

CAC Summary  
February 2, 2015

**Present:** Mayor Matt Appelbaum, Council Member Suzanne Jones, Council Member Lisa Morzel, Executive Director of Public Works Mo Rait, 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 Community Member Peter Richards

*CAC convened at 8:03 AM*

<b>I. February 3 Final Agenda Review</b>	
	<p><b>A.</b> Letter of opposition to prescribed burn at Rocky Flats – Council Member Morzel</p> <p><i>CAC added this to Matters from Members of Council as Item 8D. The City Clerk will prepare the letter for signature.</i></p>
	<p><b>B.</b> Appointment of two council members to Housing Strategy Process sub-committee*</p>
	<p><b>C.</b> Motion to call a special meeting for executive session on February 12 and a special meeting on February 26 for second reading of the Height Modification Ordinance</p> <p><i>Follow up on poll of council members to add two meetings in February:</i></p> <ul style="list-style-type: none"> <li>• <i>February 12 for a special meeting to have an executive session</i></li> <li>• <i>February 26 for a special meeting to address height modifications</i></li> </ul> <p><i>CAC added this to the Consent Agenda as Item 3G</i></p>
<p><b>CITY COUNCIL MEETING - February 3, 2015</b>  <b>The 2015 State of the City will be broadcast at 5:30 PM</b>  <b>The regular City Council Meeting will begin at 6 PM</b></p>	
1. 6 PM	<b>CALL TO ORDER AND ROLL CALL</b>
6-6:10	<p><b>A.</b> Declaration acknowledging Western Disposal and other stakeholders in the bear/trash control efforts</p> <p><i>Urban Wildlife Conservation Coordinator Valerie Matheson will be in attendance. The City Clerk will contact her to identify which stakeholders will be attending the meeting.</i></p>
2. 6:10-6:55	<b>OPEN COMMENT and COUNCIL/STAFF RESPONSE</b>

3. 6:55-7:10	<b>CONSENT AGENDA</b>	
	A.	Consideration of a motion to approve the City Council <b>Meeting Minutes from November 18, 2014*</b>
	B.	Consideration of a motion to accept the <b>January 13, 2015 study session summary on Financial Update*</b>
	C.	Consideration of a <b>motion to accept the Upper Boulder Slough Floodplain Mapping Study update</b> , submit the study to FEMA, and direct staff to consider and use the study results in the regulation of all annexations and development proposals during the interim period in which FEMA is reviewing the study results.*
Resolution No. 1154	D.	Consideration of a motion to adopt a <b>resolution</b> authorizing the City Manager <b>to enter into the Trust Agreement for the Colorado Firefighter Health and Circulatory Benefits Trust</b> and setting forth related details*
Ordinance No. 8029	E.	<p>Introduction, first reading and consideration of a motion to order published by title only <b>an ordinance designating</b> the building and property at <b>747 12<sup>th</sup> St.</b>, to be known as the <b>Cowgill Property</b>, as an <b>individual landmark</b> under the city's Historic Preservation Ordinance.  Owner/Applicant: 747 Twelfth Street, LLC</p> <p><i>The City Attorney will remind Council that this is a quasi judicial item and that each member must disclose any ex parte conversations. He noted that there was a deadline of 100 days after the Landmarks decision for Council to take any action.</i></p>
	F.	Consideration of a motion authorizing the City Manager to enter into a settlement agreement in the litigation brought against the City by Danielle Gower and Carol Stimmel.*
	G.	<p><i>Consideration of a motion to call a special city council meeting on February 12 at 6 PM for an executive session, and to call a special meeting on February 26 at 6 PM for second reading of the height modification ordinance.</i></p> <p><i>The executive session will be called to order in chambers (televised) prior to the start of the BOZA meeting. CH8 staff will then have a crawl explaining that council is in executive session. Staff will remain to televise the adjourning of the special meeting.</i></p>
4.	<b>POTENTIAL CALL UP CHECK IN</b>	

5.	PUBLIC HEARINGS	
7:10-8:10	A.	<p>Consideration of a motion to approve the purchase of 5 acres of land and all mineral rights located at 38474 Boulder Canyon Dr. from the <b>Bonnie L. Schnell Revocable Trust</b> for \$400,000 for Open Space and Mountain Parks purposes and an additional \$20,000 is recommended to be authorized from the acquisition budget for the potential deconstruction and recycling of the existing house. Consideration of a motion to <b>recommend</b> that this parcel <b>be included as part of the Western Mountain Parks Habitat Conservation Area.</b></p> <p><i>The Mayor Pro Tem asked for clarification on the procedure to accept the house into the ACA and then potentially consider allowing it to be moved from that status in the future. Council Member Morzel asked if the house could be moved and used as affordable housing somewhere. She also requested a picture of the house and a more detailed map of the area in relation to the Schnell property.</i></p> <p><i>Staff noted that the chair of the OSMP Board would be available to answer questions.</i></p> <p><b>POST MEETING NOTE</b> The house is in poor condition and it is staff’s plan to have it deconstructed.</p>
8:10-9:40 Ord. No. 8015 OR Ord. No. 8017	B.	<p><b>Second reading</b> and consideration of a motion to order published, by title only, and adopt <b>Ordinance No. 8015</b> amending Chapter 6-4, B.R.C. 1981, adding a new section, 6-4-3.5 “<b>Smoking Prohibited in Public Places,</b>” <b>including electronic smoking</b> devices in the definition of smoking, and setting forth related details; <b>or</b> in the alternative, consideration of a motion to order published, by title only, and adopt <b>Ordinance No. 8017</b> amending Chapter 6-4, B.R.C. 1981, adding a new section, 6-4-3.5 “<b>Smoking Prohibited in Public Places,</b>” and setting forth related details.</p> <p><i>Clarification was provided that the 15’ distance was required by state law and that the City required the 25’ distance. The Mayor noted that he supported consistency across the Board with a 25” requirement on all locations. He also suggested making all outdoor eating areas non-smoking. The City Attorney indicated that he would provide language on the dais for the potential amendments.</i></p> <p><i>Council Member Morzel requested universal signage for all multi-use paths regarding smoking and e-bikes.</i></p> <p><i>The City Attorney advised CAC that he had received a letter from “Citizens for Non-Smokers Rights” making suggestions for the definition of electronic smoking devices. He planned on contacting the group for information regarding what groups support their position.</i></p>

6.	<b>MATTERS FROM CITY MANAGER</b>	
9:40-10:25	<b>A.</b>	<p>Consideration of a motion <b>to authorize the City Manager</b> to enter into a <b>Memorandum of Understanding (MOU)</b> between the <b>Central Area General Improvement District (CAGID)</b> and <b>Trinity Lutheran Church</b> of Boulder, Colorado, regarding the feasibility of a <b>public/private partnership</b> for parking at the <b>Trinity Commons project in downtown Boulder.</b></p> <p><i>Executive Director Molly Winter joined the meeting. She expressed that answer to the Hotline questions from the Mayor and Council Member Young would go out prior to the meeting.</i></p> <p><i>The Council Member Jones asked for clarification on the relationship between this project and AMPS. The Director responded that of the seven priorities for 2015, the most important was the district management shared parking through public/private partnerships.</i></p> <p><i>Council Member Morzel asked if the increased demand indicated that the City's price was too low. Ms. Winters stated that the downtown rate had been raised 16%. She further explained that the leap in demand for parking was attributed to the increased number of employees per square foot and the low vacancy rate in the downtown area.</i></p> <p><i>This item was moved from 6A to 6C.</i></p>
10:25-11:10	<b>B.</b>	<p>Discussion and direction on <b>development-related impact fees and excise taxes.</b></p> <p><i>Deputy Director of Community Planning and Sustainability Susan Richstone joined the meeting.</i></p> <p><i>CAC requested information regarding options to move forward in the short term (who would be affected) and plans for the long term and asking for clear timelines (and present options). Ms. Richstone responded that in the short term, the entire city would be impacted.</i></p> <p><i>CAC stressed the importance for council to weigh in on whether there was interest in putting an interim linkage fee in place, not determine specifics beyond that point. Discussion should be brief and on point given the full agenda.</i></p> <p><i>This item was moved from 6B to 6A.</i></p>
11:10-11:25	<b>C.</b>	<p>Update on <b>P&amp;DS Advisors Group</b></p> <p><i>This item was moved from 6C to 6B.</i></p>

7.	<b>MATTERS FROM CITY ATTORNEY</b>	
	None	
8.	<b>MATTERS FROM MEMBERS OF COUNCIL</b>	
	<b>A.</b>	Call Ups
11:25-11:55	<b>B.</b>	Consideration of a motion to <b>approve the process for performance evaluations and salary adjustments</b> for the City Manager, City Attorney and Municipal Judge.*
11:55-12:10	<b>C.</b>	Appointment of two council members to the Housing Strategy Process sub-committee.*
12:10-12:25	<b>D.</b>	<i>Council Member Morzel requested that CAC add an item to the agenda for consideration by Council of a letter opposing the prescribed burn scheduled at Rocky Flats.</i>
<b>II. February 10 Study Session – Note: Council Member Morzel will be a little late</b>		
	<b>A.</b>	Briefing – Development Impact Fees (televised) 5-6 PM*
	<b>B.</b>	VRBOs 6-8 PM  <i>Council Member Jones asked the City Attorney if the ordinance would provide a mechanism to control the explosive growth of VRBOs? The City Attorney replied this would be a real challenge but that San Francisco has a requirement that VRBOs be limited to full time, principle resident.</i>  <i>Council Member Jones requested a legend for the chart found on page 54.</i>
	<b>C.</b>	Chautauqua Lease 8-9 PM  <i>Staff was looking for Council to identify issues for staff to work on.</i>
<b>III. Study Session Items</b>		
	<b>A.</b>	April 28 – Utility Rate Study: Key Questions and Guiding Principles; request for 90 minutes  <b>POST MEETING NOTE</b> – Staff has indicated that one hour will be sufficient for this item.
	<b>B.</b>	June 9 – Commercial/Industrial Energy Efficiency Ordinance Options; 7:30-9 PM*

	<b>C.</b>	July 28 – Climate Commitment Goal and Strategy Proposal – requested location at The HUB  <i>CAC rejected the request for an off-site study session at The HUB.</i>
	<b>D.</b>	September 8 – Emerald Ash Borer; 7:30-9 PM*
	<b>E.</b>	September 22 – TMP Implementation Follow Up (pending first check in on February 24)*

IV.	Calendar Items	
	A.	February 10 – Briefing: Development Impact Fees 5-6 PM*
	B.	April 14 – Ballot Measures 7:30-9 PM*
	C.	April 28 – Briefing: Housing Updates 5-6 PM*
	D.	July 14 – Ballot Measures 7:30-9 PM*
	E.	<p>July 28 – Climate Commitment Goal and Strategy Proposal (request to hold at The HUB)</p> <p><i>CAC directed that this meeting remain in Council Chambers. Staff was welcome to see if council was interested in a tour of the HUB at a different time.</i></p>
	F.	<p>February 17</p> <p><i>CAC requested that staff reach out to the public on Palo Parkway. Council Member Jones inquired if Council was being asked to accept the plan. Ms. Rait will take this to SAM for clarification.</i></p> <p><i>CAC suggested the Legislative Agenda could be moved to consent and that the WestConnect Coalition be added under Matters from Members of Council. Policy Advisor Carl Castillo will be available to answer questions for both items.</i></p>
V.	Agenda Calendar Items	
	A.	<p>Nablus Sister City Application – vote required to schedule a hearing (Under Matters from Members of Council on March 3)</p> <p><i>The City Clerk will call a meeting of the Sister City sub-committee to review the Nablus application.</i></p>
VI.	Additional Items	
	A.	<p><i>The City Attorney inquired whether CAC wanted the rule of using the countdown timer to begin at the February 3 meeting or after he has updated the rules from direction given at the Council Retreat.</i></p> <p><i>Council Member Morzel indicated members could use their phones to track themselves.</i></p> <p><i>Council Member Jones requested that the Mayor be more forceful in moving conversation along per discussion at the Council Retreat particularly when Council is not making a decision on an item.</i></p>

	B.	<p><i>Council Member Jones reminded CAC that the 5 PM start time is difficult and not the direction the retreat indicated. The City Clerk indicated that the briefings that were on the calendar had been approved prior to the retreat but that in the future staff would not be allowed to schedule briefings before 5:30 PM.</i></p> <p><i>The Mayor asked if there were any items that could be moved to the open March 31 study session slot.</i></p>
	C.	<p><i>The City Clerk would be scheduling a meeting of the Charter Committee to review Library Commission changes and other items after the Library Commission forwards its recommendation in the first week of March.</i></p>

Adjourned 9:13 AM

**COUNCIL AGENDA COMMITTEE**  
**January 26, 2015**

CAC convened at 8:02 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, Assistant to the City Manager Tammye Burnette, Acting Deputy City Clerk Dianne Marshall and Community Member Peter Richards

**I. January 27 Study Session**

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

**II. February 3 Preliminary Agenda Review**

- A. Items pulled from January 20 added to February 3 agenda.\*
- B. Update on "Implementation to Secure Trash and Curbside Compost from Bears" was changed to an IP. However, staff is requesting that council acknowledge Western Disposal at the beginning of the meeting. Staff will provide talking points.

5:30-6 **State of the City Presentation**

*The State of the City presentation will be shown at 5:30 PM prior to the start of the council meeting. CH8 will televise this presentation.*

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

6:00

- 6-6:10 A. Acknowledge Western Disposals efforts along with One Way Colorado Parks and Wildlife, Boulder B, stakeholders.

*Urban Wildlife Conservation Coordinator Val Matheson will prepare a declaration acknowledging the efforts of Western Disposal and other stakeholders in the bear/trash efforts.*

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

6:10-6:55

3. **CONSENT AGENDA**

6:55-7:10

- A. Consideration of a motion to approve the City Council **Meeting Minutes from November 18, 2014\***
- B. Consideration of a motion to accept the **January 13, 2015 study session summary on Financial Update\***
- C. Consideration of a **motion to accept the Upper Boulder Slough Floodplain Mapping Study update**, submit the study to FEMA, and direct staff to consider and use the study results in the regulation of all annexations and development proposals during the interim period in which FEMA is reviewing the study results

*The City Manager will check with staff to gage the potential public interest in this topic.*

- D. 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\*

**POST MEETING NOTE**

The resolution (Attachment A) for this item was not included in the January 20 agenda memo.

- E. Introduction, first reading and consideration of a motion to order published by title only **an ordinance designating** the building and property at **747 12th St.**, to be known as the **Cowgill Property**, as an **individual landmark** under the city's Historic Preservation Ordinance

Owner/Applicant: 747 Twelfth Street, LLC

*CAC suggested council members be prepared to ask first reading questions at the meeting. Otherwise questions would be due to Hotline by noon on Wednesday.*

- F. Lawsuit Settlement

*The City attorney will be adding this item to the final agenda.*

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.

5. **PUBLIC HEARINGS**

- 7:10-7:30 A. Consideration of a motion to approve the purchase of 5 acres of land and all mineral rights located at 38474 Boulder Canyon Dr. from the **Bonnie L. Schnell Revocable Trust** for \$400,000 for Open Space and Mountain Parks purposes and an additional \$20,000 is recommended to be authorized from the acquisition budget for the potential deconstruction and recycling of the existing house. Consideration of a motion to **recommend** that this parcel **be included as part of the Western Mountain Parks Habitat Conservation Area.**

*CAC requested that an OSBT member be present to answer potential questions.*

- 7:30-9 B. Second reading and consideration of a motion to order published, by title only, and **adopt Ordinance 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; or in the alternative, consideration of a motion to order published, by title only, and **adopt Ordinance 8017** amending Chapter 6-4, B.R.C. 1981, adding a new section, 6-4-3.5 "**Smoking Prohibited in Public Places,**" and setting forth related details.

*The Mayor asked for clarification about why the 25' distance applied to bus stops*

*only and not to patios. He will suggest making 25' the standard for all ears. CAC asked staff to prepare alternative language.*

## 6. MATTERS FROM CITY MANAGER

- 9-9:45 A. Consideration of a motion **to authorize the City Manager** to enter into a **Memorandum of Understanding (MOU)** between the **Central Area General Improvement District (CAGID)** and **Trinity Lutheran Church** of Boulder, Colorado, regarding the feasibility of a **public/private partnership** for parking at the **Trinity Commons project in downtown Boulder**.

*CAC requested that the memo be reviewed to make sure reference to the time that the church has access to the parking lot is consistently 6 AM.*

*The Mayor Pro Tem reminded council members to **send in questions by Thursday of this week** to assist in having an efficient discussion on this matter.*

- 9:45-10:30 B. Discussion and direction on **development-related impact fees and excise taxes**.

*Executive Director of Community Planning & Sustainability David Driskell joined the meeting.*

- *Council Member Young requested a graph that shows the square footage of commercial property since the linkage fee went into place. She also asked if the calculation were based on the net or the gross footage. Staff clarified that it was the gross footage.*
- *The Mayor Pro Tem requested matrix that clarifies the complexity of excise taxes vs impact fees.*

*CAC stressed that Council will be providing direction for staff on options but not making any decisions at this time.*

- 10:30-11 C. Update on **P&DS Advisors Group**

*Council Member Young had suggested a variety of options for consideration and would like to discuss them at this meeting. CAC reminds council members to read Council Member Young's Hotline.*

## 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.

*CAC requested that Council Members Cowles and Shoemaker submit a written report for Council's review and to remove this item from the agenda.*

9. **PUBLIC COMMENT ON MATTERS**

10. **FINAL DECISIONS ON MATTERS**

11. **DEBRIEF**

11-11:05

III. **Study Session Calendar – Approved**

- A. February 10      Add briefing for Development Impact Fees from 5-6 PM (televised)\*
- B. April 14          Add Ballot Measures from 7:30-9 PM\*
- C. April 28          Add briefing on Housing Updates from 5-6 PM \* (televised)
- D. July 14            Add Ballot Measures from 7:30-9 PM (place holder)\*
- E. July 28            Add Climate Commitment Goal and Strategy Proposal  
*CAC has received a request to hold this meeting at The HUB. Staff will contact The HUB and determine the cost and ability to video the meeting.*

IV. **Agenda Calendar Items – Approved**

- A. February 17      WestConnect – An organization whose purpose is to discuss plans for completing the “Western Beltway” is formally inviting Boulder to join as an “affiliate member.” Specifically, we are being asked to take the charter to council for approval and to send a signature page back to WestConnect (on consent).  
  
*CAC placed this item under “Matters from Members of Council.” Policy Advisor Carl Castillo will be at this meeting and available to answer questions about how the City’s name will be used. This item was assigned 15 minutes.*
- B. March 17          Disposal of Open Space property for power pole easement to Public Service (on consent).\*
- C. April 21            Motion to accept the Boulder County Age Well Plan Update (under “Matters from the City Manager”).\*

## V. Additional Items

- A. Additional Meetings *The City Clerk will poll Council for three additional meetings.*  
**POST MEETING NOTE**  
1. February 12 – Executive Session  
2. February 26 – Special City Council Meeting to address heights  
3. March 24 – potential meeting for Nabulus Sister City application  
These dates will go to CAC on February 2.
- B. Draft “Waste Strategic Plan” *CAC approved this item under “Matters from City Manger” for 60 minutes.*
- C. Cottage Foods *The City Attorney indicated that he would provide a narrow scope ordinance for council consideration in April. The product type, amount and price are governed through state law. Marijuana food products would be excluded. Cottage Foods industry would be allowed in all areas of the city.*
- D. Non-Conforming Occupancy (needs to be scheduled) *CAC noted that this item would draw a large amount of public input. Staff was requested to look at various options.*
- E. Linkage Fees *CAC approved 1<sup>st</sup> reading on March 3 (consent); 2<sup>nd</sup> reading on March 17 (public hearing.)*

**Adjourned 9:02 AM**