

CITY OF BOULDER
CITY COUNCIL MEETING
Municipal Building, 1777 Broadway
Boulder, Colorado 80302
Tuesday, February 7, 2017

MINUTES

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:02 p.m.

Council Members Appelbaum, Brockett, Morzel, Weaver, Yates and Young were present. Council Member Burton arrived at 6:04 and Council Member Shoemaker arrived at 6:08 p.m.

COUNCIL MEMBER MORZEL MOVED TO APPROVE THE AMENDED AGENDA BY ADDING ITEMS 3N AND 8C. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 8-0 WITH COUNCIL MEMBER SHOEMAKER ABSENT AT 6:05 P.M.

2. OPEN COMMENT

(Please note that public comments are a summary of actual testimony. Full testimony is available on the council web page at: <https://www.bouldercolorado.gov/city-council>> Watch Live or Archived Meetings.)

Open Comment started at 6:05 p.m. and the following spoke:

1. Lynn Segal spoke regarding solar power.
2. Will Cooper spoke regarding the Family Learning Center and provided a hand-out to Council.
3. Kathryn Todorof spoke regarding the Bear Creek flood mitigation plan.
4. Carl Norby spoke regarding the Bear Creek flood mitigation plan.
5. Paul Culnan spoke regarding the CU/Boulder Electronic Agreement.
6. Kristen Daly spoke regarding Healthy Boulder Kids and thanked Council for its assistance.
7. Evan Ravitz spoke regarding fines and jailing of homeless for violations.
8. Rob Smoke spoke regarding limiting Open Comment at City Council meetings.
9. Patrick Murphy spoke regarding municipalization.

10. Nicole Dial-Kay spoke regarding the Boulder Museum of Contemporary Art and promoted the Spark Program.
11. Sean Maher spoke regarding restriction of financial institutions on Pearl Street.
12. Ellen Stark spoke regarding the annexation of Tamarack Avenue.
13. Jan Morzel spoke regarding the annexation of Tamarack Avenue.
14. Jo Morgan spoke regarding the management at Mapleton Mobile Home Park.
15. Paul Keaton spoke regarding the management at Mapleton Mobile Home Park.
16. Kevin Gilbert spoke regarding Healthy Boulder Kids and child health.
17. Leslie Glustrom spoke regarding the CU/Boulder Electronic Agreement.
18. Julia Leiser spoke regarding disturbances at the Pearl Street Mall Starbucks by various homeless persons.
19. Bruce Thompson spoke regarding the Boulder Creek flood mitigation plan and thanked Council for its efforts.
20. Ed Byrne spoke regarding restrictions of financial institutions on Pearl Street.
21. Lili Francklyn spoke regarding the CU/Boulder Electronic Agreement.
22. Steve Altermatt spoke regarding the Bear Creek flood mitigation plan.

Open Comment closed at 6:49 p.m.

Council Member Morzel commented about a potential conversion of Mapleton Mobile Home Park. Council Member Morzel also was concerned about the Stark home at 2010 Upland and showed Council a PowerPoint presentation.

3. CONSENT AGENDA

- A. Consideration of a motion to approve the November 28, 2016 Special Meeting Minutes
- B. Consideration of a motion to approve the December 6, 2016 Regular Meeting Minutes
- C. Consideration of a motion to approve the December 13, 2016 Special Meeting Minutes

- D. Consideration of a motion to accept the January 10, 2017 Study Session Summary regarding Potential Extension of 0.3 Percent Sales Tax for 2017 Ballot
- E. Consideration of a motion to accept the January 10, 2017 Study Session Summary on the city's current inclusionary housing program and affordable housing financing
- F. Consideration of a motion to approve the January 31, 2017 Advance Study Session Summary on Proposed Revisions to the City's Investment Policy and City Financial Business and the Dakota Access Pipeline ("DAPL")
- G. Consideration of a motion to approve the January 31, 2017 Advance Study Session Summary on the Update on First Phase of Exploratory Work on Potential Head Tax Ballot Item
- H. Third reading and consideration of a motion to adopt Ordinance 8161 amending Chapter 6-3, "Trash, Recyclables and Compostables," B.R.C. 1981, by amending Section 6-3-2, to clarify the definition of "Refuse Attractant," amending Section 6-3-5(a)(9), to allow residents to put out bear-resistant and recycling containers the evening before collection and amending Section 6-3-12, to clarify the city council's intent and reduce the amount of the fines and setting forth related details
- I. Introduction, first reading and consideration of a motion to order published by title only and adopt on Emergency, Ordinance 8164 adopting Supplement 130, which codifies previously adopted Ordinances 8132, 8133, 8137, 8140, 8143, 8147, 8154, 8157, and 8162, as an amendment to the Boulder Revised Code, 1981
- J. Items related to the annexation and initial zoning of the property at 994 55th Street:
 - 1. Consideration of a motion to adopt Resolution 1203 finding the annexation petition in compliance with state statutes and establishing March 21, 2017, as the date of the second reading of the ordinance;
 - 2. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8165 related to the annexation of a 19,042 square-foot enclave property with an initial zoning designation of Residential – Low 2 (RL-2); Applicant/Owner: LAF LLC (Leslie Pendergrast and Alexandre Fomenko, Partners)
- K. Introduction, first reading and consideration of a motion to order published by title only Ordinance 8166 amending Section 9-9-12, "Landscaping and Screening Standards," and Chapters 10-5.5, 10-6, 10-7, 10-7.5, 10-10 of Title 10, "Structures," B.R.C. 1981, to revise the energy conservation and green building requirements for construction projects, repealing the International Energy Conservation Code and adopting by reference the "2017 City of Boulder Energy Conservation Code," and Appendix F, "Radon Control Method," of the 2015

Edition of the International Residential Code of the International Code Council, and setting forth related details

- L. Introduction, first reading and consideration of a motion to publish by title only Ordinance 8167 amending Title 9, "Land Use Code," B.R.C. 1981, by amending Section 9-6-7, "Office, Medical and Financial Uses," and setting forth related details
- M. Consideration of a motion to accept the Bear Canyon Creek Flood Mitigation Plan
- N. Consideration of a motion to call a Special Meeting on Wednesday, February 22, 2017 at 6 p.m. to go into Executive Session to obtain and discuss legal advice including negotiation strategy with respect to Boulder's electric utility

COUNCIL MEMBER MORZEL MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A-3N WITH THE AMENDMENTS/CORRECTIONS TO ORDINANCE 8164 IN "ERRATA SHEET ITEM 3K ORDINANCE 8164, CORRECTIONS TO COBECC IN ATTACHMENT F," ATTACHED HERETO AS EXHIBIT 1. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 5-4 WITH COUNCIL MEMBERS BROCKETT, BURTON, SHOEMAKER AND YATES VOTING NAY ON 3L AT 7:16 P.M.

4. CALL-UP CHECK-IN

Opportunity for council to indicate possible interest in the call-up of an item listed under 8A. No action was taken by council at this time.

8A. Call-Ups

- 1. 3289 Airport Road – Use Review

Council Member Appelbaum addressed the need to make changes to the process so that a site review is triggered for developments like this in the future.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

- A. Second reading and consideration of a motion to adopt Ordinance 8163 amending Chapter 3-9, "Housing Excise Tax," Section 8-9-3, "General Regulatory Requirements," and Section 4-20-62, "Capital Facility Impact Fee," setting the fees rates for impact fees; and setting forth related details regarding the affordable housing commercial linkage fee.

City Manager Jane Brautigam introduced this item to council. Senior Planner Chris Meschuk and Planning, Housing and Sustainability Deputy Director Susan Richstone showed a presentation.

The public hearing opened at 7:30 p.m. and the following spoke:

1. Lesli Durgin
2. Lynn Segal signed up, but did not speak
3. Mike Marsh
4. Donna George
5. Gavin McMillan
6. Lisa Spalding
7. John Tayer pooled with Andrea Meneghel and Elisabeth Patterson
8. Mark Ruzzin
9. Evan Ravitz

The public hearing closed at 7:56 p.m.

COUNCIL MEMBER WEAVER MOVED TO ADOPT ORDINANCE 8163 AMENDING CHAPTER 3-9, "HOUSING EXCISE TAX," SECTION 8-9-3, "GENERAL REGULATORY REQUIREMENTS," AND SECTION 4-20-62, "CAPITAL FACILITY IMPACT FEE," SETTING THE RATE FOR IMPACT FEES AT \$15 A SQUARE FOOT; AND SETTING FORTH RELATED DETAILS REGARDING THE AFFORDABLE HOUSING COMMERCIAL LINKAGE FEE. COUNCIL MEMBER MORZEL SECONDED THE MOTION.

COUNCIL MEMBER APPELBAUM PROPOSED AN AMENDMENT TO ADOPT THE STAFF RECOMMENDATION OF \$12 PER SQUARE FOOT. COUNCIL MEMBER BURTON SECONDED THE MOTION. THE MOTION PASSED 5:4 WITH COUNCIL MEMBERS MORZEL, YOUNG, WEAVER AND MAYOR JONES VOTING NAY AT 8:29 P.M.

THE AMENDED MOTION PASSED 6:3 WITH COUNCIL MEMBERS MORZEL, WEAVER AND YOUNG VOTING NAY AT 8:30 P.M.

6. MATTERS FROM THE CITY MANAGER

- A. Consideration of a motion to authorize the city manager to enter into an Agreement for Services between the Regents of the University of Colorado and the City of Boulder

Executive Director of Energy Strategy and Electric Utility Development Heather Bailey introduced this item to council. University of Colorado Vice Chancellor David King spoke about the benefits of the partnership between the City and the University of Colorado at Boulder.

MAYOR JONES MOVED TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR SERVICES BETWEEN THE REGENTS OF THE UNIVERSITY OF COLORADO AND THE CITY OF BOULDER. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE VOTE TOOK PLACE UNDER DECISIONS ON MOTIONS.

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

- A. Call-ups. No action was taken.

1. 3289 Airport Road – Use Review

- B. Consideration of a motion to approve the 2017 Council Committee and Board Assignments

COUNCIL MEMBER YATES MOVED TO APPROVE THE 2017 COUNCIL COMMITTEE AND BOARD ASSIGNMENTS. COUNCIL MEMBER APPELBAUM SECONDED THE MOTION. THE VOTE TOOK PLACE UNDER DECISIONS ON MOTIONS.

- C. Discuss timing of the February 14, 2017 Study Session

Council decided that the briefing would begin at 6 p.m. and the Study Session would adjourn at 9:30 p.m.

9. COMMENT ON MOTIONS MADE UNDER MATTERS

There were no speakers.

10. DECISIONS ON MOTIONS

MAYOR JONES MOVED TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR SERVICES BETWEEN THE REGENTS OF THE UNIVERSITY OF

COLORADO AND THE CITY OF BOULDER. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 7:2 WITH COUNCIL MEMBERS BURTON AND YATES VOTING NAY AT 9:35 P.M.

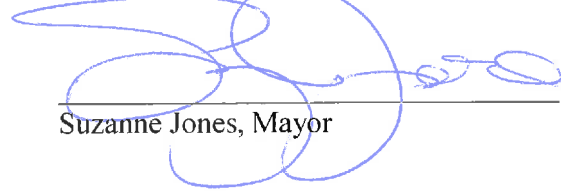
COUNCIL MEMBER YATES MOVED TO APPROVE THE 2017 COUNCIL COMMITTEE AND BOARD ASSIGNMENTS. COUNCIL MEMBER APPELBAUM SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 9:36 P.M.

- 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 FEBRUARY 7, 2017 AT 9:37 P.M.


Approved this 5th day of September, 2017.

APPROVED BY:



Suzanne Jones, Mayor

ATTEST:



Lynnette Beck, City Clerk

Council Meeting
 Tuesday, February 7, 2017
 ERRATA SHEET

ITEM 3K ORDINANCE NO. 8164, CORRECTIONS TO COBECC IN ATTACHMENT F

Packet Page #	COBECC page	COBECC Section	Change/Addition (All changes are to section headings of the listed COBECC sections)
142	C-19	C403.2	C403.2 Provisions applicable to all mechanical systems <u>(Mandatory)</u> .
142	C-19	C403.2.1	C403.2.1 Calculation of heating and cooling loads <u>(Mandatory)</u> .
142	C-19	C403.2.2	C403.2.2 Equipment and system sizing <u>(Mandatory)</u> .
142	C-19	C403.2.3	C403.2.3 HVAC equipment performance requirements <u>(Prescriptive)</u> .
152	C-29	C403.2.4	C403.2.4 HVAC system controls <u>(Mandatory)</u> .
154	C-31	C403.2.5	C403.2.5 Ventilation <u>(Mandatory)</u> .
154	C-31	C403.2.6	C403.2.6 Heating energy recovery ventilation systems <u>(Prescriptive)</u> .
154	C-31	C403.2.7	C403.2.7 Duct and plenum insulation and sealing <u>(Mandatory)</u> .
155	C-32	C403.2.8	C403.2.8 Piping insulation <u>(Mandatory)</u> .
156	C-33	C403.2.9	C403.2.9 Mechanical systems commissioning and completion requirements <u>(Mandatory)</u> .
156	C-33	C403.2.10	C403.2.10 Air system design and control <u>(Prescriptive)</u> .
157	C-34	C403.2.11	C403.2.11 Heating outside a building <u>(Mandatory)</u> .
201	R-18	R402.5	R402.5 Maximum fenestration U-factor and SHGC <u>(Prescriptive)(Mandatory)</u> .