

CAC Summary
February 17, 2015

Present: Mayor Matt Appelbaum, Mayor Pro Tem Jones, Council Member Shoemaker, City Manager Jane Brautigam, City Attorney Tom Carr, Deputy City Attorney David Gehr, City Clerk Alisa Lewis, Assistant to the City Manager Tammye Burnette, Acting Deputy City Clerk Dianne Marshall and Citizen Peter Richards

I. February 17 Final Agenda Review

3. CONSENT AGENDA

- A. Consideration of a motion to approve the Special City Council Meeting Minutes from the January 22, 2015 executive session*
- B. Consideration of a motion to accept the January 13, 2015, study session summary on the Pre-Retreat Planning*
- C. Consideration of a motion to accept the January 27, 2015, study session summary on the University Hill moratorium project and the CU Hotel/Conference Center Comparative analysis

The Mayor Pro Tem noted a correction needed on page 21 listing Council Member George Karakehian as the Mayor Pro Tem.

- D. Consideration of a motion to re-appoint Mohammed Akacem to a three-year (3) term as the Citizen-at-Large trustee for the City of Boulder “Old Hire” Police Defined Benefit pension Plan*
- E. Consideration of a motion to adopt Resolution No. 1156 supporting a GOCO Conservation Excellence grant award for \$50,000 to partially fund a study to provide water resource management strategies for the benefit of the environment within the Open Space and Mountain Parks system

The Mayor Pro Tem asked why Council approves the grant after the funds have already been accepted. The City Attorney replied that the staff applies for the funds and the Council accepts them.

- F. Third reading and consideration of a motion to adopt Ordinance No. 8015, amending Chapter 6-4, B.R.C. 1981, adding a new section, 6-4-3.5 “Smoking Prohibited in Public Places,” including electronic smoking devices in the definition of smoking, and setting forth related details*
- G. Introduction, first reading, and consideration of a motion to order published by title only an emergency measure Ordinance No. 8030 amending Title 9, “Land Use Code,” B.R.C. 1981, to limit residential

uses within the University Hill General Improvement District in the BMS zoning district and correct BMS zone standards, and setting forth related detail*

- H. Introduction, first reading and consideration of a motion to adopt Emergency Ordinance No. 8031 adopting Supplement No. 122, which codifies previously adopted Ordinance Nos. 7957, 7967, 7982, 7983, 7992, 7996, 8004, 8005, 8011, 8016, 8018, 8020, Appendix Council Procedure, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981*

4. POTENTIAL CALL UP CHECK IN*

5. PUBLIC HEARINGS

- A. Consideration of a motion authorizing the City Manager to transfer ownership of 4525 Palo Parkway to Boulder Housing Partners to develop affordable housing on the 3.2 acre site

The Mayor Pro Tem asked for clarification that affordable housing funds had been used to purchase the property and it must be used for affordable housing but not necessarily through BHP. She requested the Mayor to frame the discussion and indicate that limitations can be discussed under site review.

The Mayor will ask Council to direct the City Manager to negotiate this transfer and bring the item back to Council for review prior to signing off.

The large number of speakers expected at Open Comment on zero waste could delay the Palo Park public hearing. The Mayor will ask Council to consider 45 minutes for open comment, then go into the public hearing and then finish up with anyone left for Open Comment.

6. MATTERS FROM CITY MANAGER

- A. **NEW ITEM ADDED**

Direction to staff regarding the recent legal rulings related to municipalization.

At the request of Council Member Weaver, CAC has moved this item from 8C to 6A.

- ~~A.~~ Direction on draft Zero Waste Strategic Plan and Feedback on
- ~~B.~~ Proposed Zero Waste Regulations

The City Manager estimated the staff presentation at 20 minutes. The City Clerk verified that the Mayor Pro Tem will recuse herself from this discussion.

- ~~B.~~ Discussion and consideration of a motion to approve the January 23-
- ~~C.~~ 24, 2015 City Council Retreat Summary and the 2015 City Council Committee Assignments*

7. MATTERS FROM CITY ATTORNEY

- A. Consideration of a motion adopting a charter to **create a sub-committee** for analysis of, solicitation of public input on and negotiation of the city's lease with the **Colorado Chautauqua Association**

The City Attorney will provide a short presentation bringing forward four alternatives to Council this evening. Executive Director of CCA Susan Connelly provided information that a cottager should not be on the committee as they are not part of the lease; they will have other opportunities to be involved. She will be available tonight to answer questions. Two council members will be appointed at tonight's meeting.

8. MATTERS FROM MAYOR AND MEMBERS

- A. Call Ups

1. Landmark Alteration Certificate to demolish an addition to a contributing house and demolish a c.1988 garage to make way for the construction of a 616 sq. ft. two-car garage and storage shed at 603 Highland Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00345). This Landmark Alteration Certificate is subject to City Council call-up no later than **February 17, 2015**.*
2. 3059 6th Street Minor Site Review Amendment (LUR2014-00088) *

- ~~B.~~ Consideration of a motion **authorizing affiliate membership in the WestConnect Coalition**

The Mayor Pro Tem stated Council needs to be very clear to the public that Council was not supporting anything. Membership will not obligate the City to pay for anything and will allow for a seat on

this committee.

II. February 24 Study Session

- A. Briefing – Housing Update (televised) 5-6 PM*
- B. TMP Implementation Follow-Up 6-7:30 PM
- C. Envision East Arapahoe – Review Analysis and Transportation Options
7:30-9 PM
Staff has requested this item be changed to 7:30-8:15 for above and add
Planning Work Plan Update from 8:15-9.

CAC requested staff separate questions into discrete parts and do piece by piece for both TMP and Envision East Arapahoe. The City Manager will review this at SAM.

POST MEETING NOTE

Staff requested a scheduling change of:
Envision East Arapahoe 7:30-8:30 PM
Planning Work Plan Update 8:30-9 PM

III. March 3rd Hearing on 12th Street Landmarking

- A. Verify how much time applicant will have to present; allowed 10 minutes by LPAB

Allowed ten minutes, consistent with board.

IV. 2015 TRENDS – Community Foundation’s Report on Key Indicators

- A. Request from Council Member Young to schedule this for a briefing in 2015.
Available dates include: 7/28, 8/25, 9/22 or 10/27

CAC scheduled this item for a briefing on September 22 from 5:30-6.

V. Review of Master Calendar

- A. Study Session Calendar
 - 1. February 24 SS times *approved.*
 - 2. March 31 Sister City dinner *time changed* to 5-6:30; Civic Area 6:30-8; Planning Items 8-9.
 - 3. Briefing on Community Culture Plan *scheduled* for 5:30-6.
 - 4. June 9 SS has a conflict. Housing Boulder requested an increase in time from 1 ½ hours to 3 hours; BVCP/Resilience requested 1 ½ hours. *This has not been resolved and will go to SAM.*
 - 5. August 25 SS for Envision East Arapahoe has been *approved.*

B. Agenda Calendar Review

1. February 26 Special City Council Meeting on building heights; will include a public hearing.
2. March 3 Consent Items *approved* – 1st R Linkage Fee and 1st R Flood Recovery Fee Waivers

The Mayor Pro Tem will send out a Hotline outlining for staff the need to present to the public a cohesive plan going forward on The Hill and to finalize the Downtown guidelines.

3. March 17
Consent Item *approved* – 2nd R Flood Recovery Fee Waivers;
Public Hearing *approved* – 2nd R Linkage Fee

CAC requested that the Matter From the Manager - Direction from Council on the Civic Area (including BCH) be moved to March 31. The City Manager will take this to SAM.

4. March 24 Special City Council Meeting – Nablus Sister City application

The Nablus Sister City Application has been withdrawn and the meeting on Tuesday, March 24, has been cancelled.

5. April 7 and April 21 Agendas

The April 7 meeting is scheduled for two hours; the April 21 agenda is currently scheduled for a six hours.

To correct this problem, several changes have been proposed:

1. *1st R of cottage food will go to March 17 and 2nd R (public hearing) will be moved to April 7.*
 2. *The proposed Ballot Item 2A on April 21 will move to consent.*
 3. *The State and Federal Legislative Agenda will move from April 21 to April 7.*
 4. *The Age Well Plan Update will move from April 21 to May 5.*
6. May 5 Public Hearing Item *approved* - 2nd R Medical Office
 7. June 2 Consent Item *approved* – SS Summary for Commercial and Industrial Energy Efficiency

8. The City Attorney referenced two items he needs to bring forward to Council:

- a. Short-Term Rentals
- b. Occupancy

At this time, these items are not scheduled.

VI. Additional Items

A. Boards and Commissions

1. Re-Open Recruitment for Certain Boards

Recruitment was re-opened for three boards: Landmarks, Boulder Junction-Parking and Boulder Junction-TDM

2. Interview Schedule

The list of applicants was updated and the Mayor will review his draft schedule for interview assignments and forward to the City Clerk's Office.

3. Orientation Date of Friday, April 10

It was agreed that a different date will be chosen for orientation of new board members. The City Clerk's Office will work with the City Attorney on a new date.

B. *The Mayor may be unavailable for next week's CAC.*

CAC adjourned at 9:02 AM

CAC Summary
February 9, 2015

PRESENT: Mayor Matt Appelbaum, Council Member Plass, Council Member Shoemaker, City Manager Jane Brautigam, Deputy City Attorney David Gehr, City Clerk Alisa Lewis, Assistant to the City Manager Tammy Burnette and Acting Deputy City Clerk Dianne Marshall

CAC convened 8:00 AM

I. February 10 Study Session

Begins with a televised briefing from 5-6 PM on “Development Impact Fees”.

The study session is also televised and has two topics: VRBOs and the Chautauqua lease.

- *VRBOs – CAC indicated that this issue was very complex and that staff would need a decision early on if this is to go on the November ballot. Any tax increase would be a Tabor issue requiring a vote of the people. The Mayor indicated that he would send the City Attorney some additional items for council to consider in this discussion.*
- *Chautauqua Lease – Staff is asking for council direction on negotiations for renewal of the current lease. Council will need to determine the form of arrangement – whether a lease or a lease and plus something in addition.*

II. February 12 Special City Council Meeting 6-9 PM

The meeting will begin in chambers at 6 PM and move to 401 Park Central for the executive session. Dinner will be provided at Park Central. The City Clerk’s Office has confirmed with FAM that key cards for council members have access to 401 Park Central.

III. February 17 City Council Meeting

- A. Consideration of a motion to **approve the Special City Council Meeting Minutes from the January 22, 2015 executive session***
- B. Consideration of a motion to **accept the January 13, 2015, study session summary on the Pre-Retreat Planning***
- C. Consideration of a motion to **accept the January 27, 2015, study session summary on the University Hill moratorium project and the CU Hotel/Conference Center Comparative analysis***
- D. Consideration of a motion to **re-appoint Mohammed Akacem to a three-year (3) term as the Citizen-at-Large trustee for the City of Boulder “Old Hire” Police Defined Benefit pension Plan***

Resolution
No.
1156

E. Consideration of a motion to **adopt a Resolution No. 1156 supporting a GOCO Conservation Excellence grant** award for \$50,000 to partially fund a study to provide water resource management strategies for the benefit of the environment within the Open Space and Mountain Parks system*

F. Third reading and consideration of a motion to **adopt Ordinance No. 8015**, amending Chapter 6-4, B.R.C. 1981, adding a new section, 6-4-3.5 **“Smoking Prohibited in Public Places,”** including electronic smoking devices in the definition of smoking, and setting forth related details*

Ordinance
No. 8030

G. Introduction, first reading, and consideration of a motion to order published by title only an **emergency measure Ordinance No. 8030 amending** Title 9, **“Land Use Code,”** B.R.C. 1981, to limit residential uses within the **University Hill General Improvement District in the BMS zoning district** and correct BMS zone standards, and setting forth related details.*

Ordinance
No. 8031

H. Introduction, first reading and consideration of a motion to adopt **Emergency Ordinance No. 8031 adopting Supplement No. 122**, which codifies previously adopted Ordinance Nos. 7957, 7967, 7982, 7983, 7992, 7996, 8004, 8005, 8011, 8016, 8018, 8020, Appendix Council Procedure, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981.*

4. POTENTIAL CALL UP CHECK IN

5. PUBLIC HEARINGS

7-8:30

A. Consideration of a motion **authorizing** the City Manager to **transfer ownership of 4525 Palo Parkway to Boulder Housing Partners** to develop affordable housing on the 3.2 acre site.

The Mayor expressed concern that an hour and a half may not be sufficient time for this item. The City Manager stated that BHP had conducted outreach efforts to various groups to resolve any concerns. Council Member Plass asked staff to address the factual issue of the proximity of the building to the airport and whether that would impact the building height. The Mayor asked if a clause could be added to return the property to the city if Boulder Housing Partners was unable to develop this property in a reasonable amount of time. The City Manager stated that all information indicated that BHP was prepared to move forward.

6. MATTERS FROM CITY MANAGER

8:30-10

A. **Direction on draft Zero Waste Strategic Plan and Feedback on Proposed Zero Waste Regulations**

Council Member Plass stated this seemed to be a study session inserted into a council meeting and was concerned that it may not receive proper attention. CAC acknowledged that the item had been delayed from coming forward and determined it was appropriate to leave on the agenda. If the meeting runs long, further discussion may need to be scheduled.

- 10-10:15 **B. Discussion and consideration of a motion to approve the January 23-24, 2015 City Council Retreat Summary and the 2015 City Council Committee Assignments** (available in the final packet)*

7. MATTERS FROM CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS

A. Call Ups

- 10:15-10:30 **B. Consideration of a motion authorizing affiliate membership in the WestConnect Coalition**

Council Member Plass expressed concern at some of the language in the agreement that would indicate endorsement. The Mayor clarified that with CDOT joining this group (Northwest Parkway), the City needed to be a member in order to track what was happening. Being a member would allow for technical staff to attend to assure that the analysis includes the City's concerns. He also stated that the City of Golden had requested the City's participation in this group.

IV. Study Session Items

A. August 25

CAC approved the request for the TMP study session to be moved up to August 25 from September 22.

V. Agenda Calendar Items

A. March 3

CAC approved consent item 1st Rdg. appropriation for Ballot Issue 2A Capital Projects and Recreational Marijuana Revenues

CAC approved consent item 1st Rdg. amendments to Title 9 for Medical Office

B. March 17

CAC noted that the Civic Area discussion could go longer than the 45 minutes indicated. Ms. Brautigam agreed stating that staff would likely include an update regarding the Boulder Community Hospital site.

CAC approved consent item 1st R Landmark Designation Ordinance for 977 7th Street

CAC approved consent item 1st R Landmark Designation Ordinance for 1029 Broadway

CAC approved public hearing item 2nd R proposed appropriations to meet additional workload levels (30 minutes)

C. March 24 – Special Meeting for Nablus Sister City Application

Add to the February 17 agenda to call for a special meeting (3 hours)

D. April 7

CAC asked that staff work on revising the items scheduled on April 7 and April 21 to balance the time allotment for each meeting.

CAC approved 1st Rdg. appropriation for Ballot 2A Capital Projects and Recreational Marijuana

CAC approved 1st Rdg. amendments to Title 9 for Medical Office

E. April 21

CAC approved 2nd Rdg. appropriation for Ballot 2A Capital Projects and Recreational Marijuana – public hearing

CAC approved 2nd Rdg. Amendments to Title 9 for Medical Office – public hearing

CAC approved 2nd Rdg. Open Access Transmission Tariff (moved from 4/7) – public hearing

CAC approved 2nd Rdg. Landmark Designation Ordinance for 977 7th Street – public hearing

CAC approved 2nd R Landmark Designation Ordinance for 1029 Broadway – public hearing

CAC approved a motion to revise the City of Boulder's 2015 State and Federal Legislative Agenda (moved from 2/17) under Matters from the City Manager

VI Additional Items

- A. *The Mayor noted that there is an opening on the March 31 study session calendar and Council Member Plass suggested that the draft Waste Management item could be moved from the February 17 agenda to this slot.*
- B. *The City Manager announced she would be attending ICMA meeting and would be gone from February 20 through March 8. During that time, Executive Director of Public Works Mo Rait would be the Acting City Manager.*
- C. *Council Member Shoemaker requested clarification on the 747 12th Street issue; was it quasi judicial and what is the protocol for disclosure.*

Deputy City Attorney Gehr responded that it was quasi judicial and akin to rezoning. He recommended that if council members received emails that had not gone to the entire council that they should disclose them and/or send them to the City Clerk's Office for distribution to the entire Council. Communications among council members was also ex parte

CAC adjourned at 8:34 AM.

POST MEETING NOTE

The next CAC meeting will be held on Tuesday, February 17, due to the Presidents' Day Holiday.