

**COUNCIL AGENDA COMMITTEE SUMMARY**  
**Date March 2, 2015**

**Present:** Mayor Matt Appelbaum, Mayor Pro Tem Suzanne Jones, Council Member Shoemaker, 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 Tammy Burnette, Historic Preservation Planner Marcy Cameron and Resident Peter Richards.

CAC convened at 8:03 AM.

1. **March 3, 2015 - Final Agenda Review**

**CITY COUNCIL MEETING**  
**March 3, 2015**  
**6 PM**

1. **CALL TO ORDER AND ROLL CALL**  
6:00
2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE.**  
6-6:45
3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time. Roll call vote required.  
6:45-7
  - A. Consideration of a motion to accept the **February 10, 2015 Study Session Summary regarding** potential regulation of **short term rentals.**

*Council Member Jones noted that she was referenced twice throughout item 3A and 3B document as both Mayor ProTem and as Council Member.*

*The City Clerk indicated that she request those changes to be made.*
  - B. Consideration of a motion to accept the **February 10, 2015 Study Session Summary regarding** the **Chautauqua Lease.**

*See comments from 3A.*
  - C. Consideration of the **disposal of** an interest in **Open Space lands** through the **grant of an easement to Public Service Company of Colorado for** three power **pole support** beams **on the Stanger Open Space property** that were required to be relocated by the construction of the Boulder County/Colorado Department of Transportation road improvements **on State Highway 93.** \*
  - D. Consideration of a motion to **authorize an Intergovernmental Agreement with Boulder County for** design and construction of the **extension of the Boulder Creek Bike Path.** \*

- Ord. No. 8032 E. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance granting a 10-year franchise to Comcast** of Colorado IV, LLC; approving a 10-year cable television franchise agreement between the City of Boulder and Comcast of Colorado IV, LLC; and authorizing the city manager to sign all agreements attendant thereto. \*
- Ord. No. 8033 F. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance approving supplemental appropriations to the 2015 Budget**. \*
- Ord. No 8034** G. Introduction, **first reading** and consideration of a motion to publish by title only an **ordinance** 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.

*Council Member Jones asked if the effective date was open to council direction.*

*Staff confirmed that was the case.*

- Ord. No. 8035 H. Introduction, **first reading** and consideration of a motion to publish by title only an **emergency ordinance** 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**. \*

#### 4. POTENTIAL CALL UP CHECK IN

#### 5. PUBLIC HEARINGS

- 7-9  
Ord. No. 8029 A. Second reading and consideration of a motion to adopt **Ordinance No. 8029 designating** the building and property at **747 12th St.**, to be **known as the Cowgill Property, as an individual landmark**

*Council Member Jones asked how staff determined that the property could be developed in an appropriate manner. Was it based solely on the size of the property?*

*Historic Preservation Planner Marcy Cameron responded that due to the size of the property, location of the house and the grade of the property the house would not be prohibited from having an extension built.*

*Council Member Shoemaker asked that staff be prepared to provide the specific information relating the size of the property, its development potential and setbacks etc. He also noted that he had done quite a bit of research and would provide all of his exparte communications over Hotline for the rest of council to see.*

- 9-10:30  
Ord. No  
8030
- B. Council decision and direction on items related to the University Hill Commercial District Moratorium Project, including:**
- 1. Second reading of Emergency Ordinance No. 8030 to limit residential uses within the University Hill General Improvement District in the BMS(Business Main Street) zoning district and correct BMS zone standards, and**
  - 2. Direction to staff about strategies to consider as part of the on-going Hill Reinvestment Strategy and the Community Planning and Sustainability Work Plan.**

*Council Member Jones asked if the senior housing would be required to be affordable.*

*Council Member Shoemaker responded that zoning identified what wasn't allowed, it did not dictate what should be allowed.*

*Mayor Appelbaum requested an update on the status of negotiations for the parking lot on the Hill.*

**6. MATTERS FROM CITY MANAGER**

**7. MATTERS FROM CITY ATTORNEY**

**8. MATTERS FROM MAYOR AND MEMBERS**

**A. Potential Call Ups**

1. Easement vacation of a portion of a utility easement that is located at the southeast corner of the property at 2248 Nicholl Street \*
2. Concept Plan Review for 96 Arapahoe \*

**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.

**2. March 5 – Board and Commission Interviews 6 – 9 PM**

*Reminder to council that Board and Commission interviews begin this Thursday*

4. **Master Calendar Review**

- a. 3/17 – Water and Wastewater Service Agreement with the City of Boulder and Avery Brewing – consent\*
- b. April 21 - Briefing on cooperative transit TIGER grant application with CU (Matters from City Manager – 20 mins)\*
- c. May 5 - Oliver Acquisition – Public Hearing (20 mins)\*

5. **Additional Items – none**

CAC adjourned at 8:20 AM

**CAC Summary**  
**February 24, 2015**

**Present:** Mayor Matt Appelbaum, Mayor Pro Tem Suzanne Jones, Council Member Shoemaker, Executive Director of Public Works Mo Rait, Deputy City Attorney David Gehr, City Clerk Alisa Lewis, Assistant to the City Manager Tammy Burnette, Executive Director of Community Planning and Sustainability David Driskell, Acting Deputy City Clerk Dianne Marshall and Resident Peter Richards and Council Member Karakehian as observers

CAC convened at 9:04 AM

**I. February 24, 2015 Study Session**

Briefing: Housing Boulder 5-6 PM

- A. *Staff planned to review the Housing Working Group process. Another briefing is scheduled on April 28 followed by a Study Session on June 9.*

TMP Implementation Follow Up 6-7:30 PM

- B. *CAC noted that this was originally scheduled for 2 hours and given the amount of information council would need to stay focused in order to get through it in the time allotted.*

Envision East Arapahoe – Review Analysis and Transportation Options  
7:30-8:30 PM

- C. *The presentation on this topic would be presented by Sam Asseffa. Discussion would be in two sections, short term and long term.*

Planning Work Plan Update 8:30-9 PM

- D. *David Driskell to present on this item. He would review the near term adjustment to base scheduled for March 17 to address follow through on retreat items and the resources needed to accomplish those items.*

**II. February 26, 2015 Special City Council Meeting**

*David Driskell informed CAC that a revised version of the memo was underway with an expectation of sending to council by mid-day.*

*CAC asked about the recommended process for moving through the item. Mr Driskell indicated that Planning Board started with the proposed motion language. He further explained that the staff recommendation was based on the height limitation not on slowing growth.*

*Council Member Jones expressed that council would want to discuss what they might want to happen during the time period, such as public benefit, form based code and other conversations regarding different geographies.*

*Mr. Driskell agreed and noted that staff was preparing a update on what was in the pipeline and the current status on various areas and what can get done.*

*CAC asked that the Downtown Guidelines be included, as well as how items in the pipeline would be folded in to the pilot project.*

*Staff clarified that if a project had an application for site review submitted prior to 1<sup>st</sup> reading of the ordinance it would have entitlement to go forward with the current requirements.*

*CAC suggested considering the overall intent then move through the potential exemptions.*

*Staff acknowledged that overflow seating would be provided in the lobby and the 1777 West Conference room.*

*The City Clerk explained that the revised memo would be posted in addition to the original packet that went out last week.*

### **III. March 3, 2015 Preliminary Agenda Review**

#### 6-6:45 **CONSENT**

- A. Consideration of a motion to accept the **February 10, 2015 Study Session Summary regarding potential regulation of short term rentals.\***
- B. Consideration of a motion to accept the **February 10, 2015 Study Session Summary regarding the Chautauqua Lease.\***
- C. Consideration of a motion to approve the **disposal of an interest in Open Space lands** pursuant to Boulder City Charter Section 177 through the **grant of an easement to Public Service Company of Colorado for three power pole support beams on the Stanger Open Space property** that were required to be relocated by the construction of the Boulder County/Colorado Department of Transportation road improvements **on State Highway 93.\***
- D. Consideration of a motion to **authorize an Intergovernmental Agreement with Boulder County for design and construction of the extension of the Boulder Creek Bike Path.\***

*CAC asked that the memo clarify that the IGA was just about the agreement and not about that actual trail alignment.*

- Ord. No. 8032 E. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance granting a 10-year franchise to Comcast** of Colorado IV, LLC; approving a 10-year cable television franchise agreement between the City of Boulder and Comcast Colorado IV, LLC; and authorizing the city manager to sign all agreements attendant thereto.\*
- Ord. No. 8033 F. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance approving supplemental appropriations to the 2015 Budget.** \*  
(This will be available in the final packet.)
- Ord. No 8034 G. Introduction, **first reading** and consideration of a motion to publish by title only an **ordinance** 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.\*
- Ord. No. 8035 H. Introduction, **first reading** and consideration of a motion to publish by title only an **emergency ordinance** 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.\***

#### 4. **POTENTIAL CALL UP CHECK IN**

*Staff explained that the details for those items would be in the Information Packet that is included in the final packet. Staff will come back with information regarding any potential controversy with 926 Arapahoe.*

#### 5. **PUBLIC HEARINGS**

- 7-8:30  
Ord. No. 8029 A. Second reading and consideration of a motion to adopt **Ordinance No. 8029 designating** the building and property at **747 12<sup>th</sup> St.,** to be **known as the Cowgill Property, as an individual landmark** under the city’s Historic Preservation Ordinance.  
Owner: 747 Twelfth Street, LLC  
Applicant: Landmarks Board

*Council Member Jones indicated that council members had been invited to tour the property and asked whether that was allowed.*

*Deputy City Attorney Gehr responded that it would be ex parte, thus requiring disclosure at the hearing and if three or more attended it would require legal notice.*

*CAC approved a 15 minute allotment for the property owner presentation and rebuttal.*

*Mark Gerwing would represent the Landmarks Board and would be given 3 minutes since the Board had agreed with the staff recommendation.*

8:30-10  
Ord. No 8030

**B. Council decision and direction on items related to the University Hill Commercial District Moratorium Project, including:**

1. Second reading and consideration of a motion to adopt **Emergency 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 (Business Main Street) zoning district **and correct BMS zone standards**, and setting forth related details.

2. **Direction to staff about strategies** to consider further as part of the **on-going Hill Reinvestment Strategy and the Community Planning and Sustainability Work Plan.**

*Staff presentation would be approximately 15 minutes*

*CAC noted that the timing for this item would largely depend on the size of the public hearing.*

*The City Clerk explained that the sign up for the public hearing would begin at 5 PM Thursday. There was no electronic sign-up provision for public hearings, only for regular meetings with Open Comment.*

6. **MATTERS FROM CITY MANAGER** – None

7. **MATTERS FROM CITY ATTORNEY** - None

8. **MATTERS FROM MAYOR AND MEMBERS**

**A. Call Ups**

1. Easement vacation of a portion of a utility easement that is located at the southeast corner of the property at 2248 Nicholl Street

2. Concept Plan Review for 96 Arapahoe

#### **IV. Master Calendar Review**

April 21 Council Meeting

- A. Study Session Summary 3/31: Boulder Civic Area direction for Civic Area Master Plan and Parkland Site Plan (Consent)\*
- B. 2<sup>nd</sup> R Open Access Transmission Tariff – tentative\*

May 5 Council Meeting

- A. Motion to accept the Boulder County Age Well Plan Update (moved from 4/21) under Matters from the City Manager\*

\*no comments made to this item

#### **V. Additional Items**

Council Member Jones noted that the Dairy Center for the Arts had pulled together a short video highlighting the renovations that would be accomplished through the funding provided by Ballot Measure 2A. CAC agreed to ask for a briefing to highlight the projects made possible through 2A. In addition, staff would bring forward the declaration of appreciation for Gordon and Grace Gamm for their donation to the Dairy Center.

The City Clerk suggested April 7 and would verify that date.

It was brought to CAC's attention the *Camera* included the wrong date in the front page story indicating that that height modification ordinance would be discussed at that evening's meeting instead of the 26<sup>th</sup>.

CAC asked staff to issue a press release to correct the information.

CAC adjourned at 8:43 AM