CITY OF BOULDER
CITY COUNCIL MEETING
Municipal Building, 1777 Broadway
Boulder, Colorado 80302
Tuesday, September 5, 2017
6 p.m.

AMENDED AGENDA

Items not on the Agenda are sometimes presented to Council in weekly Information Packets. Those packets can be accessed at https://bouldercolorado.gov/city-council.

1. CALL TO ORDER AND ROLL CALL
   A. Declaration for Boulder Pollinator Appreciation Month
   B. Update from Chief Testa
   C. Update regarding Colorado Public Utilities Commission deliberations

2. OPEN COMMENT
   Members of the public may address any subject not scheduled for a public hearing. Speaker sign-up will be available via the internet beginning at 6 p.m. on the day the agenda is made available and ending at 2 p.m. on the day preceding the meeting. In-person sign-up is from 5:00-6:00 p.m. on the day of the meeting. Fifteen on-line speakers and five in-person speakers will be randomly selected to address council. Speaking time is two-minutes per person.

3. CONSENT AGENDA
   Vote to be taken on motions at this time. Any items removed from the Consent Agenda will be considered after any scheduled Public Hearings.
   A. Consideration of a motion to approve the February 7, 2017 Regular Meeting Minutes
   B. Consideration of a motion to approve the February 22, 2017 Special Meeting Minutes
   C. Consideration of a motion to approve the March 7, 2017 Regular Meeting Minutes
   D. Consideration of a motion to approve the March 19, 2017 Special Meeting Minutes
   E. Consideration of a motion to approve the March 21, 2017 Regular Meeting Minutes
   F. Consideration of a motion to approve the May 16, 2017 Regular Meeting Minutes
G. Consideration of a motion to approve the May 23, 2017 Special Meeting Minutes

H. Consideration of a motion to accept the Study Session Summary from August 8, 2017 regarding the review of the Draft 2018-2023 Capital Improvement Program (CIP)

I. Consideration of a motion to accept the Study Session Summary from August 22, 2017 regarding the 2015 Boulder Valley Comprehensive Plan (BVCP) Implementation and to approve the BVCP Action Plan

J. Ballot Items related to the Tax Renewal and Bond;

1. Third reading and consideration of a motion to adopt Ordinance 8197 submitting to the electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, to approve the ballot title for the November 7, 2017 election to extend the 0.3 percent sales and use tax for capital improvements for four years, which would be used for capital improvement projects in the City of Boulder; setting forth the ballot title; and setting forth related details, and;

2. Third reading and consideration of a motion to adopt Ordinance 8198 submitting to the electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, to approve the ballot title for the November 7, 2017 election to authorize the increase of the debt of the city to fund capital improvement projects in the City of Boulder from a 0.3 percent sales and use tax, without increasing taxes; setting forth the ballot title; and setting forth related details

Charter Clean-Up

3. Third reading and consideration of a motion to adopt Ordinance 8195 submitting to the electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, the question of amending various sections of the Boulder City Charter to eliminate extraneous, archaic or unnecessary language; clarify referendum and initiative provisions for legislative matters; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details

Ballot Items related to Utility Occupation Tax

4. Fourth reading and consideration of a motion to adopt Ordinance 8189 submitting to the registered electors of the City of Boulder at the regular municipal coordinated election to be held on Tuesday, November 7, 2017, the question of authorizing the City Council to extend and increase the Utility Occupation Tax that was approved by the voters in November 2010 and amended in November 2011 and November 2015 on public utility
companies that deliver energy to customers in the form of electricity and gas at the rate of up to $4,000,000 in the year 2018, and $3,000,000 in the year 2019, the increase and extension of the tax to fund costs associated with a municipal electric utility; giving approval for the collection, retention, and expenditure of the full tax proceeds and any related earnings notwithstanding any state revenue or expenditure limitation; setting forth the ballot title; and setting forth related details

Ballot Items related to Executive Sessions Amending Section 9

5. Third reading and consideration of a motion to adopt Ordinance 8194 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, the question of amending Section 9 of the Boulder City Charter to extend the authorization for executive sessions from December 31, 2017 through December 31, 2023; restrict the purpose of executive sessions; change the notice requirements to specifically conform to state law; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details

Or in the alternative:

6. Second reading and consideration of a motion to adopt Ordinance 8202 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, the question of amending Section 9 of the Boulder City Charter to extend the authorization for executive sessions from December 31, 2017 through December 31, 2023; restrict the purpose of executive sessions; change the notice requirements to specifically conform to state law; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details

Amending Section 178 to form the utility

7. Fourth reading and consideration of a motion to adopt Ordinance 8193 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, the question of amending Section 178 of the Boulder City Charter to form the utility, require a public vote prior to proceeding with the costs of separation or purchasing assets; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details.

K. Consideration of a motion to accept the Lower Boulder Slough Floodplain Mapping Study, submit the study to FEMA, and direct staff to utilize the results of the study in the regulation of all annexations and development proposals during the interim period when FEMA is reviewing study results
L. **Introduction, first reading** and consideration of a motion to order published by title only, **Ordinance 8205** adopting by reference, **the 2015 major update of the Boulder Valley Comprehensive Plan (BVCP)**

M. Consideration of the following items related to Boulder County properties identified as **5399 Kewanee Drive and 5697 South Boulder Road** commonly referred to as the Hogan-Pancost site (LUR2015-00093):

1. Consideration of a motion to **adopt Resolution 1214** finding the annexation petition in compliance with state statutes and establishing either Oct. 10, 2017 as the date for a public hearing, and;

2. **Introduction, first reading** and consideration of a motion to order published by title only, **Ordinance 8206 annexing** the subject properties including adjacent rights-of-way with an **initial zoning classification of Residential Low – 2 (RL-2)**.

At time of second reading, the City Council will also consider the following application: **Concept Plan and Review (LUR2016-00076)** application on a proposal to construct 117 attached and detached residential units (50 percent as permanently affordable units) served by new public rights-of-ways and alleys on the properties and including the preservation of the east parcel and portions of the west parcel pursuant to the annexation agreement.

Applicant/Property Owner: East Boulder Properties, LLC

N. **Introduction, first reading** and consideration of a motion to order published by title only **Ordinance 8204 amending Title 9, “Land Use Code,” B.R.C. 1981, to update the effective date of the FEMA flood insurance rate maps**

O. **Introduction, first reading**, and consideration of a motion to order published by title only, **Ordinance 8207 amending Chapter 14-1, “Arts Grant Program,” 1981 B.R.C., to update Arts Grant Program processes, and setting forth related details**

P. Consideration of a motion to authorize the city manager to **approve and execute a long-term revocable permit for encroachments** into a public right-of-way and easement area at 0 & 885 Arapahoe Avenue

Q. Consideration of a motion to **adopt Resolution 1213 authorizing the City of Boulder to assign the City of Boulder’s 2017 Private Activity Bond allocation to the Colorado Housing Finance Authority (CHFA) on behalf of Thistle Communities, for the purpose of financing the comprehensive rehabilitation of 80 units of permanently affordable housing located in Boulder**
R. Consideration of a motion to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with other response agencies in Boulder County to formally establish the Boulder County Hazardous Materials Response Authority

S. Consideration of a motion to accept the Advanced Study Session Summary from August 28, 2017 on the Public Participation Working Group Update and Report

4. CALL-UP CHECK-IN
Opportunity for council to indicate possible interest in the call-up of an item listed under 8A. No action will be taken by council at this time.

8A. Call-Ups

1. 1550 Eisenhower– Site Review to develop a seven-acre property

2. 5801 Arapahoe – Concept Plan Review

ORDER OF BUSINESS

5. PUBLIC HEARINGS

A. Second reading and consideration of a motion to adopt Ordinance 8201 recommending City Council repeal and replace Chapter 9-13 “Inclusionary Housing,” B.R.C. 1981, and amending and adding related definitions to Chapter 9-16, “Definitions,” B.R.C. 1981. The replacement ordinance includes a middle-income housing requirement, incentives to provide affordable units on-site, requires a new design review process, is reorganized to improve readability and sets forth related details

B. Consideration of a motion to approve an Intergovernmental Agreement with Denver Water regarding Open Space and Mountain Parks’ South Boulder Creek Habitat Improvement Project

6. MATTERS FROM THE CITY MANAGER

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Call-ups

1. 1550 Eisenhower – Site Review to develop seven-acre property

2. 5801 Arapahoe – Concept Plan Review

B. Consideration of a motion to adopt Resolution 1215 supporting extension of the Deferred Action for Childhood Arrivals (DACA) Program and Permanent Legal Status for Dreamers
C. Consideration of a motion to **approve the order** of the City of Boulder **ballot measures in the 2017 General Municipal Coordinated Election**

9. **COMMENT ON MOTIONS MADE UNDER MATTERS**  
   Public comment on any motions made under Matters

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

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

12. **ADJOURNMENT**  
   City Council documents, including meeting agendas, study session agendas, meeting action summaries and information packets can be accessed at [www.bouldercolorado.gov/city-council](http://www.bouldercolorado.gov/city-council).

   This meeting can be viewed at [www.bouldercolorado.gov/city-council](http://www.bouldercolorado.gov/city-council). Meetings are aired live on Municipal Channel 8 and the city’s website and are re-cablecast at 6 p.m. Wednesdays and 11 a.m. Fridays in the two weeks following a regular council meeting.

   Boulder 8 TV (Comcast channels 8 and 880) is now providing closed captioning for all live meetings that are aired on the channels. The closed captioning service operates in the same manner as similar services offered by broadcast channels, allowing viewers to turn the closed captioning on or off with the television remote control. Closed captioning also is available on the live HD stream on BoulderChannel8.com. To activate the captioning service for the live stream, the "CC" button (which is located at the bottom of the video player) will be illuminated and available whenever the channel is providing captioning services.

   Council Chambers is equipped with a T-Coil assisted listening loop and portable assisted listening devices. Individuals with hearing or speech loss may contact us using Relay Colorado at 711 or 1-800-659-3656. Anyone requiring special packet preparation such as Braille, large print, or tape recorded versions may contact the City Clerk’s Office at 303-441-4222, 8 a.m. – 5 p.m. Monday through Friday. Please request special packet preparation no later than 48 hours prior to the meeting.

   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.

   Send electronic presentations to email address: CityClerkStaff@bouldercolorado.gov no later than 2 p.m. the day of the meeting.