

CITY OF BOULDER
CITY COUNCIL MEETING
Municipal Building, 1777 Broadway
Boulder, Colorado 80302
Tuesday, November 1, 2016

MINUTES

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:01 p.m.

Council Members Appelbaum, Brockett, Burton, Morzel, Shoemaker, Weaver, Yates and Young were present.

COUNCIL MEMBER MORZEL MOVED TO APPROVE THE AMENDED AGENDA WHICH INCLUDES ADDING ITEM 3E TO CONTINUE THE COMPREHENSIVE PLAN LAND USE MAP APPLICATION HEARING FOR THE CONSIDERATION OF 6655 AND 6500 TWIN LAKES RD. AND 0 KALUA RD. (REQUESTS #35 AND #36) TO A FUTURE DATE AFTER THE FINAL CONSIDERATION BY THE BOULDER COUNTY COMMISSIONERS AND THE BOULDER COUNTY PLANNING COMMISSION TO BE SCHEDULED BY THE COUNCIL AGENDA COMMITTEE AND FURTHER NOTICED IN A MANNER THAT IS CONSISTENT WITH THE COUNCIL PROCEDURE AGENDA NOTICE RULES; 3F CONTINUE FROM THE NOVEMBER 1 TO THE NOVEMBER 10TH MEETING THE EASTPOINTE APARTMENT HOMES CONCEPT PLAN REVIEW AND COMMENT FOR A PROPERTY GENERALLY LOCATED AT 1550 EISENHOWER DRIVE, ON A PROPOSAL FOR A NEW THREE-STORY APARTMENT COMPLEX, CONSISTING OF 236 PROPOSED UNITS IN FIVE BUILDINGS WITH BELOW GRADE PARKING AND ON-SITE RECREATIONAL AMENITIES; AND 3G TO CALL A SPECIAL MEETING ON WEDNESDAY, NOVEMBER 9, 2016 IN THE COUNCIL CHAMBERS LOCATED AT 1777 BROADWAY 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 YATES SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 6:05 P.M.

A. Presentation of the Library of the Year Award

Council Member Morzel presented the award to Library Director David Farnan and Board Member Joel Koenig.

B. Presentation of the Earth Hour City Challenge Award

Council Member Appelbaum presented this award to Executive Director of Planning Housing and Sustainability David Driskel.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE

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

Open Comment started at 6:20 p.m. and the following spoke:

1. Ana Casas Ibarra and Elena Aranda spoke regarding opportunities for youth.
2. Patrick Murphy spoke regarding municipalization.
3. Nancy Geyer spoke regarding the Museum of Boulder.
4. Christopher Kohl spoke regarding a possible partnership with CU student government.
5. Steve Pomerance spoke regarding the impact fee ordinance.
6. Mark Hartwig spoke regarding the annexation.
7. Megan Knies spoke regarding the annexation.
8. Kevin Cheney spoke regarding the new marijuana businesses being annexed.
9. Christopher Seelie spoke regarding Boulder Museum of Contemporary Art (BMoCA).
10. Geoff Cahoun spoke regarding hiring union contractors for custodial work.
11. Chris Mallory spoke regarding the annexation.
12. Mike Homner spoke regarding homelessness.
13. Tanya Petty spoke regarding Ordinance 8043 and thanked council.
14. Devin Liles spoke regarding fair enforcement of marijuana regulations.
15. Jo Morgan spoke regarding the management at Mapleton Mobile Home Park.
16. Paul Keaton spoke regarding the management at Mapleton Mobile Home Park.
17. Ian Barringer spoke regarding the annexation.
18. Loree Schwartz spoke regarding the annexation.
19. Dan Anglin spoke regarding the annexation.
20. Allyson Faler pooled with Steve Gold and John Wilhelm and spoke regarding the annexation.

21. Ed Byrne spoke regarding the annexation.
22. Karin Lazarus spoke regarding the annexation.
23. Gaetano Iannaccone spoke regarding annexation.
24. Andrea Meneghel spoke regarding the annexation.
25. Donna George spoke regarding land use.
26. Gregg Thornton spoke regarding short-term rentals.

Open Comment closed at 7: 20 p.m.

City Manager Jane Brautigam provided information about the homeless working group and mentioned upcoming opportunities for the community.

City Attorney Tom Carr provided updates about free sport programs for youth in the Boulder area and encouraged parents to seek out free or affordable leagues. Council Member Young also commented that there are scholarships available to youth.

City Manager Brautigam answered questions from Council regarding the janitorial contract.

3. CONSENT AGENDA

- A. Consideration of a motion to approve the August 16, 2016 City Council Meeting Minutes
- B. Consideration of the following items relating to the 2017 Budget;
 1. Third reading, and consideration of a motion to adopt Ordinance 8144 that adopts a budget for the City of Boulder, Colorado, for the fiscal year commencing on the first day of January 2017 and ending on the last day of December 2017, and setting forth details in relating thereto; and
 2. Second reading and consideration of a motion to adopt Ordinance 8145 that establishes the 2016 City of Boulder property tax mill levies which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2017 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
 3. Third reading and consideration of a motion to adopt Ordinance 8146 that appropriates money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2017 fiscal year of the City of Boulder, commencing on the first day of January 2017, and ending on the last day of December 2017, and setting forth details in relation thereto; and

4. Third reading and consideration of a motion to amend and adopt by Emergency, Ordinance 8147 that amends Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981 changing certain fees, and setting forth details in relation thereto
- C. Third reading and consideration of a motion to amend and adopt by emergency the following:
 1. Emergency Ordinance 8139 related to the annexation and initial zoning of enclaves in the vicinity of 55th and Arapahoe; and
 2. Emergency Ordinance 8140 related to an amendment to Subsection 11-52-11(a), 11-2-33(a) and 11-5-11(a), B.R.C. 1981 regarding storm water and flood control utility plant investment fees and water and wastewater fees
 - D. Introduction, first reading and consideration of a motion to order published by title only, 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
 - E. Consideration of a motion to continue the comprehensive plan land use map application hearing for the consideration of 6655 and 6500 Twin Lakes Rd. and 0 Kalua Rd. (Requests #35 and #36) to a future date after the final consideration by the Boulder County Commissioners and the Boulder County Planning Commission to be scheduled by the Council Agenda Committee and further noticed in a manner that is consistent with the Council Procedure agenda notice rules
 - F. Consideration of a motion to continue from the November 1 to the November 10th meeting the Eastpointe Apartment Homes Concept Plan Review and Comment for a property generally located at 1550 Eisenhower Drive, on a proposal for a new three-story apartment complex, consisting of 236 proposed units in five buildings with below grade parking and on-site recreational amenities
 - G. Consideration of a motion to call a Special Meeting on Wednesday, November 9, 2016 in the Council Chambers located at 1777 Broadway 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 WEAVER MOVED TO APPROVE THE CONSENT AGENDA, ITEMS 3A-3G, AND ADOPT ITEM 3C : 1. EMERGENCY ORDINANCE 8139 RELATED TO THE ANNEXATION AND INITIAL ZONING OF ENCLAVES IN THE VICINITY OF 55TH AND ARAPAHOE; WITH AMENDMENTS AS PRESENTED WITH “ATTACHMENT A” ADDING PROPOSALS 1, 1A AND 6 ON THE ITEM 3C -ERRATA SHEET AS PROVIDED ON THE DAIS AND INCLUDING ALL REFERENCES TO THE DATE OF “AUGUST 16, 2018” BE REVISED TO “NOVEMBER 1, 2018.” AND 2. ADOPT EMERGENCY ORDINANCE 8140 RELATED TO AN AMENDMENT TO SUBSECTION 11-52-11(A), 11-2-33(A) AND 11-5-

11(A), B.R.C. 1981 REGARDING STORM WATER AND FLOOD CONTROL UTILITY PLANT INVESTMENT FEES AND WATER AND WASTEWATER FEES WITH AMENDMENTS TO INCLUDE "ATTACHMENT B" AS PRESENTED IN THE PACKET. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 9:0 WITH COUNCIL MEMBERS BROCKETT, BURTON AND YATES VOTING NAY ON 3C AT 8:39 P.M.

4. POTENTIAL CALL-UP CHECK IN

A. Potential Call-Ups

1. Boulder Community Health Riverbend Site- Site and Use Review
2. 9th & Broadway Civic Area – Floodplain Development Permit and a Stream, Wetland, and Water Body permit

Council Member Morzel briefly commented on the 9th and Broadway Civic Area development.

There was no interest to call-up these properties.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

- ##### A. Second reading and consideration of a motion to adopt Ordinance 8148 designating the building and a portion of the property at 2935 19th St., to be known as the Tyler-Monroe-Bartlett Property, as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981. Owner/Applicant: Albert A. and Eleanor Frances Roberts Bartlett Trust

This was a quasi-judicial matter and all speakers were sworn by Deputy City Clerk Heidi Leatherwood.

Historic Preservation Planner I Marcy Cameron introduced this item to Council with a presentation at 8:45 p.m. Guest speaker, Paul Beale shared a slide presentation regarding the life and achievements of Al Bartlett as it related to the Landmark.

The Public Hearing opened at 8:57 p.m. and the following spoke regarding Ordinance 8148:

1. Ruth Blackmore

The Public Hearing closed at 9:05 p.m.

COUNCIL MEMBER MORZEL MOVED TO ADOPT ORDINANCE 8148 DESIGNATING THE BUILDING AND A PORTION OF THE PROPERTY AT 2935 19TH ST. TO BE KNOWN AS THE "TYLER-MONROE-BARTLETT PROPERTY," AS A LOCAL HISTORIC

LANDMARK PER SECTION 9-11-5 OF THE BOULDER REVISED CODE, 1981 MAYOR JONES SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 9:08 P.M.

- B. Consideration of the following items related to Boulder Community Health (BCH) properties located at 4801, 4855, 4865 and 4885 Riverbend Road which are associated with BCH requests to redevelop the sites with a new medical facility and parking structure within the Riverbend Office Park:
1. Request to change the underlying Boulder Valley Comprehensive Plan (BVCP) Land Use Designation on the Riverbend Road site from Transitional Business to Public
 2. Second reading and consideration of a motion to adopt Ordinance 8149 amending Title 9, "Land Use Code," B.R.C. 1981, to rezone the properties from BT-2 (Business Transitional – 2) to P (Public); and
 3. Second reading and consideration of a motion to adopt Ordinance 8150 amending Title 9, "Land Use Code," B.R.C. 1981, to amend Ordinance 8028 amending Appendix J of Title 9 adding BCH properties to areas where height modifications may be considered

This was a quasi-judicial matter and all speakers were sworn in by Deputy City Clerk Heidi Leatherwood.

Development Review Manager for Community, Planning and Sustainability Charles Ferro and Senior Planner Karl Guiler introduced this item and answered questions from council.

The Public Hearing opened at 9:19 p.m. and the following spoke regarding BCH properties:

1. Rob Visers

The Public Hearing closed at 9:20 p.m.

COUNCIL MEMBER BROCKETT MOVED TO (1) REQUEST TO CHANGE THE UNDERLYING BOULDER VALLEY COMPREHENSIVE PLAN ("BVCP") LAND USE DESIGNATION ON THE RIVERBEND SITE FROM TRANSITIONAL BUSINESS TO PUBLIC; (2) ADOPT ORDINANCE 8149 AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO REZONE THE PROPERTIES FROM BT-2 (BUSINESS TRANSITIONAL – 2) TO P (PUBLIC); AND (3) ADOPT ORDINANCE 8150 AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO AMEND ORDINANCE 8028 AMENDING APPENDIX J OF TITLE 9 ADDING BCH PROPERTIES TO AREAS WHERE HEIGHT MODIFICATIONS MAY BE CONSIDERED. COUNCIL MEMBER BURTON SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 9:22 P.M.

- C. Second Reading to adopt Ordinance 8151 to rezone 1.12 acres of land located at 3200 Bluff Street (the AirGas site) from Industrial Mixed Services (IMS) to Mixed Use - 4 (MU-4)

Development Review Manager for Community, Planning and Sustainability Charles Ferro and Senior Planner Karl Guiler introduced this item.

This was a quasi-judicial matter and all speakers were sworn in by Deputy City Clerk Heidi Leatherwood.

The Public Hearing opened at 9:28 p.m. and the following spoke regarding Ordinance 8151:

1. Bill Holikey
2. Andy Bush

The Public Hearing closed at 9:38 p.m.

COUNCIL MEMBER WEAVER MOVED TO ADOPT ORDINANCE 8151 TO REZONE 1.12 ACRES OF LAND LOCATED AT 3200 BLUFF STREET (THE AIRGAS SITE) FROM INDUSTRIAL MIXED SERVICES (IMS) TO MIXED USE - 4 (MU-4). COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 9:40 P.M.

- D. City Council consideration of Area I public requests for land use map changes as part of the Major Update to the Boulder Valley Comprehensive Plan (No new testimony will be received)

Senior Planner Jay Sugnet and Deputy Director of Planning, and Sustainability Susan Richstone presented this item for deliberation. They reviewed the Planning Board decisions made on October 13, 2016.

COUNCIL MEMBER MORZEL MOVED TO APPROVE THE NAROPA PROPERTIES AS RECOMMENDED BY STAFF IN THE OCTOBER 13 MEMO. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 10:12 P.M.

COUNCIL MEMBER WEAVER MOVED TO APPROVE 385 BROADWAY AS STAFF RECOMMENDED IN THE OCTOBER 13, 2016 MEMO. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 7:2 WITH COUNCIL MEMBERS BURTON AND YATES VOTING NAY AT 10:14 P.M.

COUNCIL MEMBER MORZEL MOVED TO APPROVE THE 0, 693, 695 BROADWAY AS STAFF RECOMMENDED IN THE OCTOBER 13, 2016 MEMO. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 10:30 P.M.

COUNCIL MEMBER SHOEMAKER MOVED TO APPROVE 3485 STANFORD COURT AS RECOMMENDED BY STAFF IN THE OCTOBER 13, 2016 MEMO. COUNCIL

MEMBER YATES SECONDED THE MOTION. THE MOTION PASSED 7:2 WITH COUNCIL MEMBERS YOUNG AND MORZEL VOTING NAY AT 10:35 P.M.

6. MATTERS FROM THE CITY MANAGER
7. MATTERS FROM THE CITY ATTORNEY
8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL
 - A. Potential Call-ups
 1. Boulder Community Heath Riverbend Site- Site and Use Review
 2. 9th & Broadway Civic Area – Floodplain Development Permit and a Stream, Wetland, and Water Body permit

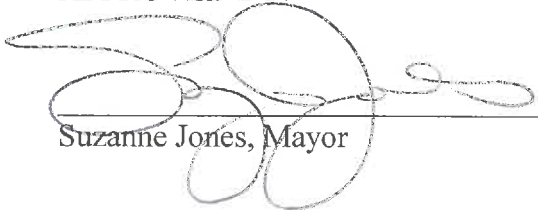
No action taken.
 - B. Mayor Pro Tem Indications of Interest

Council Member Shoemaker indicated interest in the Mayor Pro Tem seat.
9. PUBLIC COMMENT ON MATTERS
10. DECISION ON MOTIONS
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 1, 2016 AT 10:39 P.M.

Approved this 14th Day of November, 2017.

APPROVED BY:


Suzanne Jones, Mayor

ATTEST:


Lynnette Beck, City Clerk