

COUNCIL AGENDA COMMITTEE
December 9, 2013

Present: Mayor Appelbaum; Council Member Karakehian; Council Member Weaver; City Manager Jane Brautigam; Deputy City Clerk Alisa Darrow; City Attorney Tom Carr; Deputy City Attorney David Gehr; Peter Richards sat in as a member of the public

CAC convened at 8:00 AM.

1. December 10 – Study Session

a. State of the City

City Manager Jane Brautigam commented that the state of the city was taped previously and would be shown at the study session as well as being broadcast on Channel 8 that evening. The City Council comments following the presentation will be taped and added to the video for subsequent airings on Channel 8.

b. 2014 Council Reference Notebook

City Manager Jane Brautigam noted that the Council Reference Notebook would be electronic this year and the discussion would be a lead in for the retreat in January.

c. Sustainability and Resiliency discussion in preparation for 2014 Council Retreat

City Manager Jane Brautigam stated that David Driskell would be facilitating this conversation.

2. December 17 – Preliminary Agenda

AGENDA

1. CALL TO ORDER AND ROLL CALL

CAC agreed to honor Senior Assistant City Attorney Kathy Haddock for an award she had received.

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.

A. **Consideration of the following items related to the annexation of 6234 Arapahoe Road and 1492 Cherryvale Road** commonly known as the Boulder Jewish Commons site:

1. A resolution finding the annexation petition in compliance with state statutes and establishing January 21, 2014, as the date for a public hearing*
2. Introduction, first reading and consideration of a motion to order published by title only, an ordinance:
 - a. Annexing a 1.8 acre area of land generally located at 1492 Cherryvale Road with an initial zoning classification of Residential Rural -1 (RR-1); and*
 - b. Annexing a 16.36 acre area of land generally located at 6234 Arapahoe Road with an initial zoning classification of a Residential-Medium 1 (RM-1); and*
 - c. Annexing a 0.74 acre portion of Arapahoe Road from a point at the northwest property line of 6234 Arapahoe Road extending eastward to a point at the northeast property line of 6234 Arapahoe Road with an initial zoning classification of Residential-Medium 1 (RM-1); and*
 - d. Authorizing variations and modifications to the Boulder Revised Code that are in the annexation agreement associated with these annexations*

Applicant/Property Owner: Vincent Porreca/Cherryvale Commons LTD

Council Member Weaver noted that while serving on Planning Board a recommendation relating to this item was provided. He asked the City Attorney to give some thought as to whether he and Council Member Young, who was also on Planning Board at the time, should recuse themselves from the item.

City Attorney Tom Carr responded that he did not think that would be required, but he would look into it.

- B. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance granting authority** to the approving authorities under Title 9, "Land Use Code," B.R.C. 1981, to **approve the moving of two single-family dwelling unit structures from 1220 and 1243 Grandview Avenue to 905 Marine Street**, and as an amendment to Title 9, "Land Use Code," B.R.C. 1981 to waive or modify certain land use regulations as they apply to these structures*
- C. Consideration of a **motion to adopt a resolution approving** and authorizing an **application for a Great Outdoors Colorado School Play Yard Initiative Grant***
- D. **Approval of an MOU to pursue a public/private development of the 14th Street parking lot between UHGID and Del Mar Interests***

Mayor Appelbaum asked that the memo clearly identify what decision staff was asking Council to make on this.

City Manager Jane Brautigam responded that this was requesting permission to begin conversations and not to move forward and enter into any contract.

Deputy City Attorney David Gehr stated that the next step would be feasibility studies to determine if UHGID would be able to generate enough revenue to pay for a portion of development.

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. 7952, granting a one year extension to Comcast of Colorado IV, LLC**, to use public rights of way to provide cable television services and to authorize the city manager **to execute the cable television franchise agreement** between the city of Boulder and Comcast of Colorado IV, LLC

Council Member Weaver indicated that he had background questions regarding rate setting, how did Longmont get where they are with broadband and how long is the typical franchise agreement term in relation to CCUA. He noted that he would be putting his questions on hotline.

Council Member Karakehian wondered if Boulder could pursue owning a telecom utility and if it was too late to put it on the next ballot. He stated that he would like to know what Council's options were in relation to broadband.

6. MATTERS FROM THE CITY MANAGER

A. Update on Boulder's Energy Future Municipalization Exploration Project

Mayor Appelbaum asked what staff was asking of Council.

City Attorney Tom Carr responded that this was an update meant primarily for the public.

Council Member Weaver wondered what the future of the task force should be and asked to have that discussion at the meeting.

Council Member Karakehian commented that he was ready to set a hard date for Xcel to agree to enter into negotiations with the city before beginning the condemnation process.

City Manager Jane Brautigam noted that Xcel had been invited to speak and was told to send all their information to the city by Thursday if they planned on making a presentation.

Council Member Weaver recalled hearing that Xcel was providing information to the task force, but he had heard they were not asking questions.

City Attorney Tom Carr stated that there was going to be a PUC ruling on December 18 and an update would be sent to Council at the beginning of the new year.

B. Discussion of Community Survey Questions*

7. MATTERS FROM THE CITY ATTORNEY*

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL*

A. Potential Call-Ups

- 1. Vacation of a 4,122 square foot water main easement located along the south property line at 4474 Broadway (ADR2013-00209) Information Packet Date: December 17 Last Opportunity to Call-Up: December 17***
- 2. Vacation of a 1,230 square foot portion of a utility easement that bisects the property at 1560 Cress Court (ADR2013-00216) Information Packet Date: December 17 Last Opportunity to Call-Up: December 17***

B. Council Retreat Agenda Discussion

CAC agreed to add the Council Retreat Agenda to the meeting agenda and scheduled for 15 minutes.

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. Calendar Items*

A. State Legislative Breakfast – December 12

Mayor Appelbaum asked that a reminder be sent out regarding the State Legislative Breakfast on Thursday morning from 7-10 AM in the 1777 West conference room.

B. Council/Sister City Alliance 2014 Dinner

CAC asked Deputy City Clerk Darrow to ask the Sister City Alliance if it would be agreeable to changing the annual dinner to April 8, 2014.

4. Additional items*

A. HUD Funding Application Deadline December 12, 2013

Council Member Karakehian noted that he had attended a meeting in Lyons last week where Governor Hickenlooper, and Senators Udall and Bennett were present along with a representative from HUD to discuss the first release of HUD funds for flood recovery. He asked if staff was working on a list of items for funding requests due to the state by Thursday. He noted that there were few restrictions on the funding requests.

City Manager Jane Brautigam commented that staff was meeting on this issue and would turn in the information by the deadline.

Council Member Karakehian suggested using the funding to assist residents continuing to struggle with paying for water and sewer issues related to the flooding in September. He commented that the decision on how to distribute the funds was unclear.

Council Member Weaver asked to what extent the city could use the funding for feasibility studies related to wastewater and prevention of similar problems in the event of another flood. He also asked if some of the funding could go to the South Boulder Creek Floodway project.

B. Hotline/Call-ups

Council Member Karakehian urged Council to send questions related to call-ups to hotline before the meeting so that staff would be able to provide thoughtful answers.

City Attorney Tom Carr commented that sometimes it helps the flow of the meeting to allow a few general questions during the call-up check-in early in the meeting so that staff would be able to leave.

Council Member Karakehian agreed and asked if Council had questions in advance to send them to hotline.

CAC adjourned at 8:55 AM.

**No comments made on item*

COUNCIL AGENDA COMMITTEE
December 16, 2013

Present: Mayor Appelbaum; Council Member Karakehian; Council Member Weaver; City Manager Jane Brautigam; Deputy City Clerk Alisa Darrow; City Attorney Tom Carr; Deputy City Attorney David Gehr; and DUHMD Executive Director Molly Winter

CAC convened at 8:00 AM.

1. December 17 – Final Agenda

A. Matter from Mayor & Members – Mayor trip to D.C. with CU and BVSD

This item will be added to the agenda for January 7, 2014.

AGENDA

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.

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- d. Authorizing variations and modifications to the Boulder Revised Code that are in the annexation agreement associated with these annexations*

Applicant/Property Owner: Vincent Porreca/Cherryvale Commons LTD

- B. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance granting authority** to the approving authorities under Title 9, “Land Use Code,” B.R.C. 1981, to **approve the moving of two single-family dwelling unit structures from 1220 and 1243 Grandview Avenue to 905 Marine Street**, and as an amendment to Title 9, “Land Use Code,” B.R.C. 1981 to waive or modify certain land use regulations as they apply to these structures*

Applicant/Owner: Christian Griffith

- C. Consideration of a **motion to adopt a resolution approving and authorizing an application for a Great Outdoors Colorado School Play Yard Initiative Grant***
- D. Consideration of a **motion to authorize the City Manager to enter into a Letter of Intent between the University Hill General Improvement District (UHGID) and Del Mar Interests, LLC, regarding feasibility of a public/private partnership redevelopment of UHGID’s 14th Street parking lot**

Mayor Appelbaum noted that Council Member Young had emailed stating she was considering pulling this item from the Consent Agenda.

CAC agreed that DUHMD Executive Director Molly Winter would contact Council Member Young and attempt to answer her questions prior to the meeting.

Mayor Appelbaum commented that he would like additional real estate information at a future check in to help Council understand if the city’s needs were being met as part of this partnership since there was only a single bidder.

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

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Council Member Karakehian commented that there was a downward trend in customer satisfaction, but understood that would not hold up the franchise agreement.

City Manager Jane Brautigam noted that staff would be giving a presentation that would include background on franchise agreements for the new council members benefit.

6. MATTERS FROM THE CITY MANAGER

A. Update on Boulder's Energy Future Municipalization Exploration Project

City Manager Jane Brautigam commented that the discussion would have two parts, a task force update and discussion and expectations for the 2014 work plan related to Energy Services.

Council Member Weaver asked if the PowerPoint sent to the task force would be sent to Council.

City Attorney Tom Carr stated he would have to look into whether or not that was a possibility do to an MOU that members of the group had signed.

Council Member Weaver asked for an update on Pecan Street to be included in the presentation. He also brought everyone's attention to the information packet item related to the Energy Services budget and asked for that information to be part of the presentation.

CAC agreed that part of the presentation would also include the list of items Boulder had asked Xcel for information on and had not received.

B. Request for direction on the 2014 Community Survey

Council Member Weaver asked why questions related to the library and economic sustainability had been removed from the survey.

City Manager Jane Brautigam explained that those questions were counting responses and the city had other means for collecting the same data.

Council Member Weaver asked if questions related to transportation could be included.

City Manager Jane Brautigam responded that they could, but the transportation department does its own annual survey.

7. MATTERS FROM THE CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

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B. Council Retreat Agenda Discussion

CAC noted that this item would be sent out to Council and the public later today.

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. Calendar Items

A. Select Date for Sister City Dinner – April 8 or April 29, 2014

CAC agreed that the Sister City Alliance could select the date that worked best for them.

3. Additional items

A. Request from CU for Breakfast Meeting 7:30 am to 9 am – January 8 or 9, 2014

CAC selected January 8 as the date for the breakfast meeting with CU.

B. Dinner with BVSD – Identify Potential Dates (not Tuesday's)

CAC asked staff to request a breakfast meeting rather than a dinner.

C. Cancel CAC Meeting on December 23, 2013 (No Agenda to Review)

CAC agreed to cancel this meeting.

D. Cancel CAC Meeting on December 30, 2013

CAC agreed to cancel this meeting.

E. Change the time of CAC on January 6, 2014 to 11 AM or reschedule

CAC agreed that CAC would be scheduled for 10 AM and SAM would be scheduled for 11 AM on January 6, 2014.

CAC adjourned at 9:09 AM.