

CITY OF BOULDER
CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, November 15, 2016

MINUTES

1. CALL TO ORDER AND ROLL CALL

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

Council Members Appelbaum, Burton, Morzel, Weaver, Yates and Young were present. Council Member Brockett arrived at 6:25 p.m.

COUNCIL MEMBER YATES MOVED TO AMEND THE AGENDA BY ADDING, ITEMS 1A, 5A AND 8C. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 8:0 WITH COUNCIL MEMBER BROCKETT ABSENT AT 6:06 P.M.

A. Declaration supporting the 2016 National Hunger and Homelessness Awareness Week- November 12-20

Council Member Shoemaker read the declaration and presented it to Director of Human Services Karen Rahn at 6:08 p.m.

2. OPEN COMMENT

(Please note that public comments are a summary of actual testimony. Full testimony is available on the web at: [https://www.bouldercolorado.gov/.](https://www.bouldercolorado.gov/))

Open Comment started at 6:15 p.m. and the following spoke:

1. Jordi Goodman spoke in support of RTD and extended bus services.
2. Evan Ravitz spoke about homeless issues and causes.
3. Rob Smoke spoke regarding homelessness issues.
4. Rick Tazelaar spoke in support of the climate change efforts.
5. Rebecca Dickson spoke in opposition to partnering with Xcel in Municipalization efforts.
6. Ted Briggs spoke in support of real estate and housing options.
7. Debbie Fuestel spoke in support of the City taking over the cash flow of the Mapleton Mobile Home Park management of the funds.

8. Leslie Glustrom showed a presentation and spoke about going forward with Boulder's Energy Future.
9. David Dadone showed a slide show presentation and spoke about Boulder Museum of Contemporary Arts expanding its services.
10. Shawn Coleman spoke in support of the Marijuana Advisory Panel changes.
11. Thomas Asprey spoke in support of Municipalization and Boulder Energy Future.
12. -----
13. Andrea Meneghal pooled with Elisabeth Patterson and Kate Thompson and spoke in support of Marijuana Advisory Panel recommendations.
14. Jo Morgan spoke in opposition to the current management practices of the Mapleton Mobile Home Park.
15. Paul Keaton spoke in opposition to the current management of the Mapleton Mobile Home Park.
16. Mark Collins spoke in opposition to residents paying for renovation due to waterline issues.
17. Andy Rose spoke in opposition to racial oppression and supports a sanctuary city status.
18. Ally Feiler pooled with Dave Cuesta and Diana Anglic and spoke in opposition to the new business fees associated with her marijuana business and the recent annexation.
19. Christopher Mallory spoke in opposition to the new business fee for his marijuana business.
20. Ian Barringer spoke in support of the Marijuana Advisory Panel recommendation but opposes the new business fees.
21. Donna George spoke of affordable housing and suggested possible rezoning.
22. Andy Schultheiss spoke in support of Municipalization.
23. Karen Lazarus spoke in opposition to the new business fees associated with her marijuana business.

Open Comment closed at 7:05 p.m.

Council directed staff to look into sanctuary city status for Boulder.

Council directed staff to look into the current annual renewal fees for marijuana businesses, prorated return fee paid to Boulder County for county licenses and extended payment options for the newly annexed marijuana businesses.

3. CONSENT AGENDA

- A. Consideration of a motion to authorize the City Manager, pursuant to Section 2-2-8, "Conveyance of City Real Property Interests," to enter into a 20-year lease agreement with the Boulder County Regional Training Centers for use and management of the Boulder Regional Fire Training Center at 6055 Reservoir Road
- B. Consideration of a motion to adopt three resolutions to provide fire protection services to certain annexed properties previously served by the Boulder Rural Fire Protection District, the Rocky Mountain Fire Protection District, and the Four Mile Fire Protection District
- C. Introduction, first reading and consideration of a motion to order published by title only Ordinance 8153 relating to the financial affairs of the City of Boulder, Colorado, making supplemental appropriations for the fiscal year ending December 31, 2016 and setting forth details in relation to the foregoing
- D. Introduction, first reading and consideration of a motion to adopt and order published by title only Emergency Ordinance 8155 adopting Supplement 129, which codifies previously adopted Ordinances 8122, 8123, 8136, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981
- E. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8156 vacating and authorizing the city manager to execute two deeds of vacation to vacate public rights-of-way dedicated for N. 20th Street adjacent to the properties at 2010 Upland Avenue and 4270 19th Street
- F. Introduction, first reading and consideration of a motion to order published by title only Ordinance 8157 implementing the recommendations of the Marijuana Advisory Panel by amendments to Sections 4-20-64 and 4-20-67, B.R.C. 1981, regarding medical and recreational marijuana fees, and Chapters 6-14 regarding medical marijuana and Chapter 6-16 regarding recreational marijuana, B.R.C. 1981, and setting forth related details (AMENDED: See attached green errata sheet for minor changes)

Deputy Director of Community Vitality Susan Connelly briefed the Council on the supplemental appropriations request to help fund d2d, a discounted ride to downtown program.

Mayor Jones reminded Council that the 2017 State and Federal Legislative Agenda, formerly item 3A, had been moved to 5A.

COUNCIL MEMBER BURTON MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A-3F, WITH ITEM 3F [ORDINANCE 8157, FORMERLY ITEM 3G] AS AMENDED ON THE GREEN HANDOUT. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 7:30 P.M.

4. CALL-UP CHECK-IN

8A. Call-Ups

1. Amendment to the North Boulder Subcommunity Plan to delete the N. 20th Street connection between Upland and Tamarack Avenues
2. 1600 Broadway -- Concept Plan
3. 1735 Mapleton Avenue -- Landmark Alteration Certificate

ORDER OF BUSINESS

5. PUBLIC HEARINGS

- A. Consideration of a motion to approve the 2017 State and Federal Legislative Agenda

Policy Advisor Carl Castillo introduced this item to Council at 7:31 p.m.

Council asked questions and made recommendations for next year's discussion of the State and Federal Legislative Agenda.

The public hearing opened at 7:36 p.m. and the following spoke:

1. Shawn Coleman spoke in support of the Legislative Agenda regarding marijuana laws.

The public hearing closed at 7:39 p.m.

MAYOR JONES MOVED TO APPROVE THE 2017 STATE AND FEDERAL LEGISLATIVE AGENDA. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 7:51 P.M.

- B. Second reading and consideration of a motion to adopt Ordinance 8152 amending Chapters 8-9 "Capital Facility Impact Fees," 3-8 "Development Excise Tax," and 4-20 "Fees," concerning changes to

Impact Fees and Excise Taxes, and setting forth details in relation thereto, and final direction on the fee level for the affordable housing commercial linkage fee (SEE the colored handout showing Final Options table and charts and tables for the Affordable Housing Commercial Linkage Fee)

Deputy City Attorney David Gehr, Deputy Director of Planning Susan Richstone and Senior Planner Chris Meschuk introduced this item to Council at 7:52 p.m. with a slideshow presentation.

The public hearing opened at 8:48 p.m. and the following spoke:

1. Mark Wallach spoke in support of alternative linkage fees for commercial development.
2. Susan Buchanan spoke in support of the linkage fee to support the affordable housing balance.
3. Phil Day spoke in opposition to the linkage fee for commercial development.
4. ---
5. Susan Lythgoe spoke in support of the linkage fee as it relates to affordable housing.
6. Donna George spoke in support of higher linkage fees and suggested requiring developers to build a certain amount of on-site housing for direct employees.
7. Betsey Martens spoke in support of moderately priced linkage fees as an important way to help affordable housing efforts.
8. Joe McDonald spoke in opposition to the staff recommendation and was in support of the highest linkage fee to discourage further commercial development.
9. Lisa Harris spoke in support of higher linkage fee for commercial development to promote affordable housing.
10. Mike Marsh pooled with Bev Pogreba and Sarah Silver and showed a brief slide presentation. He spoke in support of the highest linkage fees for commercial developers.
11. Robert Matthias spoke in support of high linkage fees for commercial developers.
12. Steven Meier spoke in support of high linkage fees.

13. Dan Powers spoke in opposition to the extra fees associated with commercial development.
14. John Tayer spoke in support of reasonable linkage fees for commercial development to support affordable housing options.
15. Karen Hollweg spoke in opposition to staff's recommendation and supported high linkage fees to have development pay its way.
16. Lisa Reichert spoke in support of higher linkage fees to have development pay its own way.
17. Alan Boles spoke in opposition to the staff recommendation and supported higher linkage fees for development.
18. Andrew Bush spoke in support of reasonable linkage fees on commercial development to support affordable housing.

The public hearing closed at 9:33 p.m.

COUNCIL MEMBER WEAVER MOVED TO ADOPT ORDINANCE 8152 AMENDING CHAPTERS 8-9 "CAPITAL FACILITY IMPACT FEES," 3-8 "DEVELOPMENT EXCISE TAX," AND 4-20 "FEES," CONCERNING CHANGES TO IMPACT FEES AND EXCISE TAXES, AND SETTING FORTH DETAILS IN RELATION THERETO. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 9:38 P.M.

Council Member Weaver used a slide-show presentation to share with Council his view regarding the commercial linkage fee at 9:39 p.m.

Senior Planner Chris Meschuk gave a presentation on the affordable housing commercial linkage fee.

COUNCIL MEMBER YOUNG MOVED TO DIRECT STAFF TO PREPARE AN ORDINANCE FOR CHANGES TO THE AFFORDABLE HOUSING COMMERCIAL LINKAGE FEE BASED ON THE ANALYSIS AND STAFF RECOMMENDATION OF A CITY WIDE FEE BASED ON A \$35 SQ. FT. FOR OFFICE SPACE AND OTHER USES AS DESCRIBED IN THE RECOMMENDED OPTIONS IN THE STAFF MEMO DATED NOVEMBER 15, 2016. COUNCIL MEMBER WEAVER SECONDED THE MOTION.

Council asked questions of staff.

COUNCIL MEMBER YOUNG WITHDREW HER MOTION AT 10:29 P.M.

COUNCIL MEMBER MORZEL MOVED TO DIRECT STAFF TO PREPARE AN ORDINANCE FOR CHANGES TO THE AFFORDABLE HOUSING

COMMERCIAL LINKAGE FEE BASED ON THE ANALYSIS AND STAFF RECOMMENDATION OF A CITY WIDE FEE BASED ON A \$30 SQ. FT. FOR OFFICE SPACE AND OTHER USES AS DESCRIBED IN THE RECOMMENDED OPTIONS IN THE STAFF MEMO DATED NOVEMBER 15, 2016. THE MOTION DID NOT RECEIVE A SECOND.

Council Member Weaver moved to direct staff to prepare an ordinance for changes to the affordable housing commercial linkage fee based on the analysis and staff recommendation of a city wide fee based on a \$15 sq. ft. for office space and other uses as described in the recommended options in the staff memo dated November 15, 2016. Council Member Young seconded the motion. The motion failed 4:5 with Council Members Appelbaum, Brocket, Burton, Shoemaker and Yates opposed at 10:30 p.m.

Council Member Shoemaker moved to direct staff to prepare an ordinance for changes to the affordable housing commercial linkage fee based on the analysis and staff recommendation of a city wide fee based on a \$12 sq. ft. for office space and other uses as described in the recommended options in the staff memo dated November 15, 2016. Council Member Appelbaum seconded the motion. The motion passed 6:3 with Council Members Morzel, Weaver and Young opposed at 10:31 p.m.

- C. Consideration of a motion to approve the purchase of approximately 49 acres of land, associated agricultural outbuildings and appurtenant mineral and water rights, including a quarter share of Cottonwood Ditch, located at a portion of 1538 North 75th St. and 7770 Arapahoe Rd. from Michael Patrick Ryan and the Charlene Rosenblatt Trust dated Jan. 26, 2015 for \$1,750,000 for Open Space and Mountain Parks purposes, as well as approval to execute a farm crop lease with Michael Patrick Ryan and the Charlene Rosenblatt Trust for a term not to exceed five years

Property Agenda Luke McKay introduced this item to Council with a slideshow presentation at 10:32 p.m.

The public hearing opened and closed at 10:43 p.m. with no speakers

COUNCIL MEMBER WEAVER MOVED TO APPROVE THE PURCHASE OF APPROXIMATELY 49 ACRES OF LAND, ASSOCIATED AGRICULTURAL OUTBUILDINGS AND APPURTENANT MINERAL AND WATER RIGHTS, INCLUDING A QUARTER SHARE OF COTTONWOOD DITCH, LOCATED AT A PORTION OF 1538 NORTH 75TH ST. AND 7770 ARAPAHOE RD. FROM MICHAEL PATRICK RYAN AND THE CHARLENE ROSENBLATT TRUST DATED JAN. 26, 2015 FOR \$1,750,000 FOR OPEN SPACE AND MOUNTAIN PARKS PURPOSES, AS WELL AS APPROVAL TO EXECUTE A FARM CROP LEASE WITH MICHAEL PATRICK RYAN AND THE

CHARLENE ROSENBLATT TRUST FOR A TERM NOT TO EXCEED FIVE YEARS. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 10:45 P.M.

- D. Second reading and consideration of a motion to adopt Ordinance 8143 to clarify the roles of the Open Space Board of Trustees and City Council in requiring that any transfer of open space land to another department comply with the disposal requirements of Charter Section 177

City Attorney Tom Carr introduced this item to Council with a slideshow presentation at 10:46 p.m.

The public hearing opened at 10:49 p.m. and the following spoke:

1. Donna George spoke in opposition to any transfer of land that would result in disposal.

The public hearing closed at 10:51 p.m.

MAYOR JONES MOVED TO ADOPT ORDINANCE 8143 TO CLARIFY THE ROLES OF THE OPEN SPACE BOARD OF TRUSTEES AND CITY COUNCIL IN REQUIRING THAT ANY TRANSFER OF OPEN SPACE LAND TO ANOTHER DEPARTMENT COMPLY WITH THE DISPOSAL REQUIREMENTS OF CHARTER SECTION 177. COUNCIL MEMBER YATES SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 10:52 P.M.

Council Member Yates moved to extend the meeting past 11:00 p.m. Council Member Weaver seconded the motion. The motion passed 8:0 with Mayor Jones absent at 10:53 p.m.

6. MATTERS FROM THE CITY MANAGER

- A. Update and Council Input on Central Boulder Planning Projects: Alpine-Balsam, Civic Area, and City Facilities Assessment

Executive Director of Planning, Housing and Sustainability David Driskell and Chief of Urban Design Jim Robertson introduced this item to Council with a slideshow presentation at 10:54 p.m.

Council asked questions of staff and directed staff to consider subcommunity planning of the Boulder central area and encouraged staff to work with Boulder Museum of Contemporary Art for the Civic Area.

Facilities and Fleet Manager Joe Castro answered questions. Council asked for floor plans and suggested a video tour of the site for the hospital portion to help assess the building's reuse possibilities.

Council Member Appelbaum left the meeting at 10:55 p.m.
Council Member Morzel left the meeting at 11:58 p.m.

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Call-Ups

1. Amendment to the North Boulder Subcommunity Plan to delete the N. 20th Street connection between Upland and Tamarack Avenues
2. 1600 Broadway -- Concept Plan
3. 1735 Mapleton Avenue -- Landmark Alteration Certificate

B. Mayor Pro Tem Nominations and Election

COUNCIL MEMBER YATES MOVED TO NOMINATE COUNCIL MEMBER ANDREW SHOEMAKER FOR MAYOR PRO TEM FOR BOULDER CITY COUNCIL. COUNCIL MEMBER BURTON SECONDED THE MOTION. THE MOTION PASSED 7:0 AT 12:07 A.M. WITH COUNCIL MEMBERS APPELBAUM AND MORZEL ABSENT.

- C. "Nod of Five" to Direct Staff to Prepare a Letter of Support for the City of Denver's Bid for the 2022 Gay Pride Games**

Direction given at 12:07 a.m.

9. COMMENT ON MOTIONS MADE UNDER MATTERS

10. DECISIONS ON MOTIONS

COUNCIL VOTED TO RATIFY THE APPOINTMENT OF ANDREW SHOEMAKER FOR MAYOR PRO TEM. THE MOTION PASSED 7:0 AT 12:07 A.M. WITH COUNCIL MEMBERS APPELBAUM AND MORZEL ABSENT.

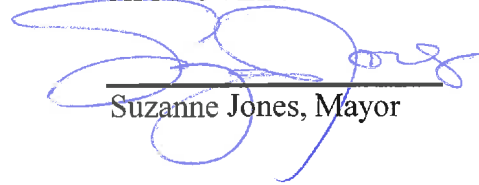
11. DEBRIEF

12. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE COUNCIL AT THIS TIME, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED ON NOVEMBER 16, 2016 AT 12:08 A.M.

Approved this 17th day of January, 2017.

APPROVED:



Suzanne Jones, Mayor

ATTEST:



Lynnette Beck, City Clerk