcement function is a coordinated multi-disciplinary approach implemented through the Police, Community Planning and Sustainability and Public Works Departments with significant support provided by the City Attorney's Office. This memorandum provides an overview of the code enforcement functions. Background information about recent changes to and investments in code enforcement is also provided. Work efforts currently underway in 2015 are summarized along with potential next steps. This information is provided to support the City Council discussion about Code Enforcement at the 2015 Retreat.

### OVERVIEW

#### **Boulder Police Department**

The Boulder Police Department (BPD) has distinct groups that enforce code-related issues. The Code Enforcement unit addresses the nuisance violations that affect the health, life and safety concerns of the city. The Community Services unit is staffed with commissioned police officers and is responsible for the inspection and enforcement of the recreational marijuana, medical marijuana and legal marijuana grow operations. The alcohol enforcement officer is also a key position in the Community Services unit. Patrol, including the Neighborhood Impact Team, responds to noise concerns, loud parties and abandoned vehicles on public property.

#### **Public Works Department**

The Public Works Department (PW) enforces building code-related violations. Public Works supports the BPD as part of the marijuana enforcement team. The BPD is responsible for compliance with the marijuana code provisions, while PW enforces the building code requirements for this use. This allows each department to enforce codes within its area of expertise.

Within PW, other duties include right-of-way enforcement and the enforcement of rental housing inspection and licensing. PW is also responsible for the enforcement of the International Property Maintenance Code (IPMC), which serves as the city's Housing Code.

### **Community Planning and Sustainability**

Community Planning & Sustainability (CP&S) is responsible for zoning and other planning-related code violations such as illegal land uses and over-occupancy.

Boulder's land use code limits occupancy in low-density residential areas to a family plus two roomers or three unrelated individuals. In medium-to-high-density areas, the code allows up to four unrelated individuals. However, there are hundreds of units that are legal non-conforming uses, allowing for a greater occupancy. In some neighborhoods, especially near the University of Colorado, there are circumstances where one property must conform to the current code while the property next-door could have a legal occupancy of more than what is currently permitted. As a result, over-occupancy is investigated on a complaint basis and the complaints require extensive records research to rule out legal non-conforming status.

CP&S investigates all complaints of over-occupancy and also works closely with other staff to address associated issues. For example, because impacts such as parking, noise and trash violations result from over-occupancy, there is close coordination between departments.

The Parking Control Officers (PCOs) in the Downtown and University Hill Management Division/Parking Services (DUHMD/PS) work unit support the Downtown, University Hill, and the neighborhoods surrounding these destinations. Illegal parking complaints are enforced citywide. The BPD handles parking complaints when PCOs are not on duty. The Executive Director of CP&S supervises the Director of DUHMD/PS.

### **2014 CITY COUNCIL RETREAT**

As a part of the 2014 City Council Retreat, the Council's Vision relative to Livability and a 2-year Desired Outcomes and Tasks list that include a focus on Code Enforcement were identified. A Study Session on Code Enforcement was subsequently held on April 8, 2014. A link to that packet is provided and includes an Attachment A on page 8 that is a summary of code enforcement categories organized by Boulder Revised Code section and department responsible for enforcement:

<https://documents.bouldercolorado.gov/WebLink8/0/doc/125180/Electronic.aspx>

At that study session, Council expressed concerns about unlicensed, over occupied and potentially unsafe rental housing units, including those rented by students and those marketed as "Vacation Rental by Owner." In response, Council proposed to discuss occupancy limits in the context of the Comprehensive Housing Strategy, consider Vacation Rentals by Owner (VRBO) during a study session in 2015 and evaluate resource needs associated with the management of rental housing during the 2015 Budget process.

A link to the study session summary is included below along with links to additional information that was provided to City Council during the 2015 Budget process:

<https://documents.bouldercolorado.gov/weblink8/0/doc/125484/Electronic.aspx>

[Additional information for first reading of 2015 budget. \(Narrative begins on page 10. Attachment I, which contains the code enforcement data, is on page 71.\)](#)

[Response to council questions for second reading of 2015 budget. \(Narrative begins on page 5.\)](#)

## **BACKGROUND – SUMMARY OF RECENT CHANGES**

In support of the city's Vision – *service excellence for an inspired future* – assessments and the evaluation of work functions are undertaken to leverage the allocation of resources and streamline the delivery of services. Various initiatives aimed at improving service delivery have been implemented over the years. Recent efforts have included the following:

- The BPD assumed responsibility for Animal Control Services as of January 2011 following the announcement by the Humane Society of Boulder Valley during 2010 that it would cease to provide enforcement duties. This change was implemented as part of the 2011 Budget. Six animal control positions were filled (four full-time officers, one half-time officer, and one half-time administrative assistant and one full-time supervisor). In September 2011, the half-time officer position was increased to a full-time position. The decision to provide this service internally was made after evaluating outside vendor options; the internal service approach was determined to be cost effective and efficient.
- Following a consultant assessment of city code enforcement functions in the BPD and PW, the BPD also took on the responsibility for quality-of-life code enforcement items in October 2011 in order to streamline service delivery. Two vacant positions and associated personnel and non-personnel expenses were reallocated from PW to the BPD in order to more efficiently and effectively carry out functions including noise, trash and sidewalk snow removal enforcement.
- All residential rental properties not occupied by a family member of a property owner must maintain a current rental license. In 2011, Public Works established a half-time rental license compliance specialist position to focus exclusively on rental license enforcement. This position has been able to reduce the backlog of more than 500 noncompliant rental license enforcement cases. Currently, 103 rental license cases are under investigation.
- In July 2013, the city introduced a constituent relationship management system (CRM) called "Inquire Boulder" to more easily allow residents to identify issues and to track the city's response. Inquire Boulder is a one stop tool for residents to report issues directly to the departments responsible for addressing them. The system allows a user to select from over 85 discrete categories of issues and to describe more specifically a particular concern.
- As part of a supplemental budget appropriation in February 2014, two positions were added to Public Works to support the implementation of changes involving recreational marijuana. One position was a plans examiner and the other was a code compliance specialist. While the code

compliance specialist position was subsequently filled, it was determined that existing resources were sufficient to support plan review. As a result, resources were reallocated as part of the 2015 Budget process for the neighborhood liaison position.

- An ordinance requiring bear proof trash containers was adopted in March 2014. In May 2014, one officer and one administrative assistant position were added to the Police Department’s Code Enforcement unit, through an adjustment to the Budget, in order to implement bear protection regulations for securing waste storage.

It is important to note that the consolidation of several code enforcement responsibilities in the BPD has been effective. The BPD’s Code Enforcement Unit is deployed seven days a week. Officers receive calls for service through Dispatch and on their mobile computers. This allows more time to be spent delivering services directly to the community.

## 2015 BUDGET PROCESS

The most recent budget process provided an opportunity to consider further investments in support of code enforcement. In addition to the responsibilities of the BPD, PW and CP&S, the budget process also highlighted that staff in the City Attorney’s Office and the Municipal Court play key roles in prosecuting violations when compliance cannot be obtained either voluntarily or administratively.

The information provided as part of the 2015 Budget process included the following table that summarized existing 2014 and proposed 2015 staffing levels related directly to quality of life code enforcement. The additional resources in PW were proposed to support an increase in rental housing licensing enforcement and a new quality assurance program for rental inspections to ensure that the inspections are meeting the city’s standards and that rental housing units are compliant with all applicable codes and regulations.

Department (Workgroup or Program)*	Existing FTE/Adjusted 2014	FTE 2015 Proposed	Increase
Public Works (Code Enforcement)	1.32	3.32	2.00
Public Works (Rental Licensing)	2.30	2.80	.50
CP&S (Rental Licensing)	.23	.23	.00
CP&S (Zoning Admin and Enforcement)	1.16	1.16	.00
PD (Code Enforcement)**	5.00	5.00	.00
City Attorney (Prosecution)	.71	.71	.00
<b>TOTAL</b>	<b>10.72</b>	<b>13.22</b>	<b>2.50</b>

In response to Council questions, staff also provided information during the 2015 Budget process about administrative penalties. In addition to criminal prosecution that can result in fines and fees imposed by the court, city staff has the authority to assess penalties administratively. Such penalties continue to be assessed for violations of the rental licensing regulations.

The proposed 2015 staffing increase was subsequently supported by the City Council.

\*All FTE counts include supervisory and administrative personnel, in addition to personnel who directly provide code enforcement services.

\*\* 2 positions (a code enforcement officer and an administrative assistant) were added in the May 2014 Budget Adjustment in order to implement bear protection regulations for securing waste storage.

## **NEXT STEPS**

The February 10, 2015 study session will provide an opportunity for Council to consider options for regulation of vacation rentals by owner (VRBOs). A range of feedback and perspectives may be offered. Council could determine that the systems put in place relative to licensing, inspection and enforcement of other uses, such as marijuana businesses, that have reflected cross-departmental teaming, have application to potentially managing this type of use. The quality assurance program being implemented in 2015 for rental housing also has application to VRBOs. Council could determine that additional code enforcement resources are needed for the enforcement of a use that is currently illegal under the city's land use regulations. The evaluation of the potential deployment of city resources will be reflected in the next steps of analysis following the receipt of Council feedback on February 10 about the potential scope of this project.

As noted previously, an organizational assessment is an important tool that is used to examine opportunities to improve how services are managed and delivered. In addition to the cross-departmental effort involved with the Access Management and Parking Strategy initiative, an assessment of Parking Services is also underway. Results of the Parking Services assessment will be available for the 2016 Budget process.

The recently approved changes to the rental housing inspection and licensing program are currently being implemented. Outcomes of the VRBO discussions and implementation of the quality assurance program for rental housing in 2015 can also be highlighted during the 2016 Budget process so that additional changes can be considered by the City Council in support of Code Enforcement.

In summary, the city strives to leverage resources, utilize the subject matter expertise that is available across the organization and closely collaborate on Code Enforcement. To date, efforts that resulted in the transfer and consolidation of resources and responsibilities have been effective and opportunities to further enhance service delivery continue to be pursued. Staff would appreciate City Council support for continuing to implement efforts that are already underway in 2015 and as noted, can report back to the City Council as part of the 2016 Budget process to discuss additional actions that may be warranted.

## PROPOSED CHANGES TO THE LAND USE CODE [Revised 1.2015]

Priority: In general, the highest priority changes are toward the top of the list whereas the lowest priority changes are towards the bottom of the list, but not necessarily in the specific ordering shown. Shaded changes reflect staff's current focus where work has been commenced. Unshaded cells indicate code changes not yet commenced.

Tiers: Tier 1 changes constitute administrative fixes of identified errors in the code; Tier 2 are changes that are meant to clarify the intent of the code, but are large enough that Planning Board and City Council review would be required, and Tier 3 changes are substantive changes to the code that will require a greater amount of time and Planning Board and City Council review.

Timing: The expected duration of each code change is categorized and estimated as either Simple (no more than 3 mos.), Moderate (3-6 mos.) or Complex (greater than 6 mos.)

Relation to Form Based Code Pilot: Items that may be addressed, in whole or part, through the proposed Form Based Code pilot and related work effort are highlighted with a red asterisk.

Other Pending Code Change Priorities: The Design Excellence initiative, Uni Hill Study Session, and VRBO Study Session may add other code change priorities not currently represented on this list.

### TOP PRIORITIES CURRENTLY IN PROGRESS/COMPLETED/TABLED

<u>Number, Project Title &amp; Status</u>	<u>Tier</u>	<u>Code section</u>	<u>Code section title</u>	<u>Proposed/suggested change</u>	<u>Expected project duration</u>
<b>1) Subdivision Final Plat utility signatures</b> <i>Approved by City Council on July 17, 2012</i>	3	9-2-17 and 9-2-18	Preliminary Plat and Final Plat	Remove requirement for utility signatures on final plats and replace with requirement for evidence that utility companies have reviewed the proposal prior to submittal of applications. This is intended to avoid delays at the end of the review that non-city signatures on plats have caused.	<b>COMPLETED</b>
<b>2) Land use regulations on alcohol establishments</b> <i>Approved by City Council on October 22, 2013</i>	3	9-2-15 and 9-6	Review processes and Use Standards	Revise regulations in regard to alcohol establishments as part of the city's efforts to reduce over consumption of alcohol in the community and the impacts from late night establishments on adjacent residential neighborhoods.	<b>COMPLETED</b>
<b>3) Community Gardens</b> <i>Approved by City Council on Aug. 7, 2012</i>	3	9-6-1 and 9-16	Use Standards (table 6-1) and Definitions	Add "Community Gardens" as a permitted use in ALL zoning districts; add definition and performance standards to minimize impacts on residential neighborhoods.	<b>COMPLETED</b>
<b>4) Density/Right-of-way Calculation</b> <i>Tabled after Planning Board denial recommendation on Aug. 15, 2014.</i>	3	9-8	Intensity Standards	Allow rights-of-way to count into the total land area for projects within Area Plan areas where transportation network plans apply as to permit density and floor area calculations to be based on land area before required dedications. Identified as recommended action of the Economic Sustainability Strategy.	<b>TABLED</b>
<b>5) Landscape &amp; Lighting Upgrade Property Valuation</b> <i>Approved by City Council on Dec. 6, 2014</i>	3	9-9-5(a), 9-9-12(b) 9-9-16, 9-10-2(d)	Site Access Control Landscaping Outdoor Lighting Nonconf. Standards	Creation of an additional method of property valuation relative to lighting, landscaping and site access thresholds in the land use code.	<b>COMPLETED</b>

<b>6) Senior Occupancy change</b> <i>Tabled after First Reading not passed by council</i>	3	9-8-5	Occupancy standards within the Intensity Standards	Allow up to 6 seniors over the age of 62 years to live in one dwelling unit within the RL (Residential Low) zoning districts and up to 10 within the RR (Rural Residential) and RE (Residential Estate) zoning.	<b>TABLED</b>
<b>* 7) Short-term (Phase I) Parking Code changes</b> <i>Approved by City Council on Nov. 6 2014</i>	3	9-9-6	Parking standards	Update parking code standards to fix areas of the parking standards that either require too much parking for certain land uses or to correct portions of the code that do not make sense. Also, includes an update to all of the bike parking standards to require more bike parking and per land use instead of a percentage of vehicular parking. Processed as part of the Access Management and Parking Strategy (AMPS)	<b>COMPLETED</b>
<b>8) City Council review of Concept Plans</b> <i>Approved by City Council on Nov. 6, 2014</i>	3	9-2-13	Concept Plan Review and Comment	Add a process to the land use code that enables City Council to vote to review Concept Plans that have been reviewed by Planning Board.	<b>COMPLETED</b>
<b>9) Potential BMS (Business Main Street) zoning district changes as part of the University Hill Moratorium</b> <i>In progress; ordinance prepared for Planning Board</i>	3	9-6, 9-7 and 9-8	Use Standards, Form and Bulk Standards and Intensity Standards	Consideration of changes to the BMS zone relative to permitted uses, form and bulk standards etc. to increase the vitality of the Hill and diversity of uses to serve the neighborhood and university.	<b>Complex</b>
<b>* 10) Long-term (Phase II) Parking Code changes</b> <i>In progress; public outreach and best practices research</i>	3	9-9-6	Parking standards	Consideration of a comprehensive update to the parking regulations including but not limited to parking maximums, parking by land use, automatic parking reductions, more unbundled parking requirements, special parking requirements along transit corridors, shared parking requirements etc. Processed as part of the Access Management and Parking Strategy (AMPS).	<b>Complex</b>
<b>11) Wireless Antennae standards update</b> <i>Newly added 1.2015</i>	3	9-6-9(a)	Commercial, Retail and Industrial Uses	Update antenna standards to be in line with new Federal standards. Create standards that are consistent with federal regs, but otherwise address visual impacts while and considering latest technology.	<b>Moderate</b>
<b>12) Fresh Produce and Cottage Foods Ordinance</b> <i>Newly added 1.2015</i>	3	9-6-3(e) and 9-6-4	Specific Use Standards-residential uses and agricultural uses	Update home occupation regulations to permit sale of produce and cottage foods from residential properties. May also necessitate changes to the adopted "Community Gardens" regulations, definition of crop production and changes to Chapter 6 relative to allowance for beehives.	<b>Complex</b>
<b>* 11) Useable Open Space updates</b> <i>On hold</i>	3	9-9-11	Useable Open Space	<p>→ Revise open space standards to be more firm related to counting wetlands and drainage detention areas as these are areas that not typical useable by residents. Align open space standards with engineering requirements water quality standards.</p> <p>→ Provide more specificity and prescriptive standards for open space on by-right projects in regard to decks, hardscape areas to make clear what counts as open space and to ensure that areas are functional.</p> <p>→ Provide more flexibility to meet open space in DT and BMS zones where it may be difficult to provide 15 to 20% of a lot as open space based on lotting patterns and neighborhood typologies. Some examples may be allowance of roof top decks</p>	<b>Complex</b>

\* Items that could potentially be addressed through a form based code pilot.

				to count in full (current regs. limit the percentage of above grade open space to count) or reduce the percentage required under certain conditions.	
<b>12) Renewable Energy Sources</b> <i>On hold</i>	3	9-6, 9-9 and 9-16	Use Standards (table 6-1) and Definitions	Add "Solar Energy Systems" and "Wind Energy Systems" as a permitted uses in ALL zoning districts; add definition and new regulations to reduce visual impacts and encourage sensitive locations for renewable energy sources. Determine how Community Solar Gardens will be addressed.	<b>Complex</b>
<b>13) Comprehensive Housing Strategy short term action item</b>	3	9-6 and 9-8	Use Standards and Intensity Standards	Update to the land use code to enable 1-to-1 replacement for 100% permanently affordable dwelling units	<b>Complex</b>
<b>14) Site Review / Energy Conservation</b>	3	9-2-14(h)	Site Review Criteria	Clarify the intent of the Site Review criteria with respect to energy conservation and in light of upcoming building code changes to enhance energy standards. Also, Identify other areas of the Land Use Code that may need to be updated to reinforce the city's commitment to energy conservation.	<b>Complex</b>
<b>15) Economic Sustainability Strategy Implementation</b>	3	TBD	TBD	Complete code changes identified in the recent Economic Sustainability Strategy. Update to Home Occupation regulations.	<b>Complex</b>
<b>16) North Boulder Subcommunity Plan zoning changes</b>	3	TBD	TBD	Consideration to update the land use code to implement changes to the North Boulder Subcommunity Plan. May include changes to live/work standards, signage requirements etc.	<b>Complex</b>
<b>17) Comprehensive Housing Strategies</b>	3	TBD	TBD	Consideration of code changes to implement the Comprehensive Housing Strategy pending direction from City Council. Possible changes include but are not limited to: <ul style="list-style-type: none"> <li>• Update to cooperative housing standards</li> <li>• Targeted areas for senior occupancy</li> <li>• Targeted fix accessory dwelling units</li> </ul>	<b>Complex</b>
<b>CHANGES RELATED TO OPEN SPACE STANDARDS</b>					
<b>RL-2 (Residential Low -2) and variance criteria</b> <i>Approved; included in Phase I parking changes</i>	3	9-2-3(j) and 9-9-6(d)	Variances and Parking Standards	The zoning code treats RL-1 and RL-2 (two similar low density residential districts) differently with respect to the variance criteria for parking in a landscape setback. This change would revise to allow additional parking within the landscape setback in RL-2 if parking requirements are met outside setback. This would match current RL-1 provisions. Similarly, standards to limit the width of driveways and the maximum amount of non-landscaped areas in landscape setback could be considered.	<b>COMPLETED</b>

**CHANGES RELATED TO BUILDING DESIGN**

* <b>New Comprehensive Design Standards</b>	3	9-9	Development Standards	<p>➔ Addition of new regulations related to building design either as identified by staff and/or the Design Advisory Board.</p> <p>➔ Analysis of whether form based coding or other prescriptive design standards should apply to the downtown zoning districts (DT) or the Business Main Street (BMS) zoning district to better implement the intended character of those areas. May be outcome of Sustainable Streets and Center project.</p>	<b>Complex</b>
<b>Subterranean garages and landscape setbacks</b> <i>On hold with open space regs</i>	3	9-7-1.	Form and Bulk Standards	Presently, subterranean garages are not required to be setback from a property line like above-grade structures. This is problematic because subterranean garage under or near tree lawns greatly impact the size and health of street trees. This item would add a setback for subterranean garages and make it clear in the definition of "landscape setbacks" that subterranean garage may not encroach without Site Review.	<b>Simple</b>
<b>BMS building size</b> <i>In progress; included with Uni Hill Moratorium project</i>	2	9-8	Intensity Standards	The BMS (Business Main Street) zone limits building size to 15,000 square feet. This change would address what is counted in the building and would correlate to net floor area for the purposes of whether a project has to go through Site Review or not.	<b>Simple</b>
<b>Floor Area Ratio (FAR) analysis</b>	3	9-8	Intensity Standards	Currently there are a variety of ways to measure floor area in the city dependent on the zoning district. This option would be to analyze floor area ratio (FAR) limits city wide and investigate whether to make them more uniform; e.g., one way to measure FAR in all zoning districts.	<b>Complex</b>
<b>FAR limitation table</b>	2	9-8	Intensity Standards	The current FAR table can be somewhat confusing. This change would entail updates that would make the table more understandable.	<b>Moderate</b>
<b>Accessory Building Coverage (added 3.2013)</b>	2	9-7	Form and Bulk Standards	The limitations for building coverage within Table 7-1 do not match those within 9-7-8 and the definition for building coverage. The table should be updated to reference these sections or otherwise align. Also, 'maximum total building coverage' should be added to the Building Size and Coverage limitation section rather than being under Principal and Accessory Building Heights section.	<b>Simple</b>

**CHANGES RELATED TO TECHNOLOGY UPDATES**

<b>ADA (Americans with Disabilities Act) standards update</b> <i>Approved; included with Phase I parking code changes.</i>	2	9-9-6.	Parking Standards	Add new accessible space requirements that better match current ADA requirements. Current parking standards in the code greatly exceed contemporary ADA requirements for large residential projects.	<b>COMPLETED</b>
<b>Sign regulation update</b>	3	9-9-21	Signs	Include regulations on the size, location and brightness of LED signs; limit and the size and location of sandwich signs and clarify the different types of signs. Look into regulations for temporary signs/banners.	<b>Moderate</b>

\* Items that could potentially be addressed through a form based code pilot.

CHANGES RELATED TO BUILDING HEIGHT					
Height measurement for building connections	3	9-7-5.	Building Height	Consider modifications to relax the height measurement (e.g., measurement is from the lowest elevation point 25 feet away from a building to the top of the building) in regard to buildings that may be connected by breezeways or elevated walkways keeping overall bulk and mass in mind.	Moderate
Natural Grade definition	2	9-7-5	Building Height	Define Natural Grade (unmodified grade as of the date of the code adoption); make sure consistent with City Charter.	Moderate
Appurtenance clarification	2	9-7-7	Building Height, Appurtenances	Clarification about silos; clarify whether they are appurtenances or separate accessory structures? Include that an appurtenance has a functional need for the function of the building and/or a permitted use on the lot. Consider lower maximum height than 16 feet.	Moderate
OTHER TIER 3 CHANGES					
Solar Access exceptions	3	9-9-17(f)(6)(A)(iii)	Solar Access	In scenarios where a project may not meet the Solar Access standards, an exception process exists. In some limited scenarios, shadows would fall on areas that would likely never be constructed upon; however, the exception process does not consider this. This item would add a new criterion that would afford some flexibility in instances where shadows would fall in an area where no impact would occur, where no solar facilities would be practical and where the encroachment is negligible.	Complex
<b>RH-1 (Residential High -1) zoning district parking regulations</b> <i>Approved; including with parking code changes.</i>	3	9-9	Development Standards	Update parking regulations in the RH-1 zoning district to align with RH-2 changes.	COMPLETED
Reconsideration of Growth Management allocation program	3	9-14	Growth Management Allocations	The city currently limits the number of building permits for residential units in the city. Building permits for residential generally do not come close to exceeding this limit on a general basis. This item would include an evaluation of the growth management regulations	Complex
Front porch standards	3	9-7-4	Setback Encroachments for Front Porches	The city has regulations that encourage the encroachment of front porches to create pedestrian friendly streetscapes and new urbanist type home designs. While the intent is appropriate from a design perspective, it has little flexibility for alternation under certain circumstances. This item would add language to allow for flexibility to front porch standards that could be approved at the staff level.	Moderate
Duplexes in High Density Residential zoning districts	3	9-8-1	Intensity Standards	Certain high density zoning districts (e.g., RH-5) are not conducive to duplexes. This item would entail modification to the minimum lot area per dwelling unit from 6,000 sf to 3,000 sf to permit duplexes on standard sized lots (i.e., 6,000 sf). This change would be consistent with the most recent changes to the RH-2 zoning district.	Moderate

<b>Temporary Sales on a vacant lot</b>	3	9-6-5(c)	Temp Sales	Temporary sales are permitted as a conditional use with staff level review on commercial lots with a principal use or building. The standards do not address situations where sales may occur on a vacant lot. This change would make it possible to have temporary sales on a vacant lot within a commercial zone.	<b>Simple</b>
<b>Site Reviews and Compatible Development regulations</b>	3	9-7 and 9-8	Compatible development	The city adopted the Compatible Development regulations to limit the size of single-family residential buildings. It included an exemption for sites that were approved through Site Review or are undergoing Site Review. This change would consider apply the same regulations on single-family homes within a Site Review project as those that may be approved by-right.	<b>Complex</b>
<b>Revocable Permits and Leases</b>	3	Title 4 and Title 8	Revocable Permits/Leases	Considering the number of patios within the right-of-way and other features the city regulates, updates to standards related to permits and leases have been identified. Clarify renewal cycles.	<b>Moderate</b>
<b>Compatible Development evaluation</b>	3	9-7 and 9-8	Form and Bulk Standards	Comprehensive overview of effectiveness of the "Compatible Development" regulations adopted in 2010.	<b>Complex</b>
<b>Technical Documents and the Land Use Code</b>	3	9-2	Types of Reviews	Technical Document Review is a review process that occurs between Site Review and Building Permit. Presently, the land use code does not specifically refer to Technical Documents. This item would consider adding references within the code.	<b>Moderate</b>
<b>Substantial Completeness in projects</b>	3	9-2-12	Development Progress Required	Projects approved through Site Review are typically valid for a three year period. At the end of the three year validity projects must be considered "substantially complete." This item would address specifically what "substantially complete" would mean under different scenarios.	<b>Moderate</b>
<b>Crematoriums</b>	3	9-6-1 and 9-16	Use Standards. (table 6-1) and Definitions	Currently the code is unclear about whether crematorium uses are permitted as accessory uses within a mortuary or not. This item would include an analysis of whether a new definition should be created and whether new standards for crematoriums may be necessary.	<b>Complex</b>

**OTHER TIER 2 CHANGES**

<b>Concept Plan guidelines</b>	2	9-2-13(g)	Concept Plan	The current Concept Plan guidelines are generally broad. This item would involve changing the guidelines to be more specific and conducive to standard staff reviews by identifying key issues. Consideration of adding guidelines that discuss basic consistency with Site Review criteria could help identify issues that could arise at the Site Review stage.	<b>Moderate</b>
<b>Minor Modification update</b>	2	9-2-14(k) and 9-2-14(k)(3)	Minor Modifications	Minor Modifications (staff level) are permitted for projects approved through Site Review if specific criteria are satisfied. One criterion limits expansion to no more than 10% of the existing floor area. This change would clarify that the 10% floor area limitation for expansion would only apply to those Planned Unit Developments (PUDs) or Site Reviews that specifically restricted floor area; also would include adding the word: "horizontal" direction for areas of expansion to make it clear that expansion does not include areas over the height limit which would require Site Review.	<b>Simple</b>

<b>Boulder Junction references</b>	2	9-9-5(d)	Site Access	The code refers to the "Transit Village" where the name has recently change to "Boulder Junction." This change would update the name or consider a more generic name in the code. Includes modifications to Appendix G where the references are also made.	<b>Simple</b>
<b>Site Review threshold language</b>	2	9-2-14	Site Review threshold	In some zones, Site Review is required if 5 or more units are proposed or are possible based on the underlying zoning. This change would add the word "if" to clarify that Site Review is required if the density of 5 or greater is possible.	<b>Simple</b>



**CITY OF BOULDER  
HUMAN SERVICES DEPARTMENT**

**January 21, 2015**

**TO: Boulder City Council**  
**FR: Human Relations Commission**  
**RE: Response to City Council's Request for Additional Input on Retreat Question: What would you like to see done that would further advance the Council Goals?**

The Human Relations Commission recommends the expansion of efforts to engage the broader community, including underrepresented people, immigrants and low-income families in civic life. This recommendation stems from the vision articulated in the sustainability framework of the Human Services Master Plan and the Boulder Valley Comprehensive Plan (BVCP). The HRC is eager to support the City Council's work in furthering its vision around:

1. Principles of Economic Sustainability - "Promoting a diverse economy that supports the needs of all community members."
2. Principles of Social Sustainability - "Respecting and valuing cultural and social diversity; ensuring the basic health and safety needs of all residents are met; and providing infrastructure and services that will encourage culturally and socially diverse communities to both prosper within and connect to the larger community."
3. Community Engagement - "The city and county: recognize that...sustainability is built upon full involvement of the community; will remove barriers to participation and involve community members not usually engaged in civic life."
4. Social Equity - "The city will work to ensure that basic services are accessible and affordable to those most in need. The city and county will consider the impacts of policies and planning efforts on low and moderate income and special needs populations..."

The HRC would like to see more public forums on pertinent issues for underrepresented people, low-income and immigrant communities in Boulder. The Informational Gathering: Executive Action on Immigration held on January 15, 2015 drew over 500 people at Boulder High School. More than 60 attended our September 2014 living wage forum. Our meeting on Drivers' Licenses for All on August 2014 drew over 300 residents. These issues affect adults and families alike. HRC would like to request the participation of public officials at these events to represent City policy, convey a feeling of safety and security to those who attend, and help build trust with our vulnerable populations.

In addition to greater participation of public officials at public forums on practical issues, the HRC recognizes that an effective way to gather input from these targeted populations is through people who are from the impacted community -- community organizers who are connected to the

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schools, businesses, and places of worship. The HRC is also eager to see city policies and practices that are crafted with the impacted communities in mind -- policies and practices that pertain to all city departments, not just human services.

Thank you for the opportunity to provide our feedback on your work plan and our ideas towards meeting 2015 goals.

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