

**COUNCIL AGENDA COMMITTEE**  
**August 19, 2013**

**Present:** Mayor Appelbaum; Council Member Morzel; Council Member Cowles; City Manager Jane Brautigam; Deputy City Manager Paul Fetherston; Deputy City Attorney David Gehr; City Clerk Alisa Lewis; Deputy City Clerk Alisa Darrow; Chief Financial Officer Bob Eichen

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*CAC convened at 8:00 AM.*

**1. Final Agenda – August 20, 2013**

*CAC agreed this meeting would begin at 5 PM.*

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

**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.\*

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

*Council Member Cowles asked for clarification as to how voting would be handled when a 2/3 vote would be required for some items and not others. Clerk Lewis stated that individual Council Members can state opposition to any item prior to the roll-call vote. Mayor Appelbaum added that items could be pulled for discussion.*

A. Consideration of a motion to approve the City Council Meeting **Minutes from July 16, 2013\***

B. Consideration of a motion to approve the City Council Meeting **Minutes from July 23, 2013\***

C. Consideration of a motion to approve the City Council Meeting **Minutes from July 24, 2013\***

D. **Third reading** and consideration of a motion to adopt the following ordinances:

1. **Ordinance No. 7912** placing on the November 5, 2013 **ballot a measure extending and dedicating to open space, transportation and the general improvement services a 0.33 cent sales tax; and**

*Chief Financial Officer Eiche commented that the ballot language had the correct dates, but the Ordinance title did not. City Attorney Carr noted that the change would be made prior to adoption.*

2. **Ordinance No. 7913** placing on the November 5, 2013 **ballot a measure imposing a new 0.15 cent sales tax to be dedicated to transportation**; as adopted and amended at the August 5, 2013 council meeting and setting forth related details

*Council Member Cowles commented that on page 40 there were corrections that would have to be made before adoption. This will require adoption by emergency because of changes made between first and second reading.*

- E. **Third reading** and consideration of a motion to adopt **Ordinance No. 7916** **submitting** to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013, **the issue of** whether City of Boulder taxes should be increased by **an excise tax of up to 10 percent of the average market value of unprocessed recreational marijuana** from a recreational marijuana cultivation facility **and a sales and use tax of up to 10 percent on recreational marijuana** and setting forth related details

*Council Member Cowles asked if Denver had made a decision. Deputy City Clerk Darrow stated that the Denver City Council was voting on it at 2 PM this afternoon.*

- F. **Third reading** and consideration of a motion to adopt the following ordinances:

1. **Ordinance No. 7919** setting the ballot title and **submitting to the voters** at the November 5, 2013 election an **initiated amendment** to the City Charter **to require voter approval of the electric utility debt limit and total cost of debt repayment prior to issuance** of any debt, **prohibiting service outside of the city absent a vote by out-of-city residents in the service area, limiting debt elections to November in odd-numbered years, and limiting brokerage fees** on such indebtedness; and

*Mayor Appelbaum called attention to an email from Council Member Jones with corrections to the ballot title in Ordinance No. 7919. Council Member Cowles suggested stronger language be added in place of “superseding any initiated ballot measure to the contrary.” Deputy City Attorney commented that he was working with financial advisors to ensure that the language would not be too restrictive when the city does attempt to sell bond.*

2. **Ordinance No. 7920**, setting the ballot title and **submitting** to the voters at the November 5, 2013 election **the question of setting a debt limit for acquisition of electric utility assets; amending the City Charter to allow utility related questions to be considered at any election; allowing out-of-city service and non-resident customers to be represented on the utility advisory board; adding utility services standards and requirements for the electric utility board related to rates and rate**

**making; setting standards against discrimination and the granting of privileges and advantages; adding new sections of the City Charter related to acquisition debt limits and customer choice for out of city utility customers; and superseding any initiated ballot measure to the contrary, and setting forth related details**

*CAC agreed to change the agenda to have Ordinance No. 7920 as a public hearing (Item 5B).*

*Council Member Morzel asked the City Attorney to give Council advice as to what they can and cannot speak about in relation to municipalization. City Attorney Carr commented that staff would try, but he noted that municipalization was uncharted territory in many regards. Deputy City Attorney Gehr noted that he was attempting to give a brief overview of information that was already public. He indicated that he would send a two page document to Hotline that would serve as a guideline for the information that would be suitable for council discussion. CAC also requested that the confidential memos from the city attorney regarding Municipalization be sent as a packet to council for reference. Staff was asked to look at the escalator index and whether the appropriate one had been use, and then indicated the potential for adding the stranded costs back into the measure.*

**G. Third reading** and consideration of a motion to adopt **Ordinance No. 7917 finding that the conditions precedent to formation of an electric power and light utility** of Charter section 178(a) **have been satisfied**, and setting forth related details **and acceptance of the summary of the July 23, 2013 presentation by PowerServices, Inc.\***

**H. Third reading** and consideration of a motion to adopt **Ordinance No. 7918 authorizing the acquisition of property interests owned by Public Service Company of Colorado d/b/a Xcel Energy by negotiation and purchase or through the power of eminent domain** and setting forth related details\*

**I. Second reading** and consideration of a motion to adopt the following ordinances:

1. **Ordinance No. 7910 regarding** amending Section 98, **Term of bonds-disposal of bonds**, of the Charter of the City of Boulder;

*Mayor Appelbaum directed attention to Council Member Jones email regarding language to be stricken related to public sale of bonds being misleading. The recollection was that Council had directed staff to remove this language from the ordinance. Staff indicated it would verify and make any necessary changes.*

2. **Ordinance No. 7914 regarding** amendments to Charter Section 130 and other related Charter sections **changing the requirement from City electors to City residents to serve on City Boards**; and\*
3. **Ordinance No. 7915 regarding** extending Ordinance No. 7907, **the moratorium on fracking**, all as approved for adoption on consent at the August 5<sup>th</sup> council meeting and setting forth related details\*

- J. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance designating** the building and property at **3015 Kalmia Ave., to be known as the Lundgren-Harper House, as an individual landmark** under the city's Historic Preservation Ordinance\*
- K. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance** vacating and authorizing the City Manager **to execute a deed of vacation** to vacate a portion **of a twenty-foot emergency access and utility easement** in association with an approved use review request to locate 68 attached multi-family residential units in an industrial zoning district **at 6655 Lookout Road\***
- L. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance** 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 Cowles expressed concern about reducing the amount of rooftop area that could be used for solar energy. Mayor Appelbaum commented that there were notes in the memo related to conversations staff had with solar energy companies before making a recommendation. Deputy City Attorney Gehr noted that there was concern about fire protection if too much roof space were dedicated to solar panels and staff had worked on a compromise before bringing the item forward. Concerns were also raised about the destruction of trees west of Sixth Street and the requirement for sprinkler systems in all new construction including single family dwelling. Staff noted that all those issues were addressed in the memo and CAC pointed out that these were more topics that staff needed to be prepared to speak to at second reading.*

- M. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance** 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 Cowles asked for more history related to the areas being impacted by the changes in the 100 and 500 year high hazard flood areas. He pointed out that it was important for the community to understand that Boulder is one of the highest probable flood areas in Colorado and it was important to provide the context behind that.*

- N. Consideration of a **motion to authorize the disposal of approximately 0.798 acres of Open Space and Mountain Parks land** described as a permanent easement **to Public Service Company of Colorado and CenturyLink** to place power poles on the East Rudd

property for the purpose of **facilitating the construction of the planned Community Ditch Trail underpass** at State Highway 93. **This is a disposal of Open Space land** under City Charter Section 177\*

- O. Consideration of a **motion to reschedule** the business meeting on **November 5, 2013 to November 12, 2013\***

*CAC member Morzel noted that she was not in support of having a meeting on the 12th of November. She expressed the need for the council to have a break after the election and prior to the new council coming on board. She indicated she would raise the issue at the meeting.*

#### 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 **Emergency Ordinance No. 7922 extending a 0.15 sales and use tax**, which is currently dedicated to open space and expires December 31, 2019, **to remove the expiration date and dedicate the funds to transportation until December 31, 2029 and thereafter dedicating the funds to general ~~improvement~~ government needs** as introduced and passed on first reading at the August 5, 2013 council meeting and setting forth related details – **estimated time 1 hour**

*City Manager Brautigam asked that the wording be changed to “general government needs,” rather than “general improvement needs.” Mayor Appelbaum noted that the tax would sunset, the agenda memo was incorrect, but the Ordinance and ballot language was correct.*

- B. Consideration of a **motion to accept the Boulder Police Master Plan, approve the Boulder Valley Comprehensive Plan (BVCP) Police Master Plan Summary and amend the BVCP Urban Service Criteria and Standards for Urban Police Protection –**

*CAC agreed that this item would be removed from the agenda and rescheduled. Staff would determine the appropriate date for this item to be on the agenda.*

*Item 3F-2 will be listed as 5B with a timing of 1 hour.*

#### 6. **MATTERS FROM THE CITY MANAGER**

- A. Consideration of a **motion to adopt a resolution setting the ballot order** for the November 5, 2013 coordinated municipal election

*Council Member Cowles noted that he had emailed a third option to staff for consideration at the meeting.*

*CAC agreed this item would be scheduled for ½ hour.*

**B. Update on Council Chambers audiovisual upgrades**

*CAC agreed this item would be scheduled for ½ hour.*

**7. MATTERS FROM THE CITY ATTORNEY**

None

**8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL**

**A. Potential Call-Ups**

**1. Vacation of Utility Easement in the High Mar Senior housing development**

Information Packet Date: August 20 Last Opportunity: August 20\*

**2. Recommendation to rename Canyon Park to Emma Martinez Park** Information

Packet Date: August 20 Last Opportunity: August 20\*

**3. Site Review on NE corner of Kalmia Ave. and 28<sup>th</sup> St.** Information Packet Date:

August 8 Last Opportunity: August 20\*

**B. Consideration of a motion regarding 2013 performance evaluations, and performance based salary adjustments for the City manager, City Attorney, and Municipal Judge\***

**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 – August 27, 2013\***

**a. No items currently scheduled\***

**3. Debrief – August 13, 2013 Meeting\***

*CAC member Morzel indicated the study session was great.*

#### **4. Calendar Items**

##### **a. Master Calendar review thru end of year**

*Council Member Morzel commented that when the ebike item came forward, she wanted to see various options. She was not sure how electric bikes and strollers would share the same paths and trails. Specifically of concern was the weight and wattage.*

#### **5. Additional items**

##### **b. Board Recruitment – Library Commission**

*CAC accepted the proposed recruitment period.*

##### **c. Dinner Invitation – Park City and Summit County, Utah September 18, 2013 7:30 PM**

*Council Member Cowles asked for information to help him understand what the purpose of the visit was. City Manager Brautigam responded that this was an annual trip for Park City and Park County. They are interested in learning as much as possible about the city and county, specifically municipalization, transportation and economic sustainability. Council Member Cowles asked that Erica Meltzer from the Daily Camera be informed. CAC also discussed the potential of Boulder's City Council having a similar trip to exchange innovative ideas from other municipalities.*

*CAC adjourned at 8:14 AM.*

**\*No comments were made on these items**

**2013**  
**Study Session Calendar**

<b>Date</b>	<b>Topic</b>	<b>Time</b>
09/10/13	Recommended Budget #1	6-9 PM
09/24/13	Recommended Budget #2	6-8 PM
09/24/13	Economic Sustainability Strategy	8-9 PM
<b>11/26/13</b>	<b>No Meeting</b>	
12/10/13	Hold for CMO	
<b>12/24/13</b>	<b>No Meeting</b>	

September 3, 2013 Preliminary: 8/21 :: Final 8/28	Est. time	Timing Issues/ Comments
Rollie Heath: Initiative 22	30 Min	
<b>Consent</b>		
<b>1st Reading Landmark Designation for 2205 Broadway</b>		
4th Reading to adopt Ordinance 7832 for Congregate Care Facilities		No
1st reading proposed Hogan-Pancost annexation and request to vacate portion of right-of-way (Resolution and Ordinance)		Required 30 days before hearing
Study Session Summary for Boulder's Climate Commitment		
Study Session Summary for Civic Area Plan		
2nd reading deed of vacation to vacate a public easement at 6655 Lookout Road		
1st Reading - Adding a new chapter 6-16 Recreational Marijuana, and adding a new section 4-20-67 Recreational Marijuana Businesses		
<b>PUBLIC HEARINGS:</b>		
2nd Reading Landmark Designation 3015 Kalmia Avenue	15 Min.	
2nd Reading ICC 2012 Building/Energy Code (& SmartRegs changes)	1 Hour	
Civic Area Plan Adoption	2 Hours	necessary for adoption of the plan according to schedule
<b>MATTERS FROM CITY MANAGER:</b>		
<b>MATTERS FROM CITY ATTORNEY:</b>		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
<b>CALL-UPS:</b>		
Site and Use Review for 1852 Arapahoe IP 8/13 Last Opp 9/3		
September 17, 2013 Preliminary: 9/4 :: Final 9/11	Est. time	Timing Issues/ Comments
Declaration for Colorado Companies to Watch	10 Min	
<b>CONSENT:</b>		
<b>1st Reading Landmark Designation for 2205 Broadway</b>		
ERTL Acquisition, 1st Reading		
Study Session Summary - Aug. 13		
First Reading Hazardous Materials Management IGA with Boulder County	20 Mins.	Time sensitive
<b>PUBLIC HEARINGS:</b>		
Parks and Recreation Master Plan	1 hour	
2nd Reading - Adding a new chapter 6-16 Recreational Marijuana, and adding a new section 4-20-67 Recreational Marijuana Businesses	1 Hour	
2nd Reading Critical Facilities and Lodging Facilities Ordinance	1 Hour	
<b>MATTERS FROM CITY MANAGER:</b>		
Ironman update - 2015 and Beyond	30 Min.	
<b>MATTERS FROM CITY ATTORNEY:</b>		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
<b>CALL-UPS:</b>		

October 1, 2013 Preliminary: 9/18 :: Final 9/25	Est. time	Timing Issues/ Comments
<b>Consent</b>		
August 13 Study Session		
First Reading, Electric Assist Bicycles Pilot Demo Project		
First reading of amended ordinances regarding Voice and Sight Control evidence tags		Moved from August Meeting Dates
<b>Motion amending the Benson Annexation agreement</b>		
2nd Reading Hazardous Materials Management IGA with Boulder County		Time sensitive
First Reading 500 Foot Rule & use Definitions/ BLA Structural Changes		
First Reading ordinance amending the New Hire Fire and Police Money Purchase Plan		
5th Reading to adopt Ordinance 7832 for Congregate Care Facilities		
<b>Public Hearing</b>		
<b>2nd Reading Landmark Designation for 2205 Broadway</b>	20 Min	
ERTL Acquisition, 2nd Reading	30 Min.	
Public Hearing on the proposed 2014 City of Boulder Budget first reading: adopting 2014 budget, establishing the property tax mill levies, appropriating money, amending chapters 3-8, 3-9 and 4-20 of BRC to change certain fees	2 Hours	
<b>MATTERS FROM CITY MANAGER:</b>		
<b>MATTERS FROM CITY ATTORNEY:</b>		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
<b>CALL-UPS:</b>		
October 3, 2013 Preliminary: 9/18 :: Final 9/25	Est. time	Timing Issues/ Comments
<b>PUBLIC HEARINGS:</b>		
2nd reading proposed Hogan-Pancost Annexation and request to vacate portion of right-of-way	4 Hours	Scheduled per CAC
October 8, 2013 Preliminary: 9/26 :: Final 10/2	Est. time	Timing Issues/ Comments
<b>CONSENT:</b>		
<b>PUBLIC HEARINGS:</b>		
Second reading of amended ordinances regarding Voice and Sight Control evidence tags	2.5 Hours	Moved from August Meeting Dates
USAPCC Boulder Venue Proposal	1 Hour	
<b>MATTERS FROM CITY MANAGER:</b>		
<b>MATTERS FROM CITY ATTORNEY:</b>		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
<b>CALL-UPS:</b>		

October 15, 2013 Preliminary: 10/2 :: Final 10/9	Est. time	Timing Issues/ Comments
<b>CONSENT:</b>		
Second reading of an ordinance amending the New Hire Fire and Police Money Purchase Plan		
<b>PUBLIC HEARINGS: All Budget Items Will be Heard as One Public Hearing</b>		
Consideration of a motion to adopt three resolutions pertaining to the 2014 budget of the city of Boulder and Boulder Junction Access Commission		
Consideration of a motion to adopt three resolutions pertaining to the 2014 budget of the city of Boulder, Boulder Junction Access Commission TDM		
Consideration of a motion to adopt three resolutions pertaining to 2014 CAGID Budget		
Consideration of a motion to adopt three resolutions pertaining to the 2014 budget of the City of Boulder University Hill Commercial District Fund		
Consideration of a motion to adopt a resolution formally adopting the 2014 budget for the Boulder Municipal Property Authority		
Consideration of a motion to adopt three resolutions pertaining to the 2014 budget of the city of Boulder Forest Glen Transit Pass General Improvement District Fund		
Second Reading of the 2014 Budget		
Consideration of a motion to adopt three resolutions pertaining to the 2014 budget of the city of Boulder, Boulder Junction Access Commission General Improvement District and Parking Fund	2 Hours	
2014 Budget Items	2 Hours	
2nd reading Alcohol: 500 Foot Rule & use Definitions/ BLA Structural Changes	2 Hours	
<b>MATTERS FROM CITY MANAGER:</b>		
Economic Sustainability Strategy	30 Min.	None
<b>MATTERS FROM CITY ATTORNEY:</b>		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
<b>CALL-UPS:</b>		
<b>October 22, 2013 Preliminary: 10/10 :: Final 10/16</b>		
<b>CONSENT:</b>		
<b>PUBLIC HEARINGS:</b>		
If necessary: 3rd Reading Voice and Sight Control Ordinance		
2nd Reading, Electric Assist Bicycles Pilot Demo Project	3 Hours	
<b>MATTERS FROM CITY MANAGER:</b>		
<b>MATTERS FROM CITY ATTORNEY:</b>		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
<b>CALL-UPS:</b>		
<b>October 29, 2013 Preliminary: 10/17 :: Final 10/24</b>		
<b>CONSENT:</b>		
<b>PUBLIC HEARINGS:</b>		
If necessary: Consideration of items relating to the 2014 budget		Only if required
If necessary: 3rd Reading Alcohol Changes (500 Foot Rule and BLA Structure)		
<b>MATTERS FROM CITY MANAGER:</b>		
AMPS Update	1 Hour	
Development of a Comprehensive Housing Strategy	1 Hour	
<b>MATTERS FROM CITY ATTORNEY:</b>		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
<b>CALL-UPS:</b>		

November 12, 2013 Preliminary: 10/31 :: Final 11/6	Est. time	Timing Issues/ Comments
Platform of Mayor and Mayor Pro Tem	1 Hour	
<b>Consent</b>		
Hold for CMO		
<b>Public Hearing</b>		
Hold for CMO		
<b>MATTERS FROM CITY MANAGER:</b>		
Hold for CMO		
<b>MATTERS FROM CITY ATTORNEY:</b>		
Hold for CMO		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
Hold for CMO		
<b>CALL-UPS:</b>		
Hold for CMO		
November 19, 2013 10 AM Special Meeting Oath of Office	Est. time	Timing Issues/ Comments
Certification of Election Results and Oath of Office for new members		
November 19, 2013 Preliminary: 11/6 :: Final 11/13	Est. time	Timing Issues/ Comments
<b>CONSENT:</b>		
1st Reading Food Vehicle Follow Up to April 16, 2013 IP		
First reading of an emergency ordinance BRC Supplement 118		Quarterly
First Reading Three NPP Expansions (in east Ridge/Pennsylvania, Mapleton, Whittier zones) and One Street Removal (in Fairview NPP zone)		
First Reading of the Second Adjustment to Base Ordinance		
<b>PUBLIC HEARINGS:</b>		
<b>MATTERS FROM CITY MANAGER:</b>		
<b>MATTERS FROM CITY ATTORNEY:</b>		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
<b>CALL-UPS:</b>		

<p style="text-align: center;"><b>December 3, 2013</b>  Preliminary: 11/20 :: Final 11/27</p>	<p style="text-align: center;">Est. time</p>	<p style="text-align: center;">Timing Issues/ Comments</p>
<b>Consent</b>		
Second adjustment to Base - CAGID Resolution		On the agenda right after 2nd reading of adj. to base
Second Reading of Second Adjustment to Base of the 2013 Budget		None
<b>Public Hearing</b>		
Second Reading Three NPP Expansions (in east Ridge/Pennsylvania, Mapleton, Whittier zones) and One Street Removal (in Fairview NPP zone)	15 min.	
<b>MATTERS FROM CITY MANAGER:</b>		
<b>MATTERS FROM CITY ATTORNEY:</b>		
<b>MATTERS FROM MAYOR AND MEMBERS:</b>		
<b>CALL-UPS:</b>		

**COUNCIL AGENDA COMMITTEE**  
**August 12, 2013**

**Present:** Mayor Appelbaum; Council Member Cowles; Council Member Morzel via phone; 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; Chief Financial Officer Bob Eichen

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*CAC convened at 8:00 AM.*

**1. Study Session – August 13, 2013 – 5 PM to 9 PM**

- a. Draft Historic Preservation Plan (5-6 PM Dinner Discussion)**
- b. CIP (6-7 PM)**
- c. Regional Transportation Issues (7-8 PM)**
- d. TMP Update (8-9 PM)**

*No comments on the upcoming Study Session*

**2. Preliminary Agenda – August 20, 2013**

- 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 July 16, 2013** \*
  - B. Consideration of a motion to approve the City Council Meeting **Minutes from July 23, 2013** \*
  - C. Consideration of a motion to approve the City Council Meeting **Minutes from July 24, 2013** \*
  - D. **Third reading** and consideration of a motion to adopt **Ordinance Nos. 7912 regarding the .33 tax and 7913** regarding the .15 sales tax as adopted and amended at the August 5, 2013 council meeting and setting forth related details

*Mayor Appelbaum pointed out that the .22% “on every dollar taxed” should be corrected to “every dollar of revenues collected.” Ordinance No. 7913 needs to reflect that it is for six years not five.*

- E. **Third reading** and consideration of a motion to adopt **Ordinance Nos. 7910, 7914, 7915** as approved for adoption on consent at the August 5<sup>th</sup> council meeting and setting forth related details

Staff noted that Ordinance No. 7910 was a third reading but Ordinance Nos. 7914 ad 7915 were continued second readings from August 5.

- F. **Third reading** and consideration of a motion to adopt **Ordinance No. 7916** submitting to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013, **the issue of** whether City of Boulder taxes should be increased by **an excise tax of up to 10 percent of the average market value of unprocessed recreational marijuana** from a recreational marijuana cultivation facility **and a sales and use tax of up to 10 percent on recreational marijuana** and setting forth related details

Mayor Appelbaum clarified that the Ballot Issue on packet page 71 should read 5% in 2014 with up to 10% ongoing for **both** the sales tax and the excise tax.

- G. **Third reading** and consideration of a motion to adopt the following ordinances:

1. **Ordinance No. 7919** setting the ballot title and **submitting** to the voters at the November 5, 2013 election **the question of** an initiated amendment to the charter **to require voter approval of the electric utility debt limit and total cost of debt repayment** prior to issuance of any debt, **prohibiting service outside of the city absent a vote** by out of city residents in the service area, **limiting debt elections to November in odd-numbered years, and limiting brokerage fees** on such indebtedness; and
2. **Ordinance No. 7920**, setting the ballot title and **submitting** to the voters at the November 5, 2013 election **the question of setting a debt limit for acquisition of electric utility assets; amending the charter to allow utility related questions to be considered at any election, allowing out of city service and non-resident customers to be represented on the utility advisory board; adding utility services standards and requirements for the electric utility board related to rates and rate making; setting standards against discrimination and granting of privileges and advantages; adding new sections of the city charter related to acquisition debt limits and customer choice for out of city utility customers; and superseding any initiated ballot measure to the contrary, and setting forth related details**

*On packet page 100 in the ballot issues title the first semi-colon should be a comma after “Xcel Energy”, and the addition of two semi-colons, one after the words “limiting the utility’s service areas” on line 7, and the other on line 10.5 after “the Utility Advisory Board.” He also requested that on packet page 101 in Section 189 on line 8.5 the replace the words “preference is” to “desire.”*

- H. **Third reading** and consideration of a motion to adopt **Ordinance No. 7917** finding that the **conditions precedent to formation of an electric power and light utility** of Charter section 178(a) **have been satisfied**, and setting forth related details **and acceptance of the summary of the July 23, 2013 presentation by Power Services, Inc.** \*

- I. **Third reading** and consideration of a motion to adopt **Ordinance No. 7918** authorizing the **acquisition of property interests owned by Public Service Company of Colorado d/b/a Xcel Energy, Inc.** by negotiation and purchase or through the power of eminent domain and setting forth related details \*

- J. **Second reading** and consideration of a motion to adopt **Ordinance No. 7922 regarding an extension of the existing OS .15 tax, due to expire 12/31/2019** that was introduced and approved on first reading at the August 5, 2013 council meeting and setting forth related details

*CAC requested this item be moved to the Public Hearing section as item 5A.*

- K. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance designating** the building and property at **3015 Kalmia Ave., to be known as the Lundgren-Harper House, as an individual landmark** under the city's Historic Preservation Ordinance \*
- L. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance** vacating and authorizing the City Manager **to execute a deed of vacation** to vacate a portion of a **twenty-foot emergency access and utility easement** in association with an approved use review request to locate 68 attached multi-family residential units in an industrial zoning district at **6655 Lookout Road** \*
- M. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance** 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

*Mayor Appelbaum noted that the math was wrong that the percentages do not add up to a 60% increase but rather a 51% increase. He also asked what the actual intent was and to make sure it was clarified.*

- N. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance** 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** \*
- O. Consideration of a **motion to authorize the disposal of approximately 0.798 acres of Open Space and Mountain Parks land** described as a permanent easement **to Public Service Company of Colorado and CenturyLink** to place power poles on the East Rudd property for the purpose of **facilitating the construction of the planned Community Ditch Trail underpass** at State Highway 93. **This is a disposal of Open Space land** under City Charter Section 177 \*
- P. Consideration of a **motion to reschedule** the business **meeting on November 5, 2013 to November 12, 2013** \*

#### 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. **This will be Item 3J from the Consent agenda**
- B. Consideration of a **motion to accept the Boulder Police Master Plan, approve the Boulder Valley Comprehensive Plan (BVCP) Police Master Plan Summary and amend the BVCP Urban Service Criteria and Standards for Urban Police Protection**

### 6. MATTERS FROM THE CITY MANAGER

- A. Consideration of a **motion to adopt a resolution setting the ballot order** for the November 5, 2013 coordinated municipal election This item will be moved under Matters from Mayor and Members

*CAC requested the memo have another option for the order of the ballot that would place the initiative petition last on the ballot. This would be a different option from the staff recommendation.*

- B. Update on Council Chambers audiovisual upgrades

*Staff noted that there would be a different floor plan presented in the final packet with a few additional tweaks.*

### 7. MATTERS FROM THE CITY ATTORNEY

None

### 8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

- A. Potential Call-Ups

1. **Vacation of Utility Easement in the High Mar Senior housing development** Information Packet Date: August 20 Last Opportunity: August 20 \*
2. **Recommendation to rename Canyon Park to Emma Martinez Park** Information Packet Date: August 20 Last Opportunity: August 20 \*
3. **Site Review on NE corner of Kalmia Ave. and 28<sup>th</sup> St.** Information Packet Date: Last Opportunity: August 20 \*

- B. **Item 6A will be moved to 8B.**

- C. Consideration of a motion regarding **2013 performance evaluations**, and performance based salary adjustments for the **City manager, City Attorney, and Municipal Judge** \*

*Items with an asterisk at the end indicate no comment from the CAC.*

### **3. Additional items**

#### **a. Resignation from Library Board – Special recruitment or schedule with 2014 recruitment**

*CAC asked staff to come back with a timeline for a special recruitment.*

#### **b. Super IGA with Boulder County**

*Staff indicated that Lafayette and Erie have indicated that they will both be dropping out of the Super IGA. Ben Pearlman is drafting a legal opinion on whether the city needs to take action prior to the end of August on this matter. Both Staff and CAC members agreed that their understanding that not action left it “as is.” Council Member Cowles asked for clarification regarding any potential impacts from the ongoing dispute between Erie and Lafayette. Staff noted they would report back on this issue.*

### **4. Debrief – August 5, 2013 and August 6, 2013**

*CAC indicated that the August 5<sup>th</sup> meeting went really well. August 6 was more difficult and CAC Members Cowles and Morzel both expressed concern that the Mayor continues commentating between each speaker on council. CAC Member Morzel asked the mayor to stop interjecting himself after every comment to help the flow of the meeting. Member Cowles suggested that he focus on reminding council which topic or point was under discussion instead of trying to interpret what he thought was confusion amongst the council.*

*Council Member Cowles indicated that he thought there was still a lot of confusion around what was included in the stress test scenarios and staff indicated that they would provide additional information in the second reading memo.*

\*\*\*\*\*

*City Attorney Tom Carr indicated that staff was unable to continue the pace of creating two agenda packets per week and asked CAC to authorize dropping the preliminary packets for the 6 meetings in October as they would require a minimum of two packet per week for 6 weeks. CAC agreed, but requested that any important topic memos that were available be submitted to the CAC for feedback.*

**CAC adjourned at 8:55 AM**