

COUNCIL AGENDA COMMITTEE
August 26, 2013

Present: Mayor Appelbaum; Council Member Morzel (by telephone); Council Member Cowles; City Manager Jane Brautigam; City Attorney Tom Carr; Deputy City Attorney David Gehr; City Clerk Alisa Lewis; Deputy City Clerk Alisa Darrow

CAC convened at 8:06 AM.

1. Study Session – August 27, 2013 (No Meeting)*

2. Preliminary Agenda – September 3, 2013

PRELIMINARY AGENDA

1. CALL TO ORDER AND ROLL CALL*

City Clerk Lewis announced that Senator Rollie Heath will be presenting to Council on the school Issue State ballot issue..

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)

A. Consideration of a motion to **approve** the City Council Meeting **Minutes from August 5, 2013***

B. Consideration of a motion to **approve** the City Council Meeting **Minutes from August 6, 2013***

C. Consideration of a motion to **approve** the City Council Study Session **Summary from July 30, 2013 on Boulder’s Climate Commitment***

D. Consideration of a motion to **approve** the City Council Study Session **Summary from July 30, 2013 on the Civic Area Plan***

E. **Fourth reading** and consideration of a motion to adopt **Ordinance No. 7832** amending Title 9, “Land Use Code,” B.R.C. 1981, **regarding standards for congregate care facilities**

Mayor Appelbaum asked for information on how many congregate care facilities there were in Boulder that would be exempt.

Council Member Morzel asked to what extent those facilities would be grandfathered in, what would happen if they chose to expand their facilities and whether or not those expansions would require them to conform to the new code. She commented that she did not want to have two different types of

congregate care facilities by allowing some facilities to operate under the old guidelines vs. new facilities having to conform to the new code.

F. **Second reading** and consideration of a motion to adopt **Ordinance No. 7924** 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***

G. **Consideration of the following items related to Boulder County properties identified as 5399 Kewanee Drive and 5697 South Boulder Road commonly referred to as the Hogan-Pancost site:**

1. **A resolution finding the annexation petition in compliance** with state statutes **and establishing Oct. 3, 2013, as the date for a public hearing;**
2. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance authorizing** the City Manager to execute **a deed of vacation** to vacate a portion of **unused public right-of-way of 55th Street** pursuant to section 8-6-9(c), "Vacation of Public Rights of Way and Public Access Easements," B.R.C. 1981, and
3. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance annexing the subject properties including adjacent parts of 55th Street with an initial zoning classification of Residential Low – 2 (RL-2)**

Council Member Morzel wondered what would happen if the next Council decided to de-annex this property after it was annexed.

Deputy City Attorney Gehr noted that the State of Colorado had a process to de-annex land.

Mayor Appelbaum asked that a member of Planning Board be present for the second reading. He then asked if the City was able to prevent development on annexed properties under the guidelines set forth in the annexation agreement.

Deputy City Attorney Gehr responded that annexation means that the City would provide city services to the property and the initial zoning implies that the land could be developed at some point.

Council Member Cowles recalled that in the past Council usually had a sense of how the property would be developed, but that wasn't the case with the Hogan-Pancost property.

Deputy City Attorney David Gehr stated that the annexation agreement zoned the property as residential and there was an agreement to provide 48% permanently affordable housing as part of the development.

Council Member Morzel wondered if the City would be responsible for allowing development in the floodplain.

Deputy City Attorney David Gehr responded that the property was not in the floodplain, but generally government was immune from responsibility.

Karl Guiller, Planner II and Code Amendment Specialist, explained to Council Member Morzel that the Planning Board composition had changed since considering the Hogan-Pancost annexation. The Board requested an environmental and engineering report, but had not made particular comments on the report.

H. Introduction, **first reading** and consideration of a motion to order published by title only the three **ordinances** as follows: An ordinance **amending Section 6-14, “Medical Marijuana,” B.R.C. 1981; an ordinance adding a new Chapter 6-16, “Recreational Marijuana,” and a new Section 4-20-67, “Recreational Marijuana Businesses,” B.R.C. 1981, and an ordinance amending Section 5-10 “Marijuana Offenses”**, all to implement and comply with the requirements of Amendment 64 to the Colorado State Constitution

Council Member Morzel asked if the areas where there was information missing and needed to be filled in would be filled in for the final packet.

City Attorney Tom Carr responded that it would.

Council Member Morzel asked what the basis was for setting a maximum number of plants for grow facilities. She wondered if there was a safety issue or an assumption about how much marijuana would be consumed in Boulder.

City Attorney Tom Carr responded that there were discussions with businesses and had to do with safety concerns around fire, inspection and the impact of aroma to surrounding homes and businesses.

Council Member Morzel asked for that information to be included in the final packet.

City Manager Jane Brautigam commented that the City purchased additional uniforms for firefighters that were inspecting grow operations.

Mayor Appelbaum pointed out proofreading errors that would need to be addressed for the final packet. He asked that staff include information on the impact of placing a concentration limit on grow facilities in an industrial zone; he noted there were no limitations being proposed in the draft ordinance. He also wondered if ownership of grow operations would be similar to the limitation on owning dispensaries.

Council Member Morzel asked what the term “convenience store” meant in terms of the proposed ordinance.

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. 7923 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*

- B. **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*
- C. 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**

Mayor Appelbaum asked if there would be a presentation on this item and asked that information be included about the context, changes and challenges presented in the master plan.

City Manager Brautigam noted that there would be a presentation.

CAC agreed to schedule this item for 45 minutes.

- D. Consideration of a **motion to approve the plan for the Boulder Civic Area**

Mayor Appelbaum stated that the plan appeared to be the same as the one presented at a recent study session.

City Manager Jane Brautigam agreed that it was.

Council Member Cowles recalled conversations with the public expressing concern that city office space would be a higher priority than it ought to be.

CAC agreed to schedule this item for one hour.

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. **Site and Use Review for 1852 Arapahoe** Information Packet Date: September 3 Last Opportunity: September 3*

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***

3. Debrief – August 20, 2013 Meeting

Council Member Cowles commented that starting the meeting early was a good decision and everyone was able to get home at a decent hour.

Council Member Morzel reminded CAC of the email from Council Member Becker expressing concern about beginning at 5 PM on a regular basis.

4. Calendar Items

City Clerk Alisa Lewis pointed out that the calendar had been updated through the end of the year.

Deputy City Manager Paul Fetherston noted that the Voice and Sight Control ordinance first reading and second reading may move because there was not enough time in between.

5. Additional items

1. Ballot Order

Mayor Appelbaum asked if there were state provisions that would impact the order of the ballot that Council had adopted.

City Attorney Tom Carr responded that he would research that and get information out to Council.

2. Library Commission/Library District

City Manager Jane Brautigam noted that the Library Commission was starting to talk about a Library District. She stated that the work was taking a lot of staff time and now that the City knows that a new Library Director would be hired she wanted to know if she should bring the topic back to Council for direction before hiring the position. She commented that who was hired could be impacted by whether or not Council was interested in forming a Library District.

Council Member Morzel responded that she did not want to tell the Commission what they could and could not discuss and thought they would bring information to Council if and when they were ready.

Council Member Cowles asked when the Library Commission would have to come to Council for direction so that it would not impact the hiring process.

City Manager Jane Brautigam responded that November would be a good time.

Council Member Morzel commented that the basis for a district was that county residents are able to take advantage of library services even though they are not contributing monetarily.

Council Member Cowles suggested that the information be brought to the new Council after the election because the current Council rejected the idea in 2010.

Mayor Appelbaum stated that a line needed to be drawn, the current Council was not interested in a district and it did not make sense for staff time to be consumed by discussion of an item that did not make it on the work plan.

CAC adjourned at 9:01 AM

***No comments on this item**

COUNCIL AGENDA COMMITTEE
September 3, 2013

Present: Mayor Appelbaum; Council Member Morzel; Council Member Cowles; 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 convened at 8:02 AM.

1. Final Agenda – September 3, 2013

AGENDA

1. CALL TO ORDER AND ROLL CALL*

Special Presentation: Colorado State Senator for District 18, Rollie Heath, will discuss the State ballot item related to education*

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)

A. Consideration of a motion to approve the City Council Meeting Minutes from August 5, 2013*

B. Consideration of a motion to accept the City Council Study Session Summary from July 30, 2013 on Boulder’s Climate Commitment, Energy Efficiency Programs and Market Innovation Program Updates*

C. Consideration of a motion to accept the City Council Study Session Summary from July 30, 2013 on the preliminary draft plan of the Boulder Civic Area*

D. Fourth reading and consideration of a motion to adopt Ordinance No. 7832 amending Title 9, “Land Use Code,” B.R.C. 1981, regarding standards for congregate care facilities

Mayor Appelbaum commented that he was concerned that current facilities would be able to expand under the current standards and would be grandfathered in.

Council Member Morzel asked if there was information available on whether current facilities had plans for expansion.

Susan Richstone, Deputy Director of Community Planning and Sustainability, explained that such an investigation would take an enormous amount of staff time. She also clarified that the task staff was directed to bring back was to place a minimum size of the number of units provided.

Council Member Morzel asked if assisted living facilities were considered congregate care facilities.

Deputy City Attorney David Gehr responded that those would be considered group homes.

CAC discussed the possibility of holding a public hearing on this item on fifth reading, but determined that there was not time on the current Council's schedule to do so. City Manager Jane Brautigam noted that staff would try to find a good time to hold the public hearing.

E. Second reading and consideration of a motion to adopt Ordinance No. 7924 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*

F. Consideration of the following items related to Boulder County properties identified as 5399 Kewanee Drive and 5697 South Boulder Road commonly referred to as the Hogan-Pancost site:

- 1. A resolution finding the annexation petition in compliance with state statutes and establishing Oct. 3, 2013, as the date for a public hearing;**
- 2. 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 unused public right-of-way of 55th Street pursuant to section 8-6-9(c), "Vacation of Public Rights of Way and Public Access Easements," B.R.C. 1981, and**

3. Introduction, first reading and consideration of a motion to order published by title only, an ordinance annexing the subject properties including adjacent parts of 55th Street with an initial zoning classification of Residential Low – 2 (RL-2)

Mayor Appelbaum asked what would happen if first reading questions required an enormous amount of staff time.

City Manager Jane Brautigam stated that if that occurred she would come back to CAC and ask if staff should proceed.

CAC encouraged Council to bring forward any substantive changes on first reading rather than waiting for the public hearing.

G. Introduction, first reading and consideration of a motion to order published by title only the three ordinances as follows: An ordinance amending Section 6-14, “Medical Marijuana,” B.R.C. 1981; an ordinance adding a new Chapter 6-16, “Recreational Marijuana,” and a new Section 4-20-67, “Recreational Marijuana Businesses,” B.R.C. 1981, and an ordinance amending Section 5-10 “Marijuana Offenses,” all to implement and comply with the requirements of Amendment 64 to the Colorado State Constitution*

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4. POTENTIAL CALL- UP CHECK IN *

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ORDER OF BUSINESS

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A. Second reading and consideration of a motion to adopt Ordinance No. 7923 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*

B. 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

Mayor Appelbaum asked if staff had considered increasing the penalties for non-compliance to conform with new state law. He also asked why the city would exempt certain contractors who are LEED certified, but do not meet the Green Points Program requirements approved by the city.

C. 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

Mayor Appelbaum asked if the 2014 budget would reflect the staffing requests in the master plan.

City Manager Jane Brautigam responded that there would be the addition of a commander and two uniform officers. She noted that the master plan would be implemented over a five-year period.

Council Member Cowles asked staff to point out any suggestions in the master plan that were new. He was specifically interested in staffing.

D. Consideration of a motion to approve The Plan for Boulder’s Civic Area*

6. MATTERS FROM THE CITY MANAGER*

None

7. MATTERS FROM THE CITY ATTORNEY

A. Update on Ballot Order

City Attorney Tom Carr briefly explained Secretary of State rules regarding ballot order. He also commented that Lafayette had two initiated measures and therefore, Boulder would utilize ballot issue 310 as the number for the Limitation on Debt Initiative.

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL*

A. Potential Call-Ups

**1. Site and Use Review for 1852 Arapahoe Information Packet Date: September 3
Last Opportunity: September 3***

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 10, 2013*

A. Recommended Budget 6-9 PM*

3. Calendar Items

A. Schedule City/Xcel Working Group Updates – 10 Minutes (One in October and One in November) followed by a presentation on December 17

City Manager Jane Brautigam noted that in addition to an information item would be in Council's packet in September.

4. Additional items

A. Emma Gomez Martinez Park Ceremony on October 12 at 1:00 PM – Request for Mayor or Mayor Pro Tem Speak

Mayor Appelbaum commented that he would like an invitation to go out to Council and he thought he would be available to speak.

B. E-Bikes

Council Member Morzel requested varying sizes of e-bikes be available for the Council demonstration.

CAC suggested sending out a notice to all of Council reminding them about the demonstration.

C. CAC – September 9, 2013

Council Member Morzel asked if she and Council Member Plass would be able to phone in as they carpooled to the Rocky Flats meeting.

Council Member Cowles volunteered to attend CAC on September 9 in place of Council Member Plass.

CAC adjourned at 8:48 AM.