

COUNCIL AGENDA COMMITTEE
September 16, 2013

Present: Mayor Appelbaum; Council Member Morzel; Council Member Plass; City Manager Jane Brautigam; Deputy City Manager Paul Fetherston; City Attorney Tom Carr; Deputy City Attorney David Gehr; City Clerk Alisa Lewis; Deputy City Clerk Alisa Darrow

CAC was called to order at 8:00 AM.

1. Final Agenda – September 17, 2013

Due to the flood, many changes were made to the September 17 City Council Agenda

AGENDA

1. CALL TO ORDER AND ROLL CALL

~~Special Presentation: eCities Award from Google~~

CAC requested Liz Hanson cancel this item.

~~Special Presentation: Declaration “Colorado Companies to Watch”~~

This item will be postponed, the event was cancelled.

Special Presentation: Declaration “Honorary Inland Ocean City”

CAC asked the City Clerk to find out if this event was still moving forward and report back to the Manager and CAC.

Special Presentation: Flood Rescue and Recovery Update

CAC agreed that an update on the flooding would be given prior to open comment.

Council Member Plass asked that specific facts be given on the closures related to parks and open space to help the public understand the safety concerns.

City Manager Jane Brautigam discussed that Jeff Arthur, Tracy Winfree, Moe Rait, Mike Patton, Mark Beckner and other key staff would be present for the flooding update.

Mayor Appelbaum asked that Council be given time to ask questions of each person involved in the update before the next speaker began.

Mayor Appelbaum requested pictures be provided to show the flood damage.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE (limited to 45 min.) 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.

Mayor Appelbaum commented that there could be a large amount of people coming to speak about their experience during the flooding. He commented that he would give everyone a chance to speak and not limit this time to 45 minutes.

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 **approve** the City Council Meeting **Minutes from August 6, 2013**

Council Member Morzel asked that the audit committee update be changed to reflect the reason for David Frederick's update was because he is the external member of the audit committee.

B. Consideration of a motion to **approve** the City Council Meeting **Minutes from August 20, 2013***

C. **Continuation of Second Reading** and consideration of a motion to adopt **Ordinance No. 7925** amending chapters 10-2, 10-5, 10-5.5, 10-6, 10-7, 10-7.5, 10-8, 10-9, 10-9.5 and 10-10, B.R.C. 1981, adding new chapter 10-8.5; **adopting by reference, with amendments, the 2012 International Property Maintenance, Building, Residential, Energy Conservation, Fire, Wildland-Urban Interface, Mechanical, Fuel Gas and Plumbing Codes, and the 2011 Electrical National Code, amending sections 4-20-47, "Zoning Adjustment Filing Fees," and 2-3-4 "Board of Building Appeals,"** B.R.C. 1981; and setting forth related details

Council Member Plass asked if this item would be pulled.

City Attorney Tom Carr commented that there would be amendments and a third reading.

City Manager Jane Brautigam stated that there would be a public hearing if the item got pulled.

City Attorney Tom Carr reminded Council that they would be able to pass it on second reading if they approved of the changes.

CAC agreed to leave this item on consent.

D. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance designating** the building and property at **2205 Broadway**, to be known as **the Boulder Masonic Lodge, as an individual landmark** under the city's Historic Preservation Ordinance

Council Member Plass noted that the public hearing date in the ordinance needed to be corrected on page 149 of the packet.

E. **Consideration of the following ordinances related to the purchase of the ERTL property located at 8323 Valmont Road:**

1. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance** approving and **authorizing** the issuance of **Boulder Municipal Property Authority Lease Purchase Revenue Note, Series 2013A, in the aggregate amount of \$5,000,000**, and approving and authorizing a Lease Purchase Agreement **for the purchase of 685 acres of land, oil and gas mineral estate interests and water rights for the ERTL property located at 8323 Valmont Road, Boulder, CO from Energy Resource Technology Land, Inc. for Open Space and Mountain Parks purposes***

2. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance approving the addition of the ERTL property as part of the Lower Boulder Creek Habitat Conservation Area***

F. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance** amending Title 6, Chapter 13, “Voice and Sight Control Evidence Tags,” B.R.C. 1981 **regarding the Voice and Sight Tag Program**, and Title 4, Chapter 20, Section 61, “Voice and Sight Control Evidence Tag Fees,” B.R.C. 1981, regarding fees for Voice and Sight Control Evidence Tags and setting forth related details

CAC agreed to pull this item from both the September 17 agenda and the public hearing scheduled for October 8, it will likely be rescheduled in the first quarter of 2014.

- G. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance adopting the Intergovernmental Agreement with Boulder County for Hazardous Materials Management***

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.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

- A. **Second reading** and consideration of a motion to adopt **Ordinance No. 7926, amending floodplain regulations in order to clarify existing regulations and to protect critical facilities and lodging facilities in the 100- and 500-year floodplains**, including Chapter 9-3 “Overlay Districts,” Subsection 9-6-1(d) “Use Table,” and Section 9-16-1 “Definitions” B.R.C. 1981

Council Member Morzel asked that the 100 and 500 year floodplain maps included in first reading be provided again.

Mayor Appelbaum wondered why some items in the use tables were changed to conditional, while others were not. He asked staff to look at the use tables again for consistency.

Council Member Plass commented that on page 275, subsection F of the ordinance, there was duplicated wording.

- ~~B. Consideration of a motion to accept the 2013 Boulder Parks and Recreation Master Plan and approve the Boulder Valley comprehensive Plan (BVCP) Parks and Recreation Master Plan Summary~~

CAC requested this item be removed from the agenda to allow time for the update on the flooding.

- ~~C. **Second reading** and consideration of three **ordinances all to implement** and comply with the requirements of **Amendment 64 to the Colorado State Constitution and consideration of an emergency ordinance relating to marijuana** as follows:~~

- ~~1. Ordinance No. 7929 amending Section 6-14, “Medical Marijuana,” B.R.C. 1981;~~

2. ~~Ordinance No. 7930 adding a new Chapter 6-16, "Recreational Marijuana," and a new Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981;~~
3. ~~Ordinance No. 7931 amending Section 5-10, "Marijuana Offenses," B.R.C. 1981; and~~
4. Consideration of a motion to adopt an emergency ordinance appointing the city manager as the entity designated to receive applications and imposing a temporary moratorium on recreational marijuana businesses between October 1, 2013 and January 2, 2013

City Attorney Tom Carr commented that there may not be time for the marijuana item, and passing the emergency ordinance was the only item that required action.

City Manager Brautigam provided two options for the hearing on the marijuana ordinances: 1) a special meeting on September 24 or replacing the upcoming voice and sight program public hearing on October 8 with the public hearing on marijuana.

CAC agreed to move this item to October 8, 2013 for public hearing and only keep the emergency ordinance on the consent agenda on September 17.

Mayor Appelbaum pointed out a few typos that he would like to see corrected before this item was finalized and brought back for public hearing on October 8.

City Attorney Tom Carr suggested a press release to inform the public. He wanted to include a note to the public asking them to make safety their primary concern.

6. MATTERS FROM THE CITY MANAGER*

None

7. MATTERS FROM THE CITY ATTORNEY*

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

1. **Deed of Vacation at 2085 Balsam Drive** Information Packet Date: September 17 Last Opportunity: September 17*
2. **Landmark Alteration Certificate (LAC) for demolition of 420 Spruce Street** Information Packet Date: September 17 Last Opportunity: September 17*

B. Consideration of a motion to adopt a resolution in support of Colorado's 2013 Ballot Measure Designated as Amendment 66, Funding for Public Schools*

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.*

11. **DEBRIEF** (5 Min.) Opportunity for Council to discuss how the meeting was conducted*

12. **ADJOURNMENT***

2. Study Session – September 24, 2013

A. Recommended Budget 6-8 PM

B. Economic Sustainability Strategy 8-9 PM

This study session has been cancelled.

City Manager Jane Brautigam noted that an information item or other form of communication would be provided for the Economic Sustainability Strategy.

3. Calendar Items

A. Schedule Sister City Awards Presentation and/or Dinner – October 29

This dinner will be scheduled and held in the lobby.

4. Debrief – September 10, 2013 Study Session

Council Member Plass complimented staff on the presentation.

5. Additional items

A. Reminder to the public regarding Library Commission vacancy

Mayor Appelbaum asked the City Clerk's Office to provide information regarding the vacancy for an announcement at the meeting.

B. Sister City State Conference – September 28, Leeds School of Business at University of Colorado

Mayor Appelbaum asked the City Clerk's Office to provide information for this announcement for the meeting as well.

A. Ongoing Updates on Flooding

Council Member Morzel mentioned an email from Council Member Cowles requesting a tour of the areas most impacted by the flooding. She suggested a virtual tour through pictures.

Mayor Appelbaum asked for information regarding areas that were not impacted as well. He asked for staff to explore opening the open space properties where there were no safety concerns.

CAC requested that Flood Updates occur at the beginning of council meetings while restoration efforts were ongoing.

CAC adjourned at 8:53.

***No comments were made on this item**