

COUNCIL AGENDA COMMITTEE
November 12, 2013

Present: Mayor Appelbaum; Council Member Morzel; Council Member Karakehian; Deputy City Manager Paul Fetherston; City Attorney Tom Carr; Deputy City Attorney David Gehr; City Clerk Alisa Lewis; Deputy City Clerk Alisa Darrow; and Peter Richards community member

CAC convened at 8:00 AM.

1. November 12, 2013 – Final Agenda

A. Reminder – 6:00 PM Platforms for Mayor and Mayor Pro Tem

2014 CITY COUNCIL MAYORAL PLATFORMS
MUNICIPAL BUILDING, 1777 BROADWAY
Tuesday, November 12, 2013
6 p.m.

City Clerk Lewis clarified that the Mayoral Platforms would begin at 6 p.m. and reviewed the procedure for this evening's process for the Mayoral and Mayor Pro Tem platform as outlined below:

Excerpt from Council Procedures, Appendix to Title II, Boulder Revised Code, 1981

IX. Nominations and Elections

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.

CAC clarified that in order to be considered as a candidate, any interested party should make that known this evening. It was also noted that the council elect members would be asked to join the incoming council at the dais for this discussion.

SPECIAL BOULDER CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Tuesday, November 12, 2013
Immediately following Mayoral platforms

AGENDA

1. CALL TO ORDER AND ROLL CALL*

2. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time. (Roll call vote required)*

A. **Third reading** and consideration of a motion to adopt **Ordinance No. 7941 creating a pilot project allowing electric assisted bicycles on certain hard surfaced multi-use paths** by amending Definitions in Sections 1-2-1- and 7-1-1 **and** amending Sections 7-4-16, 7-5-5 and 7-5-9 and adding Section 7-5-26 authorizing electric assisted bicycles where permitted by rule adopted by the City Manager, **establishing a sunset date of December 31, 2014***

3. **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

4. **PUBLIC HEARINGS** (speakers will be limited to two minutes as this item has had two previous hearings to date)

A. **Continuation of second reading** and consideration of three **emergency ordinances all to implement** and comply with the requirements of **Amendment 64** to the Colorado State Constitution and implement Council direction as follows:

1. **Ordinance No. 7929 amending Section 6-14, "Medical Marijuana," B.R.C., 1981;**
and

2. **Ordinance No. 7930 adding a new Chapter 6-16, "Recreational Marijuana," and a new Section 4-20-67, "Recreational Marijuana Businesses," B.R.C., 1981;** and

3. **Ordinance No. 7931 amending Section 5-10, "Marijuana Offenses," B.R.C., 1981**

City Attorney Tom Carr indicated that staff would give a presentation moving up acceptance of conversion applications. He also stated that staff would provide a table clarifying changes from the last meeting.

Mayor Appelbaum asked for information about whether the state would accept an application before the local license was approved.

City Attorney Tom Carr commented that his understanding was that they would not accept an application prior to the business being licensed at the municipal level.

CAC clarified that it would take a 2/3 vote of council members present to pass an emergency ordinance.

5. **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

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 (5 Min.) Opportunity for Council to discuss how the meeting was conducted*

12. ADJOURNMENT*

2. November 19, 2013 – Preliminary Agenda - 10:00 A.M. meeting

AGENDA

City Clerk Alisa Lewis clarified that beginning on November 19, 2013, council meetings will be held at the Canyon Theater at the Boulder Library while Council Chambers was being remodeled. She also noted that the municipal building would have signs directing people to the library during the remodel.

1. CALL TO ORDER AND ROLL CALL

A. Items relating to the certification of the General Coordinated Mail Ballot Election held on November 5, 2013:*

1. Motion to adjourn from the Boulder City Council and convene as the General Canvassing and Election Board for the City of Boulder General Coordinated Municipal Election.*
2. Roll Call of the General Canvassing and Election Board.*
3. Administration of oath and signing of same by Board members.*
4. Consideration of a motion nominating a member to chair the Board.*
5. Submission to the Board by the Secretary of the following:*

 - i. Certificate of the official ballot.
 - ii. Certificates of the official Public Notices of the November 5, 2013 Election.
 - iii. Certificate of election returns.

6. Public Hearing

7. Consideration of a motion that the abstract and result sheets be approved, and signing of same if approved.
8. Motion to adjourn from the General Canvassing and Election Board for the General Coordinated Municipal Election and reconvene as the Boulder City Council.
9. **Swearing in of the new Council Members**
10. Continuation of meeting until 6:00 p.m.

2. **ADJOURNMENT**

3. November 19, 2013 – Preliminary Agenda - 6:00 P.M. meeting

PRELIMINARY AGENDA

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

A. Mayor and Mayor Pro Tem Public Hearing and Selection

Council and Council elect members received a memo from City Clerk Alisa Lewis last Friday that contained the council procedure for the Mayor and Mayor Pro Tem selection process.

CAC agreed to allow time for Xcel Energy to give a presentation after the selection of Mayor and Mayor Pro Tem and prior to open comment. CAC suggested that staff determine the most appropriate time during the meeting to allow a staff presentation Deputy City Manager Fetherston suggested the Municipalization Exploration update be moved up after the presentation from Xcel. CAC concurred.

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. Introduction, **first reading** and consideration of a motion to order published by title only an **emergency ordinance amending Section 3-2-5, “Rate of Tax,”** B.R.C. 1981 to implement the taxation rates, revenue spending limitations and other requirements **approved by the voters** pursuant to Ordinance Nos. 7912 and 7913 **at the November 5, 2013 election**, and setting forth related details*
 - B. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance approving supplemental appropriations** to the 2013 budget*

- C. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance amending Title 4, Chapter 20 Paragraph 4(D)(1), “Fees,” B.R.C. 1981**

This item will be removed from the final agenda.

- D. Consideration of a **motion to authorize the city manager** as ex officio general manager of **Central Area General Improvement District** (CAGID) **to acquire and dispose of any real or personal CAGID property interests necessary for the creation and formation of the Randolph Center Commercial and Parking Condominiums***
- E. Consideration of a **motion to authorize** the City Manager to enter into a **three-year lease** containing an option to extend the lease term for an additional three years **with Mustard’s Last Stand, Inc.**, for 1,307 square feet **located at 1719 Broadway Street** for restaurant purposes*

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

- A. **Second reading** and **consideration of a** motion to adopt **Ordinance No. 7948** adopting varying requirements of Title 9, “Land Use Regulations,” Title 10, “Structures,” and Chapter 6-6, “Protection of Trees and Plants,” B.R.C. 1981, **to allow for the relocation of two historic residential structures from 1220 and 1243 Grandview Avenue to 905 Marine Street**, variations include a reduction of setbacks, an increase in density above the allowed density, and modifications of building codes, tree removal mitigation requirements, and fee payments

6. MATTERS FROM THE CITY MANAGER

- A. **Evaluation Committee Six Month Check In**

This item will be moved to Matters from Mayor and Members of Council.

- B. Discussion and input on the proposed **2014 State and Federal Legislative Agenda***
- C. **Community Survey Discussion***
- D. **Municipalization Exploration Update***

7. MATTERS FROM THE CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

1. **Site review to redevelop** the former Boulder County Fire Training Center site located at **820 Lee Hill Drive into 31 single-family homes served by new public rights-of-way** Information Packet Date: November 19 Last Opportunity: November 19

Council Member Morzel requested that a member of the Planning Board be present to answer questions on this item during the meeting.

B. Appointment to Council Subcommittee on the Community Survey*

An update on board and commission vacancies will be added to Matters from Mayor and Members of Council.

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** (5 Min.) Opportunity for Council to discuss how the meeting was conducted*

12. **ADJOURNMENT***

4. Calendar Items

A. 2014 Proposed City Council Meeting Dates*

Staff distributed a calendar of the 2014 council meeting dates.

5. Additional items

A. Board and Commission Items

a. 2014 Annual Recruitment Timeline

CAC agreed to have a discussion at the December 3, 2013 meeting regarding Planning Board vacancies and the 2014 recruitment.

b. 2014 Application Questions – Due back to City Clerk’s Office by November 20, 2013*

Staff distributed the Board and Commission interview questions for Council input an indicated they would be emailed to the full council with a requests that comments be submitted to the Clerk’s Office no later than November 20.

c. Planning Board Vacancies – Mary Young and Sam Weaver

CAC agreed to have a discussion at the December 3, 2013 meeting regarding Planning Board vacancies and the 2014 recruitment.

B. Discussion of Mayor and Mayor Pro Tem Selection Process

City Clerk Alisa Lewis reviewed this item at the beginning of CAC.

CAC adjourned at 8:41 a.m.

2014 Proposed City Council Meeting Dates

Date (Tuesday)	Regular Meeting or Study Session	Potential Conflicts
January 7	Regular Meeting	Orthodox Christmas Day
January 12	Retreat	
January 13	Retreat	
January 14	Study Session	Orthodox New Year's Day/Muslim Prophet's Birthday
January 21	Regular Meeting	Day after Martin Luther King Day
January 28	Study Session	
February 4	Regular Meeting	
February 11	Study Session	
February 18	Regular Meeting	Day after Presidents Day
February 25	Study Session	
March 4	Regular Meeting	Day before Ash Wednesday
March 11	Study Session	
March 18	Regular Meeting	
March 25	Study Session	CU Spring Break
April 1	Regular Meeting	
April 8	Study Session	
April 15	Regular Meeting	Jewish Passover/Tax Day
April 22	Study Session	Last Day of Jewish Passover
April 29	Study Session	Day after Jewish Yom HaShoah
May 6	Regular Meeting	Jewish Holiday Yom HaAtzmaut
May 13	Study Session	
May 20	Regular Meeting	
May 27	Study Session	Day after Memorial Day/Muslim Isra and Mi'raj
June 3	Regular Meeting	Day before Jewish holiday Shavout
June 10	Study Session	
June 17	Regular Meeting	
June 24		Council Recess/Muslim holiday Ramadan begins
July 1		Council Recess
July 8		Council Recess
July 15	Regular Meeting	
July 22	Study Session	
July 29	Study Session	Muslim holiday Eid-al-Fitr
August 5	Regular Meeting	Jewish Holiday Tisha B'Av
August 12	Study Session	
August 19	Regular Meeting	
August 26	Study Session	
September 2	Regular Meeting	Day after Labor Day
September 9	Study Session	
September 16	Regular Meeting	
September 23	Study Session	Jewish Holiday Rosh Hashana on Thursday the 25th
September 30	Study Session	
October 7	Regular Meeting	Jewish holiday of Sukkot Begins on 9th
October 14	Study Session	Jewish holiday of Sukkot ends on 15th
October 21	Regular Meeting	
October 28	Study Session	
November 4	Regular Meeting	Election Day
November 11		Veteran's Day
November 18	Regular Meeting	
November 25		Week of Thanksgiving
December 2	Regular Meeting	
December 9	Study Session	
December 16	Regular Meeting	
December 23		Day before Christmas Eve
December 30		Day before New Year's Eve

COUNCIL AGENDA COMMITTEE
November 18, 2013

Present: Mayor Appelbaum; Council Member Morzel; Council Member Karakehian; City Manager Jane Brautigam; Deputy City Manager Paul Fetherston; City Attorney Tom Carr; Deputy City Attorney David Gehr; City Clerk Alisa Lewis; Deputy City Clerk Alisa Darrow

CAC convened at 8:07 AM.

1. November 19 – Final Agenda

A. Reminder – 6:00 PM Start for the evening meeting

BOULDER CITY COUNCIL MEETING
CANYON THEATER, BOULDER PUBLIC LIBRARY, 1001 ARAPAHOE AVE
Tuesday, November 19, 2013
10:00 a.m.

AGENDA

1. CALL TO ORDER AND ROLL CALL

A. Swearing in of the new Council Members

CAC agreed that there would be time to thank the outgoing Council Members during this meeting and allow them to give final remarks on their term on Council.

2. ADJOURNMENT

There will be a motion to continue the meeting until 6 p.m.

Council and individual photos will be taken immediately following the 10 a.m. meeting.

BOULDER CITY COUNCIL MEETING
CANYON THEATER, BOULDER PUBLIC LIBRARY, 1001 ARAPAHOE AVE
Tuesday, November 19, 2013
6 p.m.

AGENDA

2. CALL TO ORDER AND ROLL CALL

A. Items relating to the certification of the General Coordinated mail Ballot Election held on November 5, 2013

This item was rescheduled to the December 3, 2013 meeting.

B. Mayor and Mayor Pro Tem Public Hearing and Selection

Council Member Morzel will chair this portion of the meeting.

City Clerk Alisa Lewis asked that after the Mayor and Mayor Pro Tem selection, council members stay seated with the exception of the Mayor and Mayor Pro Tem, as there would be time to discuss seating at the end of the meeting.

CAC agreed that speakers from the public would be given 2 minutes each and then the floor would be open for discussion and nominations.

C. Presentation from Xcel Energy

Council Member Morzel asked that this item be rescheduled for December 17 when the larger municipalization update would occur.

Mayor Appelbaum agreed and requested that Xcel Energy provide documents prior to the meeting.

Council Member Karakehian agreed that the council should have more information regarding its presentation in advance of the meeting on December 17.

CAC agreed to reschedule this presentation for December 17, 2013.

D. Staff presentation Municipalization Exploration Update

CAC agreed this item would be moved to Matters from the City Manager as item 6C.

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. Introduction, **first reading** and consideration of a motion to order published by title only an **emergency ordinance amending Section 3-2-5, "Rate of Tax,"** B.R.C. 1981 to implement the taxation rates, revenue spending limitations and other requirements **approved by the voters** pursuant to Ordinance Nos. 7912 and 7913 **at the November 5, 2013 election**, and setting forth related details

Mayor Appelbaum questioned why there wasn't a better explanation of what the voters approved in the ordinance being presented.

Deputy City Attorney David Gehr agreed to add language to clarify the actions being taken in relation to what voters approved at the election.

- B. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance approving supplemental appropriations** to the 2013 budget

Mayor Appelbaum asked for further clarification on funds requested related to cleanup at the 13th Street Plaza in the amount of 4 million dollars. He questioned who the responsible party was for some of the cleanup and recovery and if it was eligible for reimbursement.

He also asked what the funds for the Parks and Recreation Capital Lease Agreement were for.

Deputy City Attorney David Gehr clarified that these would be treated as first reading questions.

- C. Consideration of a **motion to authorize the city manager** as ex officio general manager of Central Area General Improvement District (CAGID) **to acquire and dispose of any real or personal CAGID property interests necessary for the creation and formation of the Randolph Center Commercial and Parking Condominiums**

Council Member Karakehian commented that he agreed with the purchase and was happy it was moving forward.

- D. Consideration of a **motion to authorize** the City Manager to enter into a **three-year lease** containing an option to extend the lease term for an additional three years **with Mustard's Last Stand, Inc.**, for 1,307 square feet **located at 1719 Broadway Street** for restaurant purposes

Council Member Karakehian wondered how this business would be accommodated in the grand scheme of the Civic Area Planning.

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.

See comments below under 8A-1.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

- A. **Second reading** and consideration of a motion to adopt **Ordinance No. 7947** adopting varying requirements of Title 9, "Land Use Regulations," Title 10, "Structures," and Chapter 6-6, "Protection of Trees and Plants," B.R.C. 1981, **to allow for the relocation of**

two historic residential structures from 1220 and 1243 Grandview Avenue to 905 Marine Street, variations include a reduction of setbacks, an increase in density above the allowed density, and modifications of building codes, tree removal mitigation requirements, and fee payments

Council Member Morzel recalled a conversation with a resident nearby concerned about parking. She asked for a staff member to speak to the parking issue at the meeting.

6. MATTERS FROM THE CITY MANAGER

A. Discussion and input on the proposed 2014 State and Federal Legislative Agenda

Mayor Appelbaum noted that he had a couple of issues he would bring up at the meeting. He also noted there was a typo on page 246 in the first paragraph, last sentence. He asked that staff change this to a singular possessive. He also questioned the update to the population numbers and noted that CML uses population to decide how many seats a city has on their board. He asked that Boulder use the numbers given by DOLA (Department of Local Affairs).

B. Request for direction on the 2014 Community Survey *

7. MATTERS FROM THE CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

- 1. Site review to redevelop** the former Boulder County Fire Training Center site located at **820 Lee Hill Drive into 31 single-family homes served by new public rights-of-way** Information Packet Date: November 19 Last Opportunity: November 19

Council Member Morzel noted that she would be interested in calling this item up for discussion and would like to have a member of Planning Board present.

B. Evaluation Committee Six Month Check In

Council Member Morzel noted that this discussion would take less than 15 minutes.

C. Appointment to Council Subcommittee on the Community Survey

CAC agreed this item would be handled as part of 6B and will be removed from the agenda.

- 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** (5 Min.) Opportunity for Council to discuss how the meeting was conducted*

12. **ADJOURNMENT**

2. **Calendar Items**

A. **Invitation to Empower Our Future to speak**

CAC agreed that there would not be an invitation to Empower Our Future to speak.

3. **Additional items**

A. **CAC replacement for Ken Wilson thru year end**

City Clerk Alisa Lewis suggested the City Clerk's Office put together the calendar for CAC rotation from November 25, 2013 – November 24, 2014 to be distributed for council sign up at the end of the evening meeting on November 19, 2013.

CAC agreed and encouraged new council members to sign up for the first available time slots as it provides a great opportunity to get up to speed on current council issues.

B. **Presentation from Human Services/Flood Update**

Council Member Morzel asked for an update on how the flooding impacted Human Services.

City Manager Jane Brautigam commented that this would be part of the comprehensive flood update on December 3, 2013. She noted that there were community members concerned about transportation as well as the drainage issues that occurred during the flood event as well.

Council Member Karakehian noted that there were people still having to shower at the recreation centers due to the damage to their homes.

Mayor Appelbaum noted that there was a conversation at National League of Cities regarding what the city did right and what the city learned that could be done better in the future. He asked that this information be included in the update.

City Attorney Tom Carr expressed concern about expressing what the city did not do well during the flood event to the public. He would like to wait until more was known about claims that would be received and any legal action others may choose to take against the city in relation to the flood.

Council Member Morzel agreed with City Attorney Tom Carr.

C. **Older Americans Act**

Council Member Morzel asked if this item was still on the legislative agenda and agreed to forward information to staff.

D. Wood Shingles

Council Member Karakehian asked whether homeowners might see extensions to complying with the regulations regarding no wood shingles due to the flooding. The City manager indicated they would not as there had been a significant opportunity (over 2 years) for implementation to start.

E. Flood Debris on Arapahoe

Council Member Karakehian expressed concern about dirt and debris that the ditch company was digging up on the side of the road near 2nd and Arapahoe. He indicated it appeared that one strong rain would have it all running down into the street and back into the ditch. He asked if staff would look into this issue.

CAC adjourned at 8:55 a.m.