

**CITY OF BOULDER  
CITY COUNCIL MEETING**  
Municipal Building, 1777 Broadway  
Boulder, Colorado 80302  
Tuesday, August 15, 2017

**MINUTES**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Jones called the meeting to order at 6:04 p.m.

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

**COUNCIL MEMBER WEAVER MOVED TO AMEND THE AGENDA BY (1) REMOVING ITEMS 3E AND 3I; (2) REORDERING ITEM 5B, CHARTER CLEANUP BALLOT MEASURE, AND ITEM 5C, UTILITY OCCUPATION TAX MEASURES; (3) REORDERING ITEM 6A, NEIGHBORHOOD SPEED MANAGEMENT PLAN AND ITEM 6B, COUNCIL MEMBER APPOINTMENTS TO OSMP MASTER PLAN COMMITTEE; AND (4) ADDING ITEM 8C, STATEMENT CONDEMNING RACIST VIOLENCE AND BIGOTRY. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 8:0 WITH COUNCIL MEMBER MORZEL ABSENT FOR THE VOTE AT 6:06 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://bouldercolorado.gov/city-council> > Watch Live or Archived Meetings.)

Open Comment started at 6:07 p.m. and the following spoke:

1. Rob Smoke signed up, but did not speak.
2. Scott Goddard spoke regarding Mapleton Mobile Home Park.
3. Patrick Murphy spoke regarding municipalization.
4. Raj Rawat spoke regarding funding KGNU.
5. Amy Metier signed up, but did not speak.
6. Tom Carter signed up, but did not speak.

Open Comment closed at 6:13 p.m.

### 3. CONSENT AGENDA

- A. Consideration of a motion to approve February 21, 2017 Regular Meeting Minutes
- B. Consideration of a motion to approve the April 4, 2017 Regular Meeting Minutes
- C. Consideration of a motion to approve the April 17, 2017 Special Meeting Minutes
- D. Consideration of a motion to approve the May 2, 2017 Regular Meeting Minutes
- E. *This item was removed from the agenda at the Council Agenda Committee (CAC) Meeting on August 14, 2017.*
- F. Second reading and consideration of a motion to adopt Ordinance 8191 authorizing the City Manager to enter into an Intergovernmental Agreement with Boulder County regarding the Management of Jointly Owned Open Space
- G. Introduction, first reading and consideration of a motion to adopt Emergency Ordinance 8199 adopting Supplement 132, which codifies previously adopted Ordinances 8130, 8152, 8163, 8167, 8179, 8181, 8184, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981
- H. Introduction, first reading and consideration of a motion to order published by title only Ordinance 8201 repealing and replacing Chapter 9-13, "Inclusionary Housing," B.R.C 1981. The replacement ordinance includes a middle-income housing requirement, incentives to provide affordable units on-site, requires a new design review process, is reorganized to improve readability and setting forth related details
- I. *This item was removed from the agenda at the CAC Meeting on August 14, 2017.*
- J. Consideration of a motion to call a Study Session at 6 p.m., prior to the Special Meeting of the Boulder City Council on Monday, August 28, 2017 in Council Chambers Municipal Building located at 1777 Broadway, Boulder

**COUNCIL MEMBER MORZEL MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A-3J WITH ITEMS 3E AND 3I REMOVED. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 9:0 WITH COUNCIL MEMBER MORZEL VOTING NAY ON ITEM 3F AT 6:22 P.M.**

### 4. CALL-UP CHECK-IN

#### 8A. Call-Ups

- 1. 350 Ponca Place- Site Review

2. 802 16<sup>th</sup> Street- Nonconforming Use Review

No action taken.

## ORDER OF BUSINESS

### 5. PUBLIC HEARINGS

- A. Ballot Items related to the Tax Renewal and Bond;

1. Second reading and consideration of a motion to adopt Ordinance 8197 submitting to the electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, to approve the ballot title for the November 7, 2017 election to extend the 0.3% sales and use tax for capital improvements for five years, which would be used for capital improvement projects in the City of Boulder

Senior Planner Jean Gatza and Special Assistant to the Finance Department/City Manager's Office Joel Wagner introduced this item.

Pursuant to Council's last direction, Senior Planner Gatza and Special Assistant to the Finance Department/City Manager's Office Wagner presented different options to Council. Council conducted discussions regarding these options.

The Public Hearing opened at 6:50 p.m. and the following spoke regarding Ballot Items 5A-5C. Items 5D and 5E had a public hearing on August 1, 2017 and no further testimony was taken.

1. Robert Crisfasi
2. Kari Palazzari
3. Brian Graham
4. David Dadone
5. Aaron Winston
6. Jesse Perez
7. Trubee Davison
8. Ann Fonfenot
9. Caron Trout

10. Dan Matsch
11. Tom Carter
12. Amy Metier
13. Jessica Price

The Public Hearing closed at 7:38 p.m.

Mayor Jones recused herself for discussion and action of this item at 7:40 p.m.

Local Environmental Action Manager Kara Mertz; Planning, Design & Community Engagement Manager Jeff Haley; Library/Arts Director David Farnan; Cultural Arts Manager Matt Chasansky and Fire Chief Michael Calderazzo answered questions from Council.

**COUNCIL MEMBER MORZEL MOVED TO AMEND ORDINANCE 8197 SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2017, TO APPROVE THE BALLOT TITLE FOR THE NOVEMBER 7, 2017 ELECTION TO EXTEND THE 0.3% SALES AND USE TAX FOR CAPITAL IMPROVEMENTS FOR FIVE YEARS, WHICH WOULD BE USED FOR CAPITAL IMPROVEMENT PROJECTS IN THE CITY OF BOULDER, BY REPLACING “ADDITIONAL TAXES” WITH “THE EXISTING TAX RATE.” COUNCIL MEMBER YOUNG SECONDED THE MOTION.**

**COUNCIL MEMBER YATES MOVED TO AMEND THE MOTION TO USE \$2,000,000 FROM FIRE FUNDS FOR THE ARTS CINEMA. COUNCIL MEMBER BURTON SECONDED THE MOTION. THE MOTION FAILED 3:5 WITH COUNCIL MEMBERS APPELBAUM, BROCKETT, MORZEL, WEAVER AND YOUNG VOTING NAY AND MAYOR JONES RECUSED.**

**THE MAIN MOTION PASSED 7:1 WITH COUNCIL MEMBER APPELBAUM VOTING NAY AND MAYOR JONES RECUSED AT 9:27 P.M.**

2. Second reading and consideration of a motion to adopt Ordinance 8198 submitting to the electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, to approve the ballot title for the November 7, 2017 election to authorize the increase of the debt of the city to fund capital improvement projects in the City of Boulder from a 0.3% sales and use tax, without increasing taxes

COUNCIL MEMBER MORZEL MOVED TO AMEND ORDINANCE 8198 SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2017, TO APPROVE THE BALLOT TITLE FOR THE NOVEMBER 7, 2017 ELECTION TO AUTHORIZE THE INCREASE OF THE DEBT OF THE CITY TO FUND CAPITAL IMPROVEMENT PROJECTS IN THE CITY OF BOULDER FROM A 0.3% SALES AND USE TAX, WITHOUT INCREASING TAXES WITH THE PROPOSED FOUR-YEAR RENEWAL. COUNCIL MEMBER BROCKETT SECONDED THE MOTION. THE MOTION PASSED 7:1 WITH COUNCIL MEMBER APPELBAUM VOTING NAY AND MAYOR JONES RECUSED AT 9:28 P.M.

Other Ballot Items:

- B. Second reading and consideration of a motion to adopt Ordinance 8195 submitting to the electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, the question of amending various sections of the Boulder City Charter to eliminate extraneous, archaic or unnecessary language; clarify referendum and initiative provisions for legislative matters; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details

COUNCIL MEMBER YOUNG MOVED TO AMEND ORDINANCE 8195 SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2017, THE QUESTION OF AMENDING VARIOUS SECTIONS OF THE BOULDER CITY CHARTER TO ELIMINATE EXTRANEOUS, ARCHAIC OR UNNECESSARY LANGUAGE; CLARIFY REFERENDUM AND INITIATIVE PROVISIONS FOR LEGISLATIVE MATTERS; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES WITH AMENDMENTS TO THE LANGUAGE IN SECTION 8 REGARDING COUNCIL VACANCIES AND SECTION 29 REGARDING WITHDRAWING FROM AN ELECTION. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 8:0 WITH COUNCIL MEMBER BURTON ABSENT AT 9:31 P.M.

- C. Ballot Items related to Utility Occupation Tax:

Third reading and consideration of a motion to adopt Ordinance 8189 submitting to the electors of the City of Boulder at the regular municipal coordinated election to be held on Tuesday, November 7, 2017, the question of authorizing the City Council to extend and increase the Utility Occupation Tax that was approved by the voters in November 2010 and amended in November 2011 and November 2015 on public utility companies that deliver energy to customers in the form of electricity and gas at the rate of up to \$2,025,000 per year, beginning January 1, 2018 and expiring December 31, 2021, the increase and extension of the tax to fund costs associated with a

municipal electric utility; giving approval for the collection, retention, and expenditure of the full tax proceeds and any related earnings notwithstanding any state revenue or expenditure limitation; setting forth the ballot title; and setting forth related details

Or in the alternative:

Second reading and consideration of a motion to adopt Ordinance 8200 submitting to the electors of the City of Boulder at the regular municipal coordinated election to be held on Tuesday, November 7, 2017, the question of authorizing the City Council to extend and increase the Utility Occupation Tax that was approved by the voters in November 2010 and amended in November 2011 and November 2015 on public utility companies that deliver energy to customers in the form of electricity and gas at the rate of up to \$1,200,000 per year, beginning January 1, 2018 and expiring December 31, 2022, the increase and extension of the tax to fund costs associated with a municipal electric utility; giving approval for the collection, retention, and expenditure of the full tax proceeds and any related earnings notwithstanding any state revenue or expenditure limitation; setting forth the ballot title; and setting forth related details

**MAYOR JONES MOVED TO AMEND ORDINANCE 8189 SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE REGULAR MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2017, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO EXTEND AND INCREASE THE UTILITY OCCUPATION TAX THAT WAS APPROVED BY THE VOTERS IN NOVEMBER 2010 AND AMENDED IN NOVEMBER 2011 AND NOVEMBER 2015 ON PUBLIC UTILITY COMPANIES THAT DELIVER ENERGY TO CUSTOMERS IN THE FORM OF ELECTRICITY AND GAS AT THE RATE OF UP TO \$2,025,000 PER YEAR, BEGINNING JANUARY 1, 2018 AND EXPIRING DECEMBER 31, 2021, THE INCREASE AND EXTENSION OF THE TAX TO FUND COSTS ASSOCIATED WITH A MUNICIPAL ELECTRIC UTILITY; GIVING APPROVAL FOR THE COLLECTION, RETENTION, AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY RELATED EARNINGS NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; SETTING FORTH THE BALLOT TITLE; WITH THE AMENDMENT OF A TAX INCREASE FOR TWO YEARS IN ADDITION TO THE TAX EXTENSION. THE TAX INCREASE WILL SUPPLEMENT THE APPROXIMATELY \$2,000,000 OCCUPATION TAX THAT IS PROPOSED TO BE EXTENDED UNTIL DECEMBER 31, 2022. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 6:3 WITH COUNCIL MEMBERS BURTON, SHOEMAKER AND YATES VOTING NAY AT 10:00 P.M.**

**There was no action on Ordinance 8200.**

- D. Third reading and consideration of a motion to adopt Ordinance 8194 submitting to the electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, the question of amending Section 9 of the Boulder City Charter to extend the authorization for executive sessions from December 31, 2017 through December 31, 2023; restricting the purpose of executive sessions; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details

**COUNCIL MEMBER APPELBAUM MOVED TO CONTINUE TO SEPTEMBER 5, 2017 ORDINANCE 8194 SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2017, THE QUESTION OF AMENDING SECTION 9 OF THE BOULDER CITY CHARTER TO EXTEND THE AUTHORIZATION FOR EXECUTIVE SESSIONS FROM DECEMBER 31, 2017 THROUGH DECEMBER 31, 2023; RESTRICTING THE PURPOSE OF EXECUTIVE SESSIONS; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS. COUNCIL MEMBER WEAVER SECONDED THE MOTION.**

**COUNCIL MEMBER APPELBAUM AMENDED THE MOTION TO INTRODUCE ON FIRST READING AND ORDER PUBLISHED BY TITLE ONLY A NEW ORDINANCE 8202 WHICH REMOVES THE LIMITATION ON RECEIVING "LEGAL ADVICE" ON MATTERS THAT COULD TERMINATE THE MUNICIPAL UTILITY OR RESULT IN AN ELECTRIC UTILITY FRANCHISE. IT LEAVES IN PLACE THE PROHIBITION RELATED TO NOT DISCUSSING "NEGOTIATION STRATEGY" RELATED TO MATTERS ASSOCIATED WITH AN ELECTRIC FRANCHISE OR RESULT IN THE END OF THE MUNICIPALIZATION EFFORT. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 7:2 WITH COUNCIL MEMBERS SHOEMAKER AND YATES VOTING NAY AT 10:35 P.M.**

- E. Third reading and consideration of a motion to adopt Ordinance 8193 submitting to the electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 7, 2017, the question of amending Section 178 of the Boulder City Charter to form the utility, require a public vote prior to proceeding with the costs of separation or purchasing assets; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details

**COUNCIL MEMBER WEAVER MOVED TO AMEND ORDINANCE 8193 SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2017, THE QUESTION OF AMENDING SECTION 178 OF THE BOULDER CITY CHARTER TO FORM THE UTILITY, REQUIRE A PUBLIC VOTE PRIOR TO PROCEEDING WITH THE COSTS OF SEPARATION OR PURCHASING ASSETS; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS WITH AMENDMENTS INTENDED TO CLARIFY THAT THE VOTER APPROVAL REQUIREMENT RELATED TO THE ISSUANCE OF DEBT WAS A ONE-TIME REQUIREMENT, PROVIDE FOR PARALLEL LANGUAGE IN THE CHARTER BY ADDING**

THE CLAUSE “BY A SEPARATE SYSTEM” TO CHARTER SECTION 178(A) AND TO CLARIFY THAT THE SEPARATION WAS RELATED TO THE “CUSTOMERS OF THE CITY,” AS OPPOSED TO THE PREVIOUS LANGUAGE THAT WAS MORE LIMITING, “CUSTOMERS WITHIN THE CITY.” COUNCIL MEMBER APPELBAUM SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 10:59 P.M.

MAYOR JONES MOVED TO EXTEND THE MEETING. COUNCIL MEMBER APPELBAUM SECONDED THE MOTION. THE MOTION PASSED 7:1 WITH COUNCIL MEMBER MORZEL VOTING NAY AND COUNCIL MEMBER YOUNG ABSENT AT 11:00 P.M.

## 6. MATTERS FROM THE CITY MANAGER

- A. Consideration of a motion to accept the updated City of Boulder Neighborhood Speed Management Program guidelines

Principal Traffic Engineer Bill Cowern introduced this item.

COUNCIL MEMBER BURTON MOVED TO ACCEPT THE UPDATED CITY OF BOULDER NEIGHBORHOOD SPEED MANAGEMENT PROGRAM GUIDELINES. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 11:44 P.M.

- B. Consideration of a motion to Appoint Two Council Members to the OSMP Master Plan Process Committee

Mayor Jones recapped this item and reminded Council of Council Member Brackett’s and Council Member Young’s interest in serving on this Committee. Mayor Jones further expressed an interest in serving on this Committee, but only if she was not serving as Mayor.

COUNCIL MEMBER MORZEL MOVED TO APPOINTMENT COUNCIL MEMBER BROCKETT AND COUNCIL MEMBER YOUNG TO OSMP MASTER PLAN PROCESS COMMITTEE. MAYOR JONES SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 11:44 P.M.

## 7. MATTERS FROM THE CITY ATTORNEY

## 8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

- A. Call-ups

1. 350 Ponca Place- Site Review
2. 802 16<sup>th</sup> Street- Nonconforming Use Review



No action taken.

- B. Consideration of a motion to approve the 2017 performance evaluations, and salary adjustments for the City Manager, City Attorney, and Municipal Judge

Council Member Shoemaker outlined the scoring process and advised a recommendation of a 4% pay increase for the City Manager, a 4% pay increase for the Municipal Judge and a 3% pay increase for the City Attorney had been reached. Council Member Shoemaker further advised that the top scores had eliminated from the survey, but that the recommendations did not change despite elimination of those scores.

**COUNCIL MEMBER WEAVER MOVED TO APPROVE 2017 PERFORMANCE EVALUATIONS AND SALARY ADJUSTMENTS FOR THE CITY MANAGER (4%), CITY ATTORNEY (3%) AND MUNICIPAL JUDGE (4%), TO BE RETROACTIVE TO JUNE 19, 2017. COUNCIL MEMBER SHOEMAKER SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 11:44 P.M.**

- C. Consideration of a motion to approve the City of Boulder Statement Condemning Racist Violence and Bigotry

**COUNCIL MEMBER MORZEL MOVED TO APPROVE THE CITY OF BOULDER STATEMENT CONDEMNING RACIST VIOLENCE AND BIGOTRY. MAYOR JONES SECONDED THE MOTION. COUNCIL MEMBER BROCKETT SUGGESTED ONE WORD CHANGE BY REVISING THE FIRST SENTENCE OF THE NEW FIRST PARAGRAPH, WE STAND WITH THE PEOPLE OF CHARLOTTESVILLE, ETC. IN ITS CONDEMNATION OF RACIST VIOLENCE OR BIGOTRY, TO CHANGE THE WORD "OR" TO "AND." THE MOTION PASSED 9:0 AT 11:44 P.M.**

## **9. COMMENT ON MOTIONS MADE UNDER MATTERS**

## **10. DECISIONS ON MOTION**

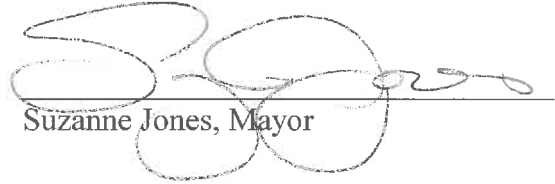
## **11. DEBRIEF**

**12. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE COUNCIL AT THIS TIME, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED ON AUGUST 15, 2017 AT 11:45 P.M.**

Approved this 14<sup>th</sup> day of November, 2017

APPROVED BY:

  
Suzanne Jones, Mayor

ATTEST:

  
Lynnette Beck, City Clerk