

**BOULDER CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Tuesday, October 20, 2015
6 PM**

AGENDA

- 1. CALL TO ORDER AND ROLL CALL**
 - A. Pearl Street Mall Declaration**

- 2. OPEN COMMENT and COUNCIL/STAFF RESPONSE (limited to 45 min.)**

Public may address any city business for which a public hearing is not scheduled later in the meeting (this includes the consent agenda and first readings). After all public hearings have taken place, any remaining speakers will be allowed to address Council. All speakers are limited to three minutes.

- 3. CONSENT AGENDA (to include first reading of ordinances) Vote to be taken on the motion at this time. (Roll Call vote required)**
 - A. Consideration of a motion to approve the minutes for the September 1, 2015 City Council Regular Meeting**

 - B. Consideration of a motion to approve the minutes for the September 15, 2015 City Council Regular Meeting**

 - C. Consideration of a motion to approve the minutes for the October 5, 2015 City Council Special Meeting**

 - D. Consideration of a motion to accept the Study Session Summary from August 25, 2015 regarding Envision East Arapahoe Trans Analysis and Medical Office Use**

 - E. Consideration of a motion to accept the Study Session summary from September 8, 2015 regarding the Emerald Ash Borer in the City of Boulder**

 - F. Consideration of a motion to accept the Study Session Summary from September 17, 2015 regarding Resilience Strategy**

 - G. Consideration of a motion approving the proposed 2016 budget, operating plan and board reappointments for the Downtown Boulder Business Improvement District**

 - H. Consideration of a motion authorizing the city manager to renew the lease for the Dushanbe Teahouse to Huckleberry Foods**

 - I. Consideration of motion to approve Resolution No. 1173 appointing the external audit firm to examine the financial accounts of the City of Boulder for the year ending December 31, 2015.**

- J. Third reading** and consideration of a motion to adopt and order published by title only **Ordinance No. 8071, amending Title 10, “Structures,” B.R.C. 1981** to add a new Chapter 10-7.7 “Commercial and Industrial Energy Efficiency” and amending Section 10-1-1 “Definitions” by adding definitions and setting forth related details (**Building Performance**)
- K. Second reading** and consideration of a motion to adopt **Ordinance No. 8073** authorizing and directing the **acquisition of various property interests located along 28th Street between Canyon Boulevard and north of Glenwood Drive**, by purchase or eminent domain proceedings, for the construction of the **28th Street Multimodal Transportation Improvements Project**
- L. Second reading** and order to publish by title only of **Ordinance No. 8081** amending chapters 6-14 “**Medical Marijuana**” and 6-16 “**Recreational Marijuana**” and **Code changes**
- M.** Consideration of a **motion authorizing** the city manager to enter into a **settlement agreement of a claim for damages and repair to the home and furnishings of Dick and Dona Padrnos**

4. POTENTIAL CALL-UP CHECK IN

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

- A.** Naming of Washington School Park
- B.** Concept Plan Review to redevelop the property at 2801 Jay Rd.
- C.** Concept Plan Review to redevelop the property at 3303 Broadway
- D.** Landmark alteration Certificate to construct a 405 sq ft addition at 800 Arapahoe
- E.** Landmark Alteration Certificate to remove outdoor seating at 1236 Canyon (Bandshell)

ORDER OF BUSINESS

5. PUBLIC HEARINGS

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

- A. Second reading** and consideration of a motion to order published by title only **Ordinance No. 8083 designating the building and property at 2322 23rd St., to be known as the Herkert-Glasser Cottage, as a local historic landmark** per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2015-00077)
Owner/Applicant: Douglas Johnson and Theresa Hernandez
- B. Second reading** and consideration of a motion to order published by title only an **Ordinance No. 8084** amending Section 4-2-4, “State Law Procedures Apply,” B.R.C., 1981, **eliminating the principal campus of Naropa University from the application of the 500 foot distance restriction** imposed by the Colorado Liquor Code for Beer and Wine licenses only, and setting forth related details

The following items 5C-5I will be heard as one public hearing.

C. Consideration of the following items relating to the 2016 Budget

1. **Public hearing** on the proposed 2016 City of Boulder Budget; and
2. **Second reading** and consideration of a motion to order published by title only an **Ordinance No. 8085 that adopts a budget** for the City of Boulder, Colorado, for the **fiscal year** commencing on the first day of January **2016** and ending on the last day of December 2016, and setting forth details in relation thereto; and
3. **Second reading**, and consideration of a motion to order published by title only **Ordinance No. 8086 that establishes the 2015 City of Boulder property tax mill levies** which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2016 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
4. **Second reading** and consideration of a motion to order published by title only **Ordinance No. 8087 that appropriates money to defray expenses and liabilities** of the City of Boulder, Colorado, for the **2016 fiscal year** of the City of Boulder, commencing on the first day of January 2016, and ending on the last day of December 2016, and setting forth details in relation thereto; and
5. **Second reading**, and consideration of a motion to order published by title only **Ordinance No. 8088 that amends Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981 changing certain fees**, and setting forth details in relation thereto.

Consideration of a motion to adjourn from the Boulder City Council and convene as the Central Area General Improvement District Board of Directors

D. Consideration of a motion to adopt three resolutions pertaining to the 2016 budget of the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund):

1. **Resolution No. 272** concerning the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund), **adopting a budget for the fiscal year beginning January 1, 2016**; and
2. **Resolution No. 273 establishing the 2015 City of Boulder Central Area General Improvement District Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
3. **Resolution No. 274 appropriating money to defray the expenses and liabilities** of the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund) for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the CAGID Board of Directors and to convene as the University Hill General Improvement District (UHGID) Board of Directors

- E. Consideration of a motion to adopt three resolutions pertaining to the **2016 Budget of the City of Boulder University Hill Commercial District Fund** (formerly known as the University Hill General Improvement District Fund):
1. **Resolution No. 196 concerning the City of Boulder University Hill Commercial District Fund** (formerly known as the University Hill General Improvement District Fund), adopting a **budget for the fiscal year beginning** January 1, 2016; and
 2. **Resolution No. 197 establishing the 2015 City of Boulder University Hill General Improvement District Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
 3. **Resolution No. 198 appropriating money to defray the expenses and liabilities of the City of Boulder University Hill Commercial District Fund** (formerly known as the University Hill General Improvement District Fund) for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the UHGID Board of Directors and convene as the Boulder Municipal Property Authority Board of Directors

- F. Consideration of a motion to **adopt a resolution formally adopting the 2016 Budget for the Boulder Municipal Property Authority**; and

Consideration of a motion to adjourn from the Boulder Municipal Property Authority (BPMA) Board of Directors and convene as the Forest Glen Transit Pass General Improvement District Board of Directors

- G. Consideration of motion to adopt three resolutions pertaining to **the 2016 Budget of the City of Boulder Forest Glen Transit Pass General Improvement District Fund**:

1. **Resolution No. 49 concerning the City of Boulder Forest Glen Transit Pass General Improvement District, adopting a budget** for the fiscal year beginning January 1, 2016; and
2. **Resolution No. 50 establishing the 2015 City of Boulder Forest Glen Transit Pass General Improvement District Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
3. **Resolution No. 51 appropriating money to defray the expenses and liabilities of the City of Boulder Forest Glen Transit Pass General Improvement District** for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the City of Boulder Forest Glen Transit Pass General Improvement District Board of Directors, and convene

as the Boulder Junction Access Commission General Improvement District - Parking Board of Directors

- H.** Consideration of a motion to adopt three resolutions pertaining to **the 2016 budget of the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund:**
- 1. Resolution No. 14 concerning the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund, adopting a budget** for the fiscal year beginning January 1, 2016; and
 - 2. Resolution No. 15 establishing the 2015 City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
 - 3. Resolution No. 16 appropriating money to defray the expenses and liabilities of the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund** for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the Boulder Junction Access Commission General Improvement District - Parking Board of Directors and convene as the Board of Directors of the Boulder Junction Access Commission General Improvement District Travel Demand Management

- I.** Consideration of a motion to adopt three resolutions pertaining to **the 2016 budget of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund:**
- 1. Resolution No. 14 concerning the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund, adopting a budget** for the fiscal year beginning January 1, 2016; and
 - 2. Resolution No. 15 establishing the 2015 City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
 - 3. Resolution No. 16 appropriating money to defray the expenses and liabilities of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund** for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the Boulder Junction Access Commission General Improvement District – Travel Demand Management Board of Directors and reconvene Central Are General Improvement District Board of directors; and

Consideration of a motion to adjourn as the Central Area General Improvement District board of Directors and reconvene as the Boulder City Council

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

This is a continued item and the public hearing was held and closed on October 6, 2015. No new testimony will be considered.

6. MATTERS FROM THE CITY MANAGER

7. MATTERS FROM THE CITY ATTORNEY

- A.** Motion to direct that the City of Boulder participate as an intervener in any litigation brought to challenge the Environmental Protection Agency’s Clean Power Plan Rules

8. MATTERS FROM MEMBERS OF COUNCIL

- A.** Potential Call-Ups
- 1.** Naming of Washington School Park
 - 2.** Concept Plan Review to redevelop the property at 2801 Jay Rd.
 - 3.** Concept Plan Review to redevelop the property at 3303 Broadway
 - 4.** Landmark Alteration Certificate to construct a 405 sq ft. addition at 800 Arapahoe
 - 5.** Landmark Alteration Certificate to remove outdoor seating from 1236 Canyon (Bandshell)

- B.** Retreat Committee Update

9. PUBLIC COMMENT ON MATTERS -15 min

Public comment on any motions made under Matters.

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

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

12. ADJOURNMENT

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

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

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