

CAC Summary
Tuesday, January 20, 2015

CAC convened at 8:01 AM

PRESENT

Mayor Matthew Appelbaum, Mayor Pro Tem Suzanne Jones, Council Member Mary Young, City Manager Jane Brautigam, City Attorney Tom Carr, Deputy City Attorney David Gehr, City Clerk Alisa Lewis, Executive Assistant to the City Manager Ann Large and Acting Deputy City Clerk Dianne Marshall

I. January 20 Final Agenda Review

- A. Addition of 1st Reading ordinance amending the building height regulations and requirements for certain areas of the City.
Approved as Item 5B
- B. Addition of Item 6 B – Discussion and direction on development-related impact fees and excise taxes.
Approved as Item 6A

1. **CALL TO ORDER AND ROLL CALL**

- A. **State of the City Presentation***
- B. **Declaration in Appreciation of Mark Udall**
Senator Udall will not be able to attend.

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE**

3. **CONSENT AGENDA**

- A. Consideration of a motion to approve the Special City Council **Meeting Minutes from December 8, 2014** *
- B. Consideration of a motion to approve the City Council Meeting **Minutes from December 16, 2014***
- C. Consideration of a motion to accept the October 28, 2014 **study session summary on Envision East Arapahoe***
- D. Consideration of a motion to accept the November 12, 2014 **study session summary on the Climate Commitment Update***
- E. Consideration of a **motion to amend the Cunningham Farm Annexation Agreement** for the properties located at 350 and 390 Linden Avenue (Lots 1 and 2,

Cunningham Farm Subdivision) in order to change design requirements to allow for modern architecture. Case #LUR2014-00087. The properties are located within the Residential – Rural 2 (RR-2) zone district*

- F. Consideration of a motion to adopt a **resolution allowing for continuation of the Rocky Flats Stewardship Council***
- G. Consideration of a motion to adopt a **resolution** authorizing the City Manager to **enter into the Trust Agreement for the Colorado Firefighter Health and Circulatory Benefits Trust** and setting forth related details*
- H. Second reading and consideration of a motion to adopt **Ordinance No. 8019** amending Emergency Ordinance No. 7985 **to correct the legal description for the annexation area of the property at 2130 Tamarack Avenue***
- I. Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8028 **amending Title 9, “Land Use Code” B.R.C. 1981 by amending the building height regulations and requirements for certain areas of the City**, and setting forth related details.

CAC moved this item to public hearing Item 5B

- 4. **POTENTIAL CALL UP CHECK IN**
No interest expressed in calling up either item.

5. **PUBLIC HEARINGS**

- A. Second reading and **consideration of a motion to adopt the following ordinances related to the annexation and initial zoning of the properties identified as 1950 Riverside Dr., 4415 Garnet Ln., 1085 Gapter Rd., 2200 Emerald Rd. and 2350 Norwood Ave.:**

- a. Ordinance No. 8022 (1950 Riverside Dr.)

- Proposed Zoning: Residential-Estate

- Applicant/Owner: Seana Grady

- b. Ordinance No. 8023 (4415 Garnet Ln. and a portion of the Garnet Lane right of-way)

- Proposed Zoning: Residential-Estate

- Applicant/Owner: Frank Alexander

- c. Ordinance No. 8024 (1085 Gapter Rd.)

- Proposed Zoning: Residential-Rural 2

- Applicant/Owner: Silvano and Elvira Deluca

d. Ordinance No. 8025 (2200 Emerald Rd.)
Proposed Zoning: Residential-Rural 1
Applicant/Owner: Stephen and Amy Carpenter

e. Ordinance No. 8026 (2350 Norwood Av.)
Proposed Zoning: Residential-Estate
Applicant/Owner: Norwood Garden, LLC

5A(e) Applicant will be represented by counsel. Staff will be available to answer additional questions.

Applicants will have five minutes to present.

- B. Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8028 **amending Title 9, “Land Use Code” B.R.C. 1981 by amending the building height regulations and requirements for certain areas of the City**, and setting forth related details.

CAC moved this item from 3I to a public hearing.

- *Council action (if introduced or passed on emergency) will put in effect the “Pending Ordinance Rule.”*
- *CAC direction to move this on the agenda from 3I to 5B.*
- *Staff to provide citywide map and map of specific areas*
- *The Reve is half in and out of the TVAP boundaries; council could choose to include the entire area.*

6. **MATTERS FROM CITY MANAGER**

- A. Update on P&DS Advisors Group

CAC allotted 30 minutes to this item. There have been several CORA requests and much of the information is now available online.

CAC moved 6A to 6B.

- B. Discussion and direction on development-related impact fees and excise taxes.

CAC moved 6B to 6A.

7. **MATTERS FROM CITY ATTORNEY**

None

8. **MATTERS FROM MAYOR AND MEMBERS**

A. Call Ups

1. **Landmark Alteration Certificate** to install vinyl replacement windows on the non-contributing building located at **720 Concord Ave. in the Mapleton Hill Historic District**, per section 9-11-18 of the Boulder Revised Code (HIS2014-00350). This Landmark Alteration Certificate is subject to City Council call-up no later than **January 20, 2015**. Landmarks Board approved 3:1.*
2. **1029 Broadway Site and Use Review** (LUR2014-00053). Last opportunity for call up no later than **February 3, 2015**. Planning Board approved 6:0.*

B. Consideration of a motion to approve the process for performance evaluations and salary adjustments for the City Manager, City Attorney, and Municipal Judge

The City Clerk will remind the sub-committee (Cowles/Shoemaker) to be prepared to present an update.

C. Discussion on Scheduling Executive Sessions

CAC would like a brief discussion to determine how often to meet, should meetings be regularly scheduled and part of an existing meeting or a separate meeting.

II. Special City Council Meeting to conduct an Executive Session – Thursday, January 22, 2015

Planning Board will be meeting the same night in Council Chambers and that meeting will be televised. Staff is recommending that Council call its special meeting to order first, then adjourn into Executive Session, Planning Board would then start its meeting. Upon completion of the Executive Session the Mayor would return to Council Chambers where he would be allowed to interrupt the Planning Board meeting to announce that the Executive session adjourned. During the Executive Session Channel 8 will have a notice running along the bottom of the screen.

PROCESS

- *Council makes a motion to call an executive session.*
- *Council then leaves chambers for the executive session at 401 Park Central.*
- *Planning Board meeting convenes its televised meeting and CH8 runs a crawl at the bottom of the screen that Council is in executive session.*
- *Planning Board will take a recess while Council adjourns their meeting*
- *Planning Board meeting continues*

The Special City Council Meeting for this Thursday, January 22, is scheduled for approximately three hours.

III. 2015 City Council Retreat Board – January 23-24 at the East Boulder Community

Center

The Retreat Agenda will be sent to Council no later than Thursday, January 22.

IV. January 27 Study Session

- A. University Hill Moratorium 6-8 PM*
- B. Boulder's Energy Future 8-9 PM*

V. Agenda Calendar Items

- A. February 17 – 1st Reading Landmarks Designation Ordinance for 747 12th Street (Consent)*
- B. March 3 – 2nd Reading Landmarks Designation Ordinance for 747 12th Street*
- C. May 5 – 1st Reading First adjustment to Base (2nd Reading on May 19) (both on Consent)*
- D. 1st Reading and Notice of Sale for Stormwater/Flood Bonds (Consent) (2nd Reading and Sale on June 16)*
- E. June 16 – Parkland Site Plan (Public Hearing)

The City Manager noted that the project needs a more descriptive title, such as: Valmont Park South.

- F. July 21 – Study Session Summary – Commercial /Industrial Energy Efficiency Ordinance Options (Consent)*
- G. August 18 - 1st Reading Notice of Sale – Water and Sewer bonds – (2nd Reading September 1) (Both on Consent)*
- H. October 6 – 2016 Budget Hearing 1 (2nd Reading October 20) (both Public Hearings)*
- I. November 17 – 1st Reading Second Budget Supplement (2nd Reading December 1) (both on Consent)*

Other Items

- CAC placed the ballot issue study session on April 14 and moved the Housing Update to a briefing on April 28
- Council Member Young requested information about the timing of an IP re hospital site. The City Manager stated the item would be discussed at the Retreat and could continue on March 17 with a report on the Civic Area that

would likely include the hospital site.

- The Mayor Pro Tem requested the CAC avoid moving items that have been on the calendar for awhile
- Cable Franchise does not need a public hearing on March 3; place on consent.
- Open Access Transition Tariff has been removed and will be re-scheduled later in the year
- The Mayor asked for an update on the Gamms declaration; the City Clerk will reach out to staff at the Dairy Center and bring this item back to CAC

Adjourned 9:01 AM

CAC Summary
January 12, 2015

PRESENT

Mayor Matthew Appelbaum, Mayor Pro Tem Suzanne Jones, Council Member Mary Young, City Manager Jane Brautigam, City Attorney Tom Carr, Deputy City Attorney David Gehr, City Clerk Alisa Lewis, Assistant to the City Manager Tammye Burnette and Acting Deputy City Clerk Dianne Marshall

CAC convened at 8:01 AM

I. January 13 Study Session

A. Briefing – Age Well Boulder County Update* 5:30-6 PM

B. Pre-Retreat Study Session

1. Financial Update*

2. Work Plan Review

The Mayor Pro Tem requested that council members review the email sent them by the Retreat Committee assigning two boards to each council member and asking them to summarize the major points made by each board, whether the issues/input raised are already addressed in the 2015 work plan and if any feedback to the board is appropriate.

3. Identify Four Priority Topics for Retreat

The purpose of the study session is to provide clarity for the work to be accomplished at the Retreat. Council members should come to the study session prepared to present four topics they believe should be discussed in great depth considering the scope of the item and the level of specificity needed.

II. January 15 Special City Council Meeting Agenda Review

Charles Ferro, Development Review Manager, and Elaine McLaughlin, Senior Planner, from Community Planning and Sustainability joined the meeting.

Mr. Ferro provided Council with the process for a concept Plan Review based on BRC 9-2-13 and outlined a potential agenda for the meeting. He advised Council that the entire team for the applicant is flying in from Nashville, Tennessee, for this meeting. He will review the regulatory analysis in detail. Aaron Brocket from the Planning Board will attend the meeting and be available to answer questions from Council.

Planning packets will be provided at the meeting.

The Mayor indicated that conversation with the applicant was unusual but was assured by Mr. Ferro and Ms. McLaughlin that the concept review was intended to be a dialogue. Council Member Young asked if Council may discuss this topic with Planning Board. The City Attorney's Office responded that since Council may possibly rule on Planning Board actions, it would be best to avoid any perception of a conflict. The Mayor Pro Tem requested that the City Attorney's Office address this with council members.

III. January 20 Preliminary Agenda Review 6 PM Start Time

1. CALL TO ORDER AND ROLL CALL

- A. State of the City Presentation*
20 minutes
- B. Declaration in Appreciation of Mark Udall

Senator Udall is not able to attend the January 20 meeting and Council Member Morzel has contacted the City Clerk to see if this could be reschedule when Senator Udall is available.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE

3. CONSENT AGENDA

- A. Consideration of a motion to approve the City Council Meeting Minutes from November 18, 2014 (available in final packet)*
- B. Consideration of a motion to approve the City Council Meeting Minutes from December 2, 2014 (available in final packet)*
- C. Consideration of a motion to approve the Special City Council Meeting Minutes from December 8, 2014 (available in final packet)*
- D. Consideration of a motion to approve the City Council Meeting Minutes from December 16, 2014 (available in final packet)*
- E. Consideration of a motion to accept the October 28, 2014 study session summary on Envision East Arapahoe

The Mayor requested that the summary be amended to indicate "Potential Next Steps" subject to change depending on the outcome of the council retreat.

- F. Consideration of a motion to accept the November 12, 2014 study session summary on the Climate Commitment Update

Same issues as 3E.

- G. Consideration of a motion to amend the Cunningham Farm Annexation Agreement for the properties located at 350 and 390 Linden Avenue (Lots 1 and 2, Cunningham Farm Subdivision) in order to change design requirements to allow for modern architecture. Case #LUR2014-00087. The properties are located within the Residential – Rural 2 (RR-2) zone district

The Mayor asked if this item had gone to Planning Board or BDAB prior to the item being presented to Council.

The Deputy City Attorney stated it had gone to Planning Board on January 8 and that information would be included in the final memo.

- H. Consideration of a motion to adopt a resolution allowing for continuation of the Rocky Flats Stewardship Council*
- I. Consideration of a motion to adopt a resolution authorizing the City Manager to enter into the Trust Agreement for the Colorado Firefighter Health and Circulatory Benefits Trust and setting forth related details*
- J. Second reading and consideration of a motion to adopt Ordinance No. 8019 amending Emergency Ordinance No. 7985 to correct the legal description for the annexation area of the property at 2130 Tamarack Avenue*

4. POTENTIAL CALL UP CHECK IN

Review of the Landmarks Board decision to Landmark the property on 12th street needs to be scheduled for a council meeting within 100 days of the board's decision. Staff will review options at SAM and bring them back to CAC on January 20.

5. PUBLIC HEARINGS

- A. Second reading and consideration of a motion to adopt the following ordinances related to the annexation and initial zoning of the properties identified as 1950 Riverside Dr., 4415 Garnet Ln., 1085 Gapter Rd., 2200 Emerald Rd. and 2350 Norwood Ave.:

- a. Ordinance No. 8022 (1950 Riverside Dr.)**

- Proposed Zoning: Residential-Estate

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- b. Ordinance No. 8023 (4415 Garnet Ln. and a portion of the Garnet Lane right of-way)**

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c. Ordinance No. 8024 (1085 Gapter Rd.)

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d. Ordinance No. 8025 (2200 Emerald Rd.)

Proposed Zoning: Residential-Rural 1

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e. Ordinance No. 8026 (2350 Norwood Av.)

Proposed Zoning: Residential-Estate

Applicant/Owner: Norwood Garden, LLC

Deputy Director of Community Planning and Sustainability Susan Richstone and Chris Meschuk, Planner II, joined the meeting.

It is expected that some applicants and public will speak at the meeting. Issues with the Jorrie property (Planning Board was clear that the entire 12' width was needed) and the Garnet Road closure may attract speakers.

Applicants will be given five minutes to address Council but may not then also speak during the public hearing. Beverly Johnson, Senior Planner will make the presentation.

The Mayor Pro Tem requested that staff be available to address ditch issues and was assured that Utility staff will be present. She also requested that everything necessary to make a decision will be available at the meeting.

Mr. Meschuk will also have in the process a slide to advise applicants that they may withdraw their application for annexation but this must occur prior to Council voting.

6. MATTERS FROM CITY MANAGER

A. P&DS Advisors Update*

7. MATTERS FROM CITY ATTORNEY

None*

8. MATTERS FROM MAYOR AND MEMBERS

A. Call Ups*

- B. Consideration of a motion to approve the process for performance evaluations and salary adjustments for the City Manager, City Attorney, and Municipal Judge.

The Mayor Pro Tem asked if action taken by the current council would affect future councils. The Mayor advised this was a process the next council could change. Council Member Jones also asked for an update on when the "Equity Evaluation" would come forward to Council. The Mayor requested that the City Manager schedule this item prior to the start of this year's performance evaluations.

VRBO Update – Request from Council Member Cowles

The City Manager reviewed the status of this issue. Staff is proposing that Council not discuss this item at the January 20 meeting because this item is on the February 10 study session and defer all action on the cease and desist letters sent out in December until after this study session. Council Member Cowles was satisfied with this arrangement. The Mayor Pro Tem stated this was an issue of rising concern with an impact on neighborhoods, hotels and taxes.

The City Manager will have a press release out today addressing this issue. CAC reviewed the press release, which will stress that VRBOs are illegal. The City Attorney advised CAC that VRBOs have changed in the past year with the volume increasing dramatically

IV. Video Pilot Project for Boards and Commissions

Study Sessions and all regularly scheduled **Planning Board** and **OSBT** meetings will be televised beginning in January. Staff is also developing a process for all boards and commissions to submit a request for TV coverage to CAC 30 days in advance of the proposed date. Such a request will require CAC approval and for the meeting to occur in Council Chambers. This will also be the case if Planning Board or OSBT schedule an extra meeting during the month that should be televised.

At this time, all Council study sessions and Planning Board and Open Space Board of Trustee meetings will be televised in a pilot program through June 30. Patrick von Keyserling, Communications Director, has met with the Council Board and Commission sub-committee to begin developing a process for all boards to request CAC approval to have a specific meeting televised. The City Manager directed that the 30 days in advance request to CAC be shortened to allow timely issues to be televised. The Mayor Pro Tem requested that information on the process be sent to all boards.

V. New 2015 Study Session Requests - All approved.

The Mayor requested an update on the South Boulder Creek Mitigation. The issue cannot move forward until the technical review is completed to see if the solution to divert water to the CU/South property would work. The City Clerk will reach out to Director of Public Works for Utilities Jeff Arthur to schedule an update.

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| A. February 24 | Briefing - Housing Update |
| B. March 31 | CANCEL Civic Area Implementation |
| C. April 14 | Boulder Housing 7:30-9 PM |
| D. April 28 | Briefing – Update 5:30-6 PM |
| E. May 26 | Hill Reinvestment Strategy Update and Policy Directions
6-7:30 PM
AMPS Update 7-8 PM |
| F. August 11 | 2016 CIP Study Session 6-7:30 PM |
| G. September 8 | 2016 Budget Study Session 6-7:30 PM |
| H. September 22 | 2016 Budget Study Session 6-7:30 PM |
| I. November 10 | AMPs Update 6-7 PM |

VI. Agenda Calendar Items – All approved.

A. January 20 Meeting

1. Consideration of a resolution for the City of Boulder to adopt and enter into a trust agreement for the Colorado Firefighter Health and Circulatory Benefits Trust (Consent)*
2. Study Session Summary for the 10/28 Envision East Arapahoe (Consent)*
3. Council Executive Employee Evaluation Process (Matter from Members for Council)*

B. February 3 Meeting

1. 2nd Reading Smoking Ban on Selected City Properties (Public Hearing)
Moved from January 20 meeting*

C. March 17 Meeting

1. Energy Future – 1st Reading Open Access Transmission Tariff (Consent)
2nd Reading April 7*
2. Boulder Civic Area Direction for Civic Area Master Plan and Parkland Site Plan (Matter from City Manager).*

Additional Discussion

1. *Landmarks Issue needs to be scheduled within 100 days of the Landmarks Board decision to landmark a property against the wishes of the owner. This will go to SAM and come back to CAC with a recommendation (assume in scheduling this item will take several hours).*
2. *The Mayor Pro Tem noted that Council Member Shoemaker emailed CAC*

regarding scheduling of Executive Sessions. She requested that a discussion about scheduling of executive sessions be added under Matters from Members of Council on the January 20 meeting. She also suggested that a protocol be developed for this year with two options, (1) for regularly scheduled check-ins before or after study sessions and (2) a process for calling special meetings for emerging issues requiring immediate directions from council.

3. *The City Clerk announced that five applications have been received for boards and commissions: 1-PRAB, 2-BDAB, 1-Art and 1-Housing.*

Attachments: Master Calendar