

**CITY OF BOULDER**  
**CITY COUNCIL MEETING**  
Municipal Building, 1777 Broadway  
Boulder, Colorado 80302  
Tuesday, July 16, 2019

**MINUTES**

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:05 p.m.

Council Members Brockett, Carlisle, Morzel, Nagle, Weaver, Yates and Young were present.

COUNCIL MEMBER WEAVER MOVED TO APPROVE THE AMENDED AGENDA TO ADD ITEMS 3K- CALLING A SPECIAL MEETING ON JULY 23 8E- NOD OF FIVE TO DRAFT RESOLUTION DECLARING A CLIMATE EMERGENCY 811- EXPECTATIONS OF APPROPRIATE BEHAVIOR FOR BOARD AND COMMISSION MEMBERS 81- NOD OF FIVE FOR PLANNING DEPARTMENT RESEARCH REGARDING DEVELOPMENT FEES AND CONSULTANT COSTS AND TO HEAR ITEM 8D- VAPING REGULATIONS FOR TEENS EARLIER IN THE MEETING. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 8:0 AT 6:09 P.M.

2. OPEN COMMENT

(Public comments are a summary of actual testimony. Full testimony is available on the council web page at: <https://bouldercolorado.gov/city-council> > Watch Live or Archived Meetings.)

Open Comment began at 6:05 p.m.

1. Amber Hess spoke about 5G.
2. Mark Gelband spoke about police incidents and racism in Boulder.
3. Stephan van der Mersch spoke about the Marpa House situation.
4. Stacy Silverstein Apple spoke about the Marpa House situation
5. Elizabeth Black spoke about water rights.
6. Vita Waters spoke about the Marpa House situation.
7. AllyCatherine Wild spoke about Boulder Housing Partner lease violations and Community Center.

8. John Garcia spoke signed up but did not speak.
9. Annie Brook spoke signed up but did not speak.
10. Ben Bertino spoke about the Marpa House situation.
11. Joell Rossback-Dahl spoke about teen vaping and harmful effects.
12. Richard O'Brien spoke about amendments to the dark skies' ordinance.
13. Shawn Rodda spoke about teen vaping and harmful effects.
14. Susan Conversano spoke about 5G.
15. Gwen Dooley spoke about the Open Space Board of Trustees appointment.
16. Patrick Murphy spoke about municipalization.
17. Ginger Tanner spoke about teen vaping and harmful effects.
18. Foster Goodwill spoke about 5G.
19. Jeff Martin spoke about the homeless community and effects to the city and residents.
20. Ryan Clark spoke about 5G.

Open Comment closed at 6:49 p.m.

### 3. CONSENT AGENDA

- A. Consideration of a motion to approve the June 4, 2019 Regular Meeting Minutes
- B. Consideration of a motion to approve the June 18, 2019 Regular Meeting Minutes
- c. Consideration of a motion to accept the May 28, 2019 Study Session Summaries regarding Large Homes and Lots; and Use Tables and Standards
- D. Consideration of a motion to accept the June 11, 2019 Study Session Summary on the Draft Master Plan for Open Space and Mountain Parks
- E. Consideration of a motion to accept the July 9, 2019 Study Session Summary on the Climate Mobilization Action Plan

- F. Consideration of a motion authorizing the city manager to convey the permanently affordable housing unit at 216 Seminole Drive to an eligible buyer and sign all associated agreements
- G. Consideration of a motion to authorize the city manager to execute a 20-year revocable license under 30th Street to the University of Colorado to operate an irrigation ditch carrying water to the University's East Campus
- H. Consideration of a motion to approve Resolution 1259 authorizing the City of Boulder to assign to the Housing Authority of the City of Boulder, Colorado, D/B/A Boulder Housing Partners its 2019 private activity bond cap allocation for the purpose of financing the 30 Pearl Apartments
- I. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8334 vacating and authorizing the city manager to execute a deed of vacation to vacate portions of public right-of-way for former Arapahoe Avenue adjacent to the properties at 90 and 96 Arapahoe Avenue
- J. Consideration of a motion to accept the July 9, 2019 Advance Study Session Summary on the Citywide Retail Study Final Report
- K. Consideration of a motion to call a Special Meeting of the Boulder City Council on Tuesday, July 23, 2019 at 6 p.m. in Council Chambers located at 1777 Broadway, Boulder prior to the scheduled study session

COUNCIL MEMBER YATES MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A3K. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 7:0 AT 7:24 P.M. WITH COUNCIL MEMBER CARLISLE ABSENT FOR THE VOTE.

#### 4. CALL-UP CHECK-IN

- A. Site Review - 90, 96 Arapahoe Avenue No action.
- B. Site Review - 2150 Folsom  
Applicant Adrian Sopher spoke at 7:25 p.m. and answered questions.  
No action.
- C. Site Review Amendment - 3350 Bluff Street No Action.

Item 8D. Discussion of a Nod of Five regarding the regulation of electronic cigarettes by youth including licensing, zoning restrictions, age limits and banning flavors

City Attorney Tom Carr introduced this item at 7:28 p.m.

Deputy Director of Housing and Human Services Kristin Hyser spoke about the availability of the substance education fund as a possibility to address financial concerns related to the initiative.

Council asked for a draft of ballot measure for city tax on nicotine products for the 2019 Election. Staff will return with ordinance options. Nod of Five was given.

## 5. PUBLIC HEARINGS

- A. Consideration of a motion to designate Hogan Pancost property for future flood mitigation and Open Space.

City Manager Jane Brautigam introduced the item at 8:03 p.m. with a brief history of the property.

Director of Public Works for Utilities Jeff Arthur spoke about utility use at 8:08 p.m.

Resources & Stewardship Division Manager John Potter spoke about the designation of future Open Space at 8:14 p.m.

A public hearing was opened at 8:21 p.m. and the following spoke about designating Hogan Pancost property for future flood mitigation and Open Space:

1. Suzanne DeLucia
2. Donna George

The public hearing was closed at 8:27 p.m.

COUNCIL MEMBER MORZEL MOVED TO DESIGNATE THE HOGAN PANCOST PROPERTY PARTIALLY FOR PARKS AND RECREATION PURPOSES PARTIALLY FOR FUTURE FLOOD MITIGATION AND PARTIALLY FOR OPEN SPACE USE INCLUDING AN AMENDMENT TO DIRECT STAFF TO RETURN TO COUNCIL WITHIN SIX WEEKS CLARIFYING HOW PARKS AND RECREATION FUNDS CAN BE USED TO IMPROVE THE PROPERTY. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 8:0 AT 8:09 P.M.

## 6. MATTERS FROM THE CITY MANAGER

- A. CU South: Direction on key project components and next steps

Senior Planner Phil Kleisler introduced this item at 8:42 p.m.

Director of Public Works for Utilities Jeff Arthur spoke showed the 100-Year Flood Simulation derived from the hydraulic model. and addressed potential water flow and drainage at 8:43 p.m.

Resources & Stewardship Division Manager John Potter answered questions.

Vice-Chancellor for Strategic Relations at CU-Boulder, Frances Draper showed a slide presentation with map overlays to speak to council.

Interim Director of Open Space & Mountain Parks Dan Burke spoke and answered questions.

The direction of council was to go forward with the floodwall placement mitigating use of open space, apply aggressive restoration, if possible, and work with project variables to find best options.

COUNCIL MEMBER WEAVER MOVED TO EXTEND THE MEETING. COUNCIL MEMBER BROCKETT SECONDED THE MOTION. THE MOTION PASSED 8:0 AT 11:18 P.M.

7. MATTERS FROM THE CITY ATTORNEY

A. Update on settlement regarding 4795 Broadway; Swoon Art House

City Attorney Tom Carr introduced this item at 11:18 p.m. and explained the history and settlement that was reached.

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Call-Up Consideration: Site Review application for the redevelopment of the existing site located consideration of the following items related to the proposed redevelopment of a 4.99-acre property located at 90 and 96 Arapahoe Ave. within the Residential - Medium 3 (RM-3) zoning district. As reviewed under application no. LUR2018-00005, the proposal includes 46 attached residential units, 19 of which are intended as permanently affordable along with continued use of the 96 Arapahoe Ave. property as the September School, a non-profit private high school and an interconnected access road. The plans include adaptive reuse of several of the former Silver Saddle motel buildings and an access road linkage of the two sites

No action.

B. Call-Up Consideration: Site Review to redevelop a 0.59-acre property at 2150 Folsom with a total of eight attached dwelling units in two buildings in the RMX-I and RH-2 zoning districts (LUR2018-00043). The proposal requires review by Planning Board because it proposes additional density in the portion of the site

zoned RH-2 (Residential — High 2) to construct six units where a maximum of three units could be constructed by right and a 53 percent parking reduction

No Action.

- c. Call-Up Consideration of three related cases: Site Review Amendment case no. LUR2018-00016 to amend case no LUR2015-00010 by removing the subject site

from that approved Site Review; Form-Based Code (FBC) Review application no. LUR2018-00017 for a new mixed-use building with 85 residential units and approximately 1,976 square feet of non-residential space on the ground floor along with parking at the rear of the building; and Use Review to permit greater than 20 percent of the units as Efficiency Living Units (ELUs) under application case no. LUR2018-00018 and located at 3350 Bluff Street

No Action.

- D. Discussion of a Nod of Five regarding the regulation of electronic cigarettes by youth including licensing, zoning restrictions, age limits and banning flavors

This item was moved up and heard at 7:24 p.m. after Item 4C. Nod of Five was given.

- E. Nod of Five to draft a resolution to be considered at the July 23 Special Meeting declaring climate emergency

Mayor Jones introduced this item at 11:00 p.m.

A Nod of Five was given at 11:30 p.m.

- F. Discussion of Attention Home's request for a council member on the advisory board

Council Member Yates introduced this item at 11:31 p.m. and with discussion from council decided that the advisory board did not need to incorporate a council member as a member. Council Member Yates will write a response to Attention Homes.

No action.

- G. Revisit council's expectations of appropriate behavior for board and commission members

Members of the subcommittee, Council Members Nagle and Young, introduced this item at 11:33 p.m.

Council reminded board and commission members to conduct themselves in a professional manner regardless of whether they are actively representing the board

or are on personal social media. The City Attorney's Office will review the boards and commissions rules and guidelines to see if updates are needed.

- H. Consideration of a motion to appoint boards and commissions members to the following boards: the Colorado Chautauqua Association (CCA), the Housing Advisory Board (HAB) and the Open Space Board of Trustees (OSBT)

Mayor Jones introduced this item at 11:35 p.m.

City Clerk Lynnette Beck flipped the coin and it landed on "tails." If voting is necessary, it will begin with applicants' last names in reverse-alphabetical order and the next round will be voted beginning with last name alphabetical order and so forth until a single applicant remains or receives a majority vote from council.

Colorado Chautauqua Association

Council Member Young was nominated.

No other nominations were made.

Therefore, by acclamation,

Council Member Young was appointed to CCA for a 3-year term through March 31, 2022.

Housing Advisory Board

Daniel Teodoru, Laura Kaplan, Arthur Okner and Claudia Thiem were nominated.

Council members spoke about their nominees.

Voting occurred last name, reverse-alphabetical order.

Daniel Teodoru was appointed to HAB for a 1-year term through March 31, 2020.

\_\_\_\_\_  
Doug Ginly and Harold \_\_\_\_\_  
Open Space Board of Trustees were nominated.

Council Members spoke about their nominees.

Voting occurred last name alphabetical order.

Harold Hallstein was appointed to OSBT effective August 2, 2019 for a term through March 31, 2022.

Council motion and vote will be at the end of Matters.

- 1. Nod of Five to research development fees related to planning processes and consultation fees over the last 5 years

Council Member Carlisle introduced this item at 11:55 p.m. In the process of discussion, it was recommended that she ask for the information over the last three years to accommodate the latest software system installed.

A Nod of Five was given at 12:04 a.m.

A public hearing was opened for all motions made under "Matters" at 12:05 a.m. and with no speakers, the public hearing was closed at 12:05 a.m.

COUNCIL MEMBER MORZEL MOVED TO RATIFY THE APPOINTMENTS TO THE COLORADO CHAUTAUQUA ASSOCIATION, HOUSING ADVISORY BOARD AND THE OPEN SPACE BOARD OF TRUSTEES. COUNCIL MEMBER YATES SECONDED THE MOTION. THE MOTION PASSED 8:0 AT 12:06 A.M.

9. DISCUSSION ITEMS

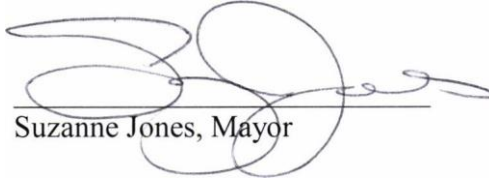
10. DEBRIEF

11. ADJOURNMENT


THERE BEING NO FURTHER BUSINESS TO COME BEFORE COUNCIL AT THIS TIME BY MOTION REGULARLY ADOPTED THE MEETING WAS ADJOURNED ON JULY 17 2019 AT 12:06 A.M.

Approved this 20<sup>th</sup> day of August 2019.

APPROVED BY:

  
Suzanne Jones, Mayor

ATTEST:

  
L | t | Bec | City Clerk