

CAC Summary
March 16, 2015

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

CAC convened at 8:05 AM

I. March 17, 2015 Final Agenda Review 6 PM Start

1. CALL TO ORDER AND ROLL CALL

6:-6:10 A. **Stand Up for Transportation Day declaration**
A staff member will be present for this presentation.

6:10-6:55 2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE** (Limited to 45 minutes.) 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.

6:55-7:10 3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time. Roll call vote required.

- A. Consideration of a motion to accept the **February 24, 2015 study session summary** on the **Envision East Arapahoe** project*
- B. Consideration of a motion to accept the **January 27, 2015 study session summary** on **Boulder’s Energy Future***

Ordinance
No. 8028

C. Third reading and consideration of a **motion to adopt Ordinance No. 8028 amending the building height regulations** and requirements of Title 9, “Land Use Code” B.R.C. 1981 **for certain areas of the city***

Ordinance
No. 8035

D. Second reading and consideration of a **motion to adopt Emergency Ordinance No. 8035** amending Section 4-20-68, “**Flood Related Fee Waiver,**” B.R.C. 1981, **to extend temporary authority to waive certain fees to facilitate recovery and repair work resulting from flood impacts** and amending Section 9-10-2 “Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings, Structures, and Lots,” B.R.C., 1981, **to extend the time to resume uses and restore buildings affected by the September 2013 flood***

E. Consideration of the following items related to the **annexation of the Old Tale Road neighborhood and right-of-way:***

Resolution
No. 1157

1. **Resolution No. 1157** finding the annexation petition in compliance with state statutes and **establishing Apr. 21, 2015, as the date for a public hearing;**

Ordinance
No. 8039

2. Introduction, first reading and consideration of a motion to order published by title only, **Ordinance No. 8039 related to the annexation and initial zoning of 20 properties and right-of-way** totaling 22.40 acres **in the Old Tale Road neighborhood** with an **initial zoning designation of Residential-Rural 2 (RR-2).**

Applicants/Owners:

1165 Old Tale Rd., Macinko Exempt Trust
1193 Old Tale Rd., Cynthia and Charles Anderson
1228 Old Tale Rd., Steven Erickson
1245 Old Tale Rd., Harold and Sherlynn Bruff
1270 Old Tale Rd., Jeffrey and Wendy Mortner
1275 Old Tale Rd., Thomas and Barbara Corson
1305 Old Tale Rd., Monty Moran
1315 Old Tale Rd., Joanne M Simenson
1325 Old Tale Rd., Sarah Kingdom
1402 Old Tale Rd., Kellie Masterson-Praeger
1409 Old Tale Rd., William Dick III
1412 Old Tale Rd., John and Penelope Bennett
1435 Old Tale Rd., Joyce Peterson Thurmer
1436 Old Tale Rd., Thomas Perry
1457 Old Tale Rd., Cameron Bradley Peterson
1483 Old Tale Rd., Jason and Jennifer Kiefer
1507 Old Tale Rd., Richard and Jeanie Leddon
1510 Old Tale Rd., Mark and Mary Beth Vellequette
1533 Old Tale Rd., Laurie Duncan-McWethy
1566 Old Tale Rd., Stewart and Robin Elliott

Staff members Susan Richstone and Chris Meschuk joined the meeting.

Time will be added under “Matters from Members of Council” to focus on first reading questions.

The Mayor Pro Tem asked for clarification on what triggered the connection to water and asked Council to review an option that would begin a payment plan right away. Chris Meschuk remarked that staffs’ experience showed that the water connection was actually made faster than staff anticipated, usually when the property was sold and the new owner funds the connection as part of the purchase.

Ordinance
No. 8036

- F. Introduction, first reading and consideration of a motion to order published by title only **Ordinance No. 8036 designating** the building and property at **977 7th St.**, to be known as **the Krueger-Cunningham Property**, as an **individual landmark** under the city's Historic Preservation Ordinance.

Owner/Applicant: Janelle C. Krueger & Cosima Krueger-Cunningham

Council Member Jones raised the issue of the letter from the family requesting the landmark and asking that additional items in perpetuity be added. CAC requested clarification from CAO whether the family can make this request and how binding would it be. The Deputy City Attorney stated this was a policy question regarding "over regulating" and they would prepare a response for Council.

Ordinance
No. 8037

- G. Introduction, first reading and consideration of a motion to order published by title only **Ordinance No. 8037 designating** the building and property at **1029 Broadway**, to be known as **the Evans Scholars House**, as an **individual landmark** under the city's Historic Preservation Ordinance.*

Owner/Applicant: Evans Scholar Program

Ordinance
No. 8038

- H. Introduction, first reading and consideration of a motion to order published by title only **Ordinance No. 8038 allowing for production and sale of certain foods in residential zone districts**, amending Section 9-6-3(e) "Specific Use Standards – Residential Uses"; amending Section 9-9-21 "Signs" and adding a new Chapter 6-17 "**Cottage Foods and Fresh Produce**"

CAC requested that staff provide a matrix of options which included pros and cons for each.

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**

7:10-7:40

Ordinance
No. 8033

- A. Second reading and consideration of a motion to **adopt Ordinance No. 8033 approving supplemental appropriations to the 2015 Budget.***

7:40-9:40

Ordinance
No. 8034

- B. Second reading and consideration of a motion to **adopt Ordinance No. 8034 amending the capital facilities impact fee** in Section 4-20-62, "and Chapter 8-9, B.R.C. 1981 **by the addition of a new affordable housing linkage fee on non-residential development**, and setting forth related details.

This item is scheduled for two hours.

CAC requested clarification on what triggers the impact fees and the timeline for how prices are phased in.

The City Manager advised CAC that staff would be adding to “Next Steps” putting out an RFP proposing a study on Public Art Impact Fees.

6. MATTERS FROM CITY MANAGER*

None

7. MATTERS FROM CITY ATTORNEY*

None

8. MATTERS FROM MAYOR AND MEMBERS

9:40-10

A. Call Ups

CAC requested that all call ups in the future contain the board(s) minutes.

1. **Knapp Subdivision Final Plat Application** no. TEC2013-00057: Final Plat to subdivide one 0.5-acre developed lot **at 3050 15th St.** in the RL-1 zone district to create 2 new residential lots: Lot 1 (9,605 s.f.) and Lot 2 (12,176 s.f.). Lot 1 will contain an existing single family home.*
2. **Site and Use Review application**, no. LUR2014-00057 to construct one new 2,850 square foot, single story **Bank of America building** with a drive thru facility on the pad site **at 1965 28th St.** The proposal also includes improvements to the existing parking area serving the pad site as well to the parking area adjacent to the Hazels liquor store. The project site is zoned Business – Regional 1 (BR-1).*
3. **Concept Plan Review 1900 Folsom** (LUR2014-00085)*
4. **Use Review** for a 3,509 square foot tavern with an outdoor patio, which will not exceed 712 square feet in area, **at 921 Pearl Street** (LUR2014-00081). Proposed hours of operation are 9 a.m. to 12:00 a.m. Sunday through Thursday and 9 a.m. to 2 a.m. Friday and Saturday*

B. 2015 Annual Boards and Commissions Appointments

CAC requested that Council be provided with an updated boards and commissions applicant list.

The Mayor requested an additional item be added to “Matters from Members of Council” so that he can answer any questions regarding his Hotline update on RTD’s proposed schedules and fares for US36 BRT.

II. March 24 – Spring Break (no meeting)

- A. Should CAC be cancelled on March 23?
CAC has been cancelled for Monday, March 23.

III. Master Calendar Review

- A. WiFi presentation only at 5:45 PM with celebration of 2014 Ballot Issues 2A and 2C to come back in June after contracts have been signed for both the Dairy and the Museum.

The Special Presentation on April 7 will focus on the 2C item – WiFi. Items from 2A require a different focus and staff would like to present them at a later date.

POST MEETING NOTE

This item will be presented/reception in the Muni Lobby at 5:30 PM. There will be a video and reception with participants then going outside to use the WiFi. Since this is not being held in Chambers, it will not be televised but CH8 will show the video.

- B. 4/7 - Motion to Allow Replacement of Existing Building on Department of Commerce Campus – Consent*
- C. 4/7 - 1st reading ordinance rezoning 1900 Folsom*
- D. 4/7 - Emergency ordinance re: amendments to create consistency in the Smoking Ban Ordinance No. 8015 – Consent*
- E. 4/7 - Update from Council Employee Evaluation Committee - Matters from Members*
- F. 4/21 - Study Session Summary 3/31: Planning Topics: BVCP, Resilience Strategy, Design Excellence - Form Based Code Pilot and Development Fees - Consent*
- G. 5/ 5 - 2nd reading ordinance rezoning 1900 Spine – Public Hearing (60 mins)*
- H. 6/16 - Questions and Guiding Principles for the Utility Rate Structure Analysis - Matters from City Manager (45 mins.)

The City Manager clarified that this was water utility rates.

- I. 7/28 Study Session request - 30th and Pearl City-owned Site Options – 7:30 – 9 PM*

*No comments were made on these items

IV. Additional Items

- A. Scheduling annual dinner with Boulder County Commissioners

The county has provided several dates for consideration that will be included in a poll to council once the council time-off calendar has been updated. Dates include April 6, 20, 23, 27, 30 and May 7, 11 and 18.

The City Clerk advised CAC that Boulder County is requesting a date for a joint dinner.

- B. Declaration for Gordon and Grace Gamm will be presented on May 5, 2015.*
- C. Update on site tour/special meeting for 747 12th Street.

The City Clerk will add to the consent agenda a request for a Special City Council Meeting to tour 747 12th Street.

- D. *Study Session Calendar*

The City Manager advised Council of a change to the study session calendar. The May 26 briefing on the Community Cultural Plan has been removed and changed into a one-hour study session on April 28. The July 14 Community Cultural Plan study session has been cancelled and has been changed to an agenda item on July 21.

The July 14 study session will now be all ballot items.

The July 28 study session on 30th and Pearl options was approved

CAC adjourned 8:58 AM

CAC Summary
March 9, 2015

Present: Mayor Pro Tem Suzanne Jones, Council Member Shoemaker, Council Member Young, City Manager Jane Brautigam, City Attorney Tom Carr, Deputy City Attorney David Gehr, Executive Director of Public Works Mo Rait, City Clerk Alisa Lewis, Assistant to the City Manager Tammye Burnette and Acting Deputy City Clerk Dianne Marshall

CAC convened at 8:02 AM.

I. March 10 & 12 – Board and Commission Interviews 6-9 PM

Concerned was expressed that there is only one applicant for the Landmarks Board and that applicant was unable to attend the scheduled March 5 interview. The City Clerk's Office will reach out to the applicant to reschedule on either March 10 or March 12. Council can also take action to reopen this board for further recruitment at the March 17 meeting.

II. March 17, 2015 Preliminary Agenda Review

A declaration will be added to the agenda for March 17 for the US36 Mayors and Commissioners coalition "Stand Up for Transportation Day (April 3)

3. CONSENT AGENDA

6:45-7

- A. Consideration of a motion to accept the February 24, 2015 City Council Study Session Summary on the Envision East Arapahoe project*
- B. Consideration of a motion to accept the February 24, 2015 Study Session Summary regarding the TMP Implementation Follow Up.*
This item will be available in the final packet.
- C.. Third reading and consideration of a motion to adopt Ordinance No. 8028 amending the building height regulations and requirements of Title 9, "Land Use Code" B.R.C. 1981 for certain areas of the city

The Mayor Pro Tem stated that Council Member Morzel may pull this item for consideration of increasing the 40% affordable housing to 50%. The Mayor Pro Tem will contact her about placing this on Hotline. The City Attorney stated Council could either then make this a public hearing at the March 17 meeting or suspend the rules and not have a public hearing.

- D. Second reading and consideration of a motion to adopt Emergency Ordinance No.8035 amending Section 4-20-68, "Flood Related Fee Waiver," B.R.C. 1981, to extend temporary authority to waive certain fees to facilitate recovery and repair work resulting from flood impacts and amending Section 9-10-2 "Continuation or Restoration of Nonconforming

Uses and Nonstandard Buildings, Structures, and Lots,” B.R.C., 1981, to extend the time to resume uses and restore buildings affected by the September 2013 flood.*

E. Consideration of the following items related to the annexation of the Old Tale Road neighborhood and right-of-way:*

1. A resolution finding the annexation petition in compliance with state statutes and establishing Apr. 21, 2015, as the date for a public hearing;

2. Introduction, first reading and consideration of a motion to order published by title only, an ordinance related to the annexation and initial zoning of 22 properties and right-of-way totaling XXX acres in the Old Tale Road neighborhood with an initial zoning designation of Residential-Rural 2 (RR-2).

Applicants/Owners:

1165 Old Tale Rd., Macinko Exempt Trust
1193 Old Tale Rd., Cynthia and Charles Anderson
1221 Old Tale Rd., Constance Ekrem
1228 Old Tale Rd., Steven Erickson
1245 Old Tale Rd., Harold and Sherlynn Bruff
1270 Old Tale Rd., Jeffrey and Wendy Mortner
1275 Old Tale Rd., Thomas and Barbara Corson
1305 Old Tale Rd., Monty Moran
1310 Old Tale Rd., Raynard A Hedberg Living Trust
1315 Old Tale Rd., Joanne M Simenson
1325 Old Tale Rd., Sarah Kingdom
1402 Old Tale Rd., Kellie Masterson-Praeger
1409 Old Tale Rd., William Dick III
1412 Old Tale Rd., John and Penelope Bennett
1435 Old Tale Rd., Joyce Peterson Thurmer
1436 Old Tale Rd., Thomas Perry
1457 Old Tale Rd., Cameron Bradley Peterson
1483 Old Tale Rd., Jason and Jennifer Kiefer
1507 Old Tale Rd., Richard and Jeanie Leddon
1510 Old Tale Rd., Mark and Mary Beth Vellequette
1533 Old Tale Rd., Laurie Duncan-McWethy
1566 Old Tale Rd., Stewart and Robin Elliott

The Mayor Pro Tem requested that council members prepare 1st reading questions for staff response.

- F. Introduction, first reading and consideration of a motion to order published by title only an ordinance designating the building and property at 977 7th St., to be known as the Krueger-Cunningham House, as an individual landmark under the city's Historic Preservation Ordinance.*

Owner/Applicant: Janelle C. Krueger & Cosima Krueger-Cunningham

- G. Introduction, first reading and consideration of a motion to order published by title only an ordinance designating the building and property at 1029 Broadway, to be known as the Evans Scholars House, as an individual landmark under the city's Historic Preservation Ordinance.*

Owner/Applicant: Evans Scholar Program

- H. Introduction, first reading and consideration of a motion to order published by title only an ordinance allowing for production and sale of certain foods in residential zone districts, amending Section 9-6-3(e) "Specific Use Standards Residential Uses"; amending Section 9-9-21 "Signs" and adding a new Chapter 6-17 "Cottage Foods and Fresh Produce"*

The City Attorney stated that Planning Board had reviewed the memo and had recommended some changes that will be reflected in the final memo.

4. POTENTIAL CALL UP CHECK IN

5. PUBLIC HEARINGS

7-7:30

- A.** Second reading and consideration of a motion to adopt Ordinance No. 8033 approving supplemental appropriations to the 2015 Budget.
*This memo will be available in the final packet.**

The executive Director of Public Works stated that this memo will be inclusive of all the new position.

7:30-9

- B.** Second reading and consideration of a motion to adopt Ordinance No. 8034 amending the capital facilities impact fee in Section 4-20-62, "and Chapter 8-9, B.R.C. 1981 by the addition of a new affordable housing linkage fee on non-residential development, and setting forth related details.

CAC increased the time for this item from 90 minutes to 120 minutes.

The Mayor Pro Tem asked for clarification about Council's ability to change the start date for the impact fees. The Deputy City Attorney stated that the phase in can be over a longer period of time (the City had previously done one over a three year period).

6. MATTERS FROM CITY MANAGER

None

7. MATTERS FROM CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS

A. Call Ups

9-10

B. 2015 Annual Boards and Commissions Appointments* *This memo will be available in the final packet.**

III. Master Calendar Review

- A. April 7**
- Study Session Summary for 2/24 Planning Work Plan Update (moved from 3/17) *
 - Water and Wastewater Service Agreement with the City of Boulder and Avery Brewing (moved from 3/17)* – Consent
 - Analysis and preliminary options for the Bee Safe Boulder Resolution –(Matters From The City Manager)
Staff requesting half hour for this item.
 - Celebrating ballot measures from last year (2A) from 5:30-6 PM prior to the start of the meeting (televised)
 1. Dairy Center – *Bill Obermeyer with the Dairy will show an animation walk through; the City Clerk will contact Bob Yates*
 2. Museum
 3. WiFi in Civic Plaza – *Don Ingle and Liz Hansen to make a presentation with virtual ribbon cutting and a promotion to show when live*
 4. Declaration for the Gamms – *The City Clerk reported that the Gamms are not available on the 7th and she will bring back to CAC another date.*
- B. April 21**
- Briefing on cooperative transit TIGER grant application with CU (Matters from City Manager – 20 minutes)*
- C. May 5**
- Bee Safe Boulder Resolution: Staff recommendation and council direction – Public Hearing (60 minutes)*

IV. Additional Items

- A. *The concept site review for 96 Arapahoe was placed on the master calendar for May 19 for 90 minutes.*
- B. *April 9 Comcast could be less than an hour*
- C. *The Deputy City Attorney stated the April 21 Open Transmission Tariff will probably be pulled.*
- D. *Eric Johnson, representing the owner, and Adrienne Sopher, Landmarks Board, toured the site and discussed three potential options:*
 - 1. *Describe historic importance*
 - 2. *Notice of special legislation for OAU that would allow sub-division of the property (both parties indicated they are not interested in an OAU)**Both needed to return to their parties and discuss; they offered Council a tour of the property, which would need to be done as a public hearing. The Deputy City Attorney will work out timing and an extension to the timeline if it helps the process to work. The City Clerk will poll Council for a date(s). The City Attorney stated that Council could call a special meeting at the March 17 meeting or the Mayor or Mayor Pro Tem could call a special meeting prior to the March 17 meeting.*

The City Attorney recommended this be posted to Hotline and the Mayor Pro Tem reminds council members to not respond on Hotline but wait for the March 17 meeting discussion. This item will come under "Matters from the City Manager".
- E. *The Mayor Pro Tem will be in DC this week to represent the City at the DOT "Challenge to Mayors Promoting Safety for Walkers and Bikers," which may result in a resolution for the April 7 council meeting.*

8:32 AM adjourned.