

COUNCIL AGENDA COMMITTEE
July 28, 2014

Present: Mayor Appelbaum; Mayor Pro Tem Karakehian; Council Member Plass; City Manager Jane Brautigam; City Attorney Tom Carr; City Clerk Alisa Lewis; Organizational Development Manager Tammy Burnette and member of the public Peter Richards

CAC convened at 8:05 AM.

1. July 29 Council Schedule

Special Meeting - 6:00 p.m.

Mayor Appelbaum, as allowed by the City Charter, called a special meeting of the city council on July 29 at 6 PM in the Council Chambers. He indicated that the purpose of the meeting was to deal with a time sensitive Land Use issue and that council would be receiving a confidential packet from the City Attorney's Office later today.

Study Session

A. 6:30 – 7:30 PM Zero Waste Strategic Plan

CAC noted that the council would have a brief conversation about council's individual positions regarding Council Member Jones' participation in this portion of the Study Session. The city attorney made it clear that he had advised Council Member Jones that legally she did not have to recuse herself from the study session, but she was very sensitive to her council colleagues thoughts on the matter and had indicated her willingness to recuse herself from the first portion of the study session.

Mayor Appelbaum asked for clarification as to what staff was asking for from the council. He indicated that this wasn't clear in the memo and that it would be helpful to have that information highlighted at the beginning of the meeting.

Council Member Plass noted that the tables 3 and 4 were very confusing as they did not include the units and Table 3 appeared to be a foot note to table 4. He asked that staff be prepared to clarify the charts as part of the presentation.

B. 7:30 – 9:00 PM Continuation of AMPS Discussion*

2. August 5 – Preliminary Agenda

BOARD AND COMMISSION INTERVIEWS

5:00 p.m.

Staff noted that interviews would be for the Landmarks Advisory Board, the EAB applicants from March were all interested in be considered and therefore council could appoint from within that pool of candidates.

BOULDER CITY COUNCIL MEETING

Tuesday, August 5, 2014

5:30 p.m.

PRELIMINARY AGENDA

5 Minutes

1. CALL TO ORDER AND ROLL CALL

30 Minutes

A. **Boulder County Report on Children**, Presented by Stephanie Greenberg

Director of Human Services Karen Rahn will introduce Stephanie Greenberg.

10 Minutes

B. **Audit Summary**, Presented by David Frederick

CAC requested that a member of the Audit Committee introduce Mr. Frederick and after his presentation provide a brief report on the internal audit.

45 Minutes

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE** (limited to 45 min.) Public may address any city business for which a public hearing is not scheduled later in the meeting (this includes the consent agenda and first readings). After all public hearings have taken place; any remaining speakers will be allowed to address council. All speakers are limited to three minutes.

15 Minutes

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

A. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance approving supplemental appropriations to the 2014 Budget** related to flood insurance proceeds*

B. Consideration of a motion to adopt **Resolution No. 1134** appointing the firm **BKD, LLP** to **examine** the **financial accounts** of the city of Boulder for the year ended **December 31, 2014***

C. Consideration of a motion to adopt **Resolution No. 1135** accepting the City of Boulder **2013 Comprehensive Annual Financial Report and Independent Auditor's Reports***

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

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

ORDER OF BUSINESS

5. **PUBLIC HEARINGS**

CAC indicated that the ballot measures would have separate public hearings.

15 mins.

- A. Second reading **and consideration of** a motion to adopt **Ordinance No. 7980** submitting to the **registered electors** of the City of Boulder **at the special municipal coordinated election to be held on Tuesday, November 4, 2014**, the question of **affirming the city's right to provide high-speed internet services (advanced services), telecommunications services, and/or cable television services** to residents, businesses, libraries, nonprofit entities and other users of such services and setting forth related details

CAC noted that if there were no amendments on this item it should be continued to the August 19 meeting.

15 mins.

- B. Second reading and consideration of a motion to adopt **Ordinance No. 7982** submitting to the **registered electors** of the City of Boulder **at the general coordinated municipal election to be held on Tuesday, November 4, 2014**, the question of **amending City Charter Section 9 to provide that the city council may meet in executive session only for the purpose of discussing legal advice and negotiation strategy relating to the creation of a municipal electric utility**, with such authority ending December 31, 2017; setting forth the ballot title; and specifying the form of the ballot and other related details

CAC noted that if there were no amendments on this item it should also be continued to the August 19 meeting.

45 mins.

- C. Second reading and consideration of a motion to adopt **Ordinance No. 7983** submitting to the **registered electors** of the City of Boulder **at the special municipal coordinated election to be held on Tuesday, November 4, 2014**, the question of authorizing the city council **to increase the sales and use tax by up to 0.3 cents on every dollar, effective from January 1, 2015 through December 31, 2017 for the purpose of funding a variety of capital improvement projects**; giving approval for the collection, retention and expenditure of the full tax proceeds and any related earnings, notwithstanding any state revenue or expenditure limitation; and setting forth the effective date, ballot title, amendments to section 3-2-5, "Rate of Tax," B.R.C. 1981 and related details

CAC noted that if there were no amendments on this item it should be continued to the August 19 meeting. CFO Bob Eichem asked if the council would like to have additional options available that outline lower percentages. CAC indicated that it would be helpful to have that information included as an attachment with reference to it in the memo.

30 Minutes

- D. **Consideration of the following items related to the annexation and initial zoning of the following properties: a) 1.10 acre property identified as 4270 19th St.; and b) 1.97 acre property identified as 2130 Tamarack Ave.:**

Mayor Appelbaum expressed concern that these annexations were being brought forward without agreement from 2130 Tamarack to provide the city with requested easements. He also expressed that, as in the past, he would not support RE (Residential Estate) zoning in the city.

1. Adopting **Resolution No. 1136 and Resolution No. 1137** finding the properties to be in enclaves, finding compliance with statutory requirements applicable to these annexations, and establishing August 5, 2014 as the date for **C**ouncil action
2. Adopting **Emergency Ordinance No. 7984 and Emergency Ordinance No. 7985** annexing the properties with an initial zoning classification of **Residential – Estate (RE)**

90 Minutes

- E. Consideration of a **motion to accept the 2014 Transportation Master Plan and to accept the revised Transportation Master Plan Summary** for inclusion in the Boulder Valley Comprehensive Plan

Mayor Appelbaum asked about Attachment H – TMP project list and whether approving the TMP would also mean that council was approving that attachment. He asked that staff be prepared to address this during the presentation.

6. MATTERS FROM THE CITY MANAGER - None

7. MATTERS FROM THE CITY ATTORNEY - None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups - None

15 Minutes

B. Board and Commission Appointments*

*No comments were received on these items

A. Would Council like a Lower % Option for the Sales and Use Tax Ballot Question?

See response to item 5C in the preliminary agenda above

3. Calendar Items

CAC reviewed the study session calendar and upcoming meetings. Staff indicated they would gain further clarification on some items and distribute an updated calendar once those changes were completed.

4. Additional items

A. Update from CAO - Request from Grand County Commissioners

City Attorney Carr indicated that he had reached out to outside Water Attorneys to determine if there was a specific issue that the Grand County Commissioners might want to address with council. They had no knowledge of any such issue. Therefore, CAC recommended that a letter be sent to the Commissioners that informed them that they were free to attend a council meeting and

speaking during Open Comment. Mayor Appelbaum noted it was very unlikely that the city council would be inclined to take a position on items that the city was not directly involved in and certainly not without all the parties involved, i.e. Fort Collins and Boulder County, being part of a discussion. It was also noted that it would be a huge undertaking for both staff and the council to become fully knowledgeable on the various issues and CAC failed to see the benefit when it was likely not appropriate to take a position on the matters other than the position already taken on Gross Reservoir.

City Manager Brautigam indicated that she would ask Policy Advisor Carl Castillo to write a letter to the Grand County Commissioners.

Other items:

- **Request from Council Member Young**

CAC asked about the request from Council Member Young to schedule a 30 minute discussion on the status of the Long Property before the end of the summer. She indicated that she had met with the Long Family and they were still interested in working with the city.

City Attorney Carr responded that he had spoken with Ms. Long and she expressed that she did not understand the option proposed by the city. Mr. Carr asked that CAC hold off scheduling a discussion until after he had the opportunity to meet with her and clarify what the city had offered.

CAC adjourned at 9:05 AM