

**CITY OF BOULDER**  
**CITY COUNCIL MEETING**  
Municipal Building, 1777 Broadway  
Boulder, Colorado 80302  
Tuesday, December 5, 2017

**MINUTES**

**1. Call to Order and Roll Call**

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

Roll was called and Council Members Brockett, Carlisle, Grano, Nagel, Weaver, Yates and Young were present. Council Member Morzel was absent.

**COUNCIL MEMBER YATES MOVED TO APPROVE THE AMENDED AGENDA WITH ADDITIONS OF ITEM 7A- SETTLEMENT AND ITEM 8B- UPDATE ON THE COUNCIL RETREAT. COUNCIL MEMBER BROCKETT SECONDED THE MOTION. THE MOTION PASSED 8:0 AT 6:05 P.M. WITH COUNCIL MEMBER MORZEL ABSENT.**

Council Member Morzel arrived at 6:07 p.m.

**A. Certification of the 2017 Coordinated Municipal Election**

City Clerk Lynnette Beck introduced the item.

The Canvass Board was made up of those council members that did not run for re-election: Council Members Morzel, Brockett, Yates and Mayor Jones.

**COUNCIL MEMBER BROCKETT MOVED TO ADJOURN AS THE BOULDER CITY COUNCIL AND CONVENE AS THE CANVASSING BOARD. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 4-0 AT 6:10 P.M.**

Roll was called. All board members were present.

City Clerk Beck gave the Oath to the Canvassing Board members. All members affirmed.

**BOARD MEMBER YATES MOVED TO NOMINATE SUZANNE JONES AS THE CHAIR FOR THE CANVASSING BOARD. BOARD MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 4-0 AT 6:11 P.M.**

City Clerk Beck presented to the Board the Certificate of the Public Notice of the November 7, 2017 election, the Certificate of Official Ballot and the Certificate of Election Returns.

City Clerk Beck read the results of the election, as follows: Mary Young received 14,956 votes, Sam Weaver received 14,545 votes, Jill Grano received 13,496 votes, Mirabai Nagle received 12,659 votes, and Cindy Carlisle received 12,359 votes.

Ballot Measure 2L, the Utility Occupation Tax, PASSED with 15,852 voting in favor and 14,807 opposed.

Ballot Measure 2M, the Capital Improvement Tax Extension, PASSED with 25,438 voting in favor and 5,417 opposed.

Ballot Measure 2N, Debt Authority for the Capital Improvement Tax, PASSED with 21,433 voting in favor and 8,280 opposed.

Ballot Measure 2O, Charter Requirement for a Vote before Electric Construction Debt, PASSED with 24,423 in favor and 5,084 opposed.

Ballot Measure 2P, Charter Provision for Allowing Executive Sessions for Municipalization, FAILED with 12,534 voting in favor and 16,286 opposed.

Ballot Measure 2Q, Charter Clean Up, PASSED with 19,400 voting in favor and 9,014 opposed.

The City of Boulder had 72,574 active voters, with 31,765 ballots counted. Official results, as well as historical information, is available on the Boulder County Elections website.

The Public Hearing was opened at 6:13 p.m. and with no speakers, the Public Hearing was closed at 6:13 p.m.

**CHAIR JONES MOVED TO APPROVE THE ELECTION RETURNS FROM THE 2017 COORDINATED MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2017. BOARD MEMBER BROCKETT SECONDED THE MOTION. THE MOTION PASSED 4:0 AT 6:14 P.M.**

**BOARD MEMBER MORZEL MOVED TO ADJOURN FROM THE CANVASSING BOARD AND RECONVENE AS THE BOULDER CITY COUNCIL. BOARD MEMBER BROCKETT SECONDED THE MOTION. THE MOTION PASSED 4-0 AT 6:15 P.M.**

## 2. Open Comment

Open Comment opened at 6:16 p.m.

1. Patrick Murphy spoke regarding municipalization.
2. LeRoy Moore spoke regarding Rocky Flats
3. Patricia Mellen spoke regarding Rocky Flats.
4. Hollie Rogan signed up but did not speak.
5. Randall Weiner spoke regarding Rocky Flats.
6. Sharon Simmons spoke regarding the Convention on the Elimination of All forms of Discrimination against Women (CEDAW).
7. Brad Olsen spoke regarding Ordinance 8216 Mobile Homes.
8. Tawny Peyton spoke regarding Ordinance 8216 Mobile Homes.
9. Evan Ravitz spoke about homelessness and website issues.
10. Rob Smoke spoke about homelessness and Right to Rest Act.
11. Kevin Gilbert spoke regarding Healthy Boulder Kids.
12. Lynn Segal spoke regarding Rocky Flats and website issue.
13. Chris Allred spoke regarding Rocky Flats.
14. Christian Hendrickson spoke regarding Ordinance 8216 and Mobile Homes.

Open Comment closed at 6:51 p.m.

### **3. Consent Agenda**

- A. Consideration of a motion to accept the Advance Study Session Summary from November 28, 2017 regarding the Boulder Public Library Master Plan project update
- B. Consideration of a motion to accept the Study Session Summary from November 28, 2017 regarding Climate Commitment
- C. Consideration of a motion to approve the Rocky Flats Stewardship Council Intergovernmental Agreement
- D. Consideration of a motion to adopt the 2018 State and Federal Legislative Agenda
- E. Consideration of a motion to authorize the City Manager to execute deeds for the granting of easements to the Northern Colorado Water

Conservancy District (“Northern Water”) for the Southern Water Supply Project II (“Carter Lake Pipeline”)

- F. Consideration of a motion to adjourn from the Boulder City Council and convene as the Boulder Junction Access Commission General Improvement District – Parking Board of Directors.

Consideration of a motion to adopt Resolution 26 amending the 2017 Boulder Junction Access Commission General Improvement District – Parking Fund Budget.

Consideration of a motion to adjourn from the Boulder Junction Access Commission General Improvement District – Parking Board of Directors and reconvene as the Boulder City Council

- G. Third Reading and consideration of a motion to adopt ordinance 8216 amending Chapter 10-12, B.R.C. 1981, "Mobile Homes," by adding new sections creating a right to privacy for mobile home residents, prohibiting retaliation by park owners and requiring mediation of disputes between residents and park owners; and setting forth related details
- H. Second reading and consideration of a motion to adopt Ordinance 8217 approving supplemental appropriations for the 2017 Budget
- I. Second reading and consideration of a motion to adopt Ordinance 8219 amending Chapter 2-2, “General Administration,” B.R.C. 1981, to clarify city manager authority to set administrative fees, rates and charges, and setting forth related details
- J. Consideration of the following items related to the annexation and initial zoning of the property at 2220 Norwood: 1. Consideration of a motion to adopt Resolution 1224 finding the annexation petition in compliance with state statutes and establishing January 16, 2018, 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 8222 related to the annexation of a 38,223 square-foot (0.88 acre) enclave property with an initial zoning designation of Residential Estate (RE)
- K. Introduction, first reading and consideration of a motion to order published by title only Ordinance 8223 amending B.R.C. 3-7-2, repealing 3-7-2 (a)(1)(A), (B), (C), manufacturer’s liquor occupation tax and wholesaler’s liquor and beer occupation tax
- L. Introduction, first reading and consideration of a motion to order published by title only Ordinances 8224, 8225, 8226, 8227, 8228, 8229, 8230 designating the buildings at 1406-08 Pine Street, 1414 Pine Street, 1424 Pine Street, 2118 14th Street, 2124 14th Street,

2123 14th Street and 1443 Spruce as local landmarks under the city's Historic Preservation Ordinance

Council discussed the Rocky Flats issue.

COUNCIL MEMBER BROCKETT MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A-3L WITH THE MINOR CORRECTION TO ITEM 3D, UPDATING EXPIRATION DATES OF 2017 TO 2021 FOR COUNCIL MEMBER WEAVER AND YOUNG. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 9:0 WITH COUNCIL MEMBERS CARLISLE AND MORZEL VOTING NAY ON ITEMS 3H AND 3I AT 7:17 P.M.

**4. Call-Up Check-In**

- A. Call-Up Item: 948 North Street, Suite 6- Use Review  
Council took no action on this call-up.

**5. Public Hearings**

- A. City Council input on the City Manager's decision of the proposed findings regarding updates and amendments to the management plan for the Boulder Shelter for the Homeless

Human Services Director Karen Rahn introduced coordinated entry and the Homeless Services Strategy at 7:19 p.m. Development Review Manager Charles Ferro introduced amendments to the shelter.

City Council gave input on the City Manager decision of the proposed findings regarding updates and amendments to the management plan for the Boulder Shelter for the Homeless. Council asked to bring the ordinance as soon as possible.

Planning & Program Development Manager - Human Services Wendy Schwartz answered questions. Executive Director of the Boulder Homeless Shelter Greg Harms answered questions.

The Public Hearing was opened at 8:05 p.m. and the following spoke regarding the Boulder Homeless Shelter Management Plan amendments.

1. Carolyn Usher
2. Chris Centeno
3. James Duncan
4. Maria Krenz

5. Renee Beshures
6. Daisy Pettem
7. Marianne Gatten
8. Marcia Kirsh Kohler

The Public Hearing was closed at 8:29 p.m.

Chief of Police Greg Testa answered questions for council.

- B. Consideration of a motion to adopt two approved tax measures
  - 1). Emergency Ordinance 8220 amending Chapter 3-13, "Utility Occupation Tax," B.R.C. 1981, to extend and increase the utility occupation tax on public utility companies to fund costs of the municipal electric utility, pursuant to Ordinance 8189 as approved by the voters on November 7, 2017, and setting forth related details
  - 2). Emergency Ordinance 8221 amending Section 3-2-5, "Rate of Tax," B.R.C. 1981, to extend the 0.3 percent sales and use tax for capital improvements, pursuant to Ordinance 8197 as approved by the voters on November 7, 2017, and setting forth related details

City Attorney Tom Carr introduced this item.

**MAYOR JONES MOVED TO ADOPT TWO ORDINANCES IMPLEMENTING VOTER APPROVED TAX MEASURES:**

**1. EMERGENCY ORD. 8220 AMENDING SECTION 3-13-2, "IMPOSITION OF OCCUPATION TAX," B.R.C. 1981 TO EXTEND AND INCREASE THE UTILITY OCCUPATION TAX ON PUBLIC UTILITY COMPANIES TO FUND COSTS OF THE MUNICIPAL ELECTRIC UTILITY, PURSUANT TO ORD. 8189, AS APPROVED BY THE VOTERS ON NOV. 7, 2017, AND SETTING FORTH RELATED DETAILS. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 8:1 AT 9:35 P.M. WITH COUNCIL MEMBER YATES VOTING NAY.**

**2. EMERGENCY ORD. 8221 AMENDING SECTION 3-2-5, "RATE OF TAX," B.R.C. 1981 TO EXTEND THE 0.3 PERCENT SALES AND USE TAX FOR CAPITAL IMPROVEMENTS, PURSUANT TO ORD. 8197, AS APPROVED BY THE VOTERS ON NOV. 7, 2017, AND SETTING FORTH RELATED DETAILS. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 9:36 P.M.**

**6. Matters from the City Manager**

- A. Consideration of a motion to accept the City Manager's recommendations for disbursements of the 2018 Sugar Sweetened Beverage Product Distribution Tax funding allocations

Human Services Director Karen Rahn and Community Programs Manager for Human Services Matt Sundeen introduced this item.

The public hearing was opened at 9:48 p.m. and with no speakers, the public hearing was closed at 9:48 p.m.

**COUNCIL MEMBER WEAVER MOVED TO ACCEPT CITY MANAGER RECOMMENDATIONS FOR DISBURSEMENTS FOR 2018 SUGAR SWEETENED BEVERAGE PRODUCT DISTRIBUTION TAX FUNDING ALLOCATIONS. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 11:10 P.M.**

**7. Matters from the City Attorney**

- A. Consideration of a motion authorizing the city manager to enter into a settlement agreement in the litigation involving contamination at the 13th Street Plaza brought by the city of Boulder against the Public Service Company of Colorado d/b/a Xcel Energy.

City Attorney Tom Carr introduced this item.

The public hearing was opened at 9:56 p.m. and with no speakers the public hearing was closed at 9:56 p.m.

**COUNCIL MEMBER CARLISLE MOVED TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT IN THE LITIGATION INVOLVING CONTAMINATION AT THE 13<sup>TH</sup> STREET PLAZA BROUGHT BY THE CITY OF BOULDER AGAINST THE PUBLIC SERVICE COMPANY OF COLORADO D/B/A XCEL ENERGY. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 11:10 P.M.**

**8. Matters from Mayor and Members of Council**

- A. Call Up-Use Review application to use an existing, approximately 807 square-foot office space at 948 North Street suite 6 within the RH-5 (Residential – High 5) zoning district, as an acupuncture and physical therapy office defined as a “personal service use” under the Land Use Code. The acupuncture and physical therapy office would replace a former law office and is reviewed under case no. LUR2017-00076.

No action was taken on this item.

- B. Update on 2018 City Council Retreat

Council Member Yates introduced this item and updated council on the coming event and agenda topics.

C. Housing Advisory Board

Council Member Morzel added this item to "Matters from Mayor and Members of Council" and introduced it.

COUNCIL MEMBER MORZEL MOVED TO ADDRESS VARIOUS HOUSING TYPES, PROGRAMS, AND FUNDING SOURCES, THE NEED TO CULTIVATE COMMUNITY INPUT REGARDING THE DISTRIBUTION AND AWARDING OF HOUSING FUNDS (CASH IN LIEU OF FEES, ETC.) FOR PURPOSES OF AFFORDABLE HOUSING, AND THE NEED TO CONTINUE ENGAGEMENT OF THE PUBLIC REGARDING THE SUBJECT OF HOUSING IN BOULDER; THAT CITY COUNCIL DIRECT THE CITY MANAGER TO FORM A HOUSING ADVISORY BOARD TO WHICH APPOINTMENTS WILL BE MADE DURING THE MARCH 2018 BOARDS AND COMMISSION APPOINTMENTS; THAT A) THE CITY MANAGER REPORT ON PROGRESS TOWARD MILESTONES TOWARD THIS GOAL TO THE COUNCIL BY JANUARY 30, 2018, AND B) APPOINT 2 COUNCIL MEMBERS TO WORK WITH THE CITY MANAGER AND ESTABLISH MILESTONES THAT WILL BE INCLUDED IN THE REPORT DUE JANUARY 30, 2018. THE TASKS TO BE COMPLETED IN THE FORMATION OF THE HOUSING ADVISORY BOARD (HAB) WILL BE:

1. TO DEFINE THE ROLE AND COMPOSITION OF THE NEW BOARD WITH THE EXPRESS PURPOSES OF THE BOARD TO:
  - A. BE A PUBLIC FORUM FOR THE DISCUSSION AND APPROACHES TO VARIOUS TYPES OF HOUSING AND THEIR REGULATION (CO-OPS, ADU'S, OCCUPANCY LIMITS, CO-HOUSING, REGULATION OF LARGE LOTS, HOME SIZES, COMPATIBLE HOUSING, ETC.)
  - B. CONDUCT PUBLIC HEARINGS AND DISCUSSION OF THE DISTRIBUTION AND AWARDS OF CITY HOUSING FUNDS FOR AFFORDABLE HOUSING. THE HAB WILL MAKE RECOMMENDATIONS TO THE CITY COUNCIL FOR FINAL APPROVAL AUTHORITY OVER THE DISTRIBUTION OF FUNDS BY THE HOUSING DEPARTMENT.
  - C. CONSIDERATION OF OTHER TASKS THE HAB MIGHT BE CHARGED WITH
2. DETERMINATION OF THE SIZE AND COMPOSITION OF THE HAB AND WHETHER SPECIFIC SKILL SETS WILL BE REQUIRED FOR SOME BOARD SEATS. DETERMINATION OF ELIGIBILITY QUALIFICATIONS FOR BOARD MEMBERSHIP. CONSIDERATION OF STAGGERED APPOINTMENTS.



3. FREQUENCY OF BOARD MEETINGS (ONCE, TWICE A MONTH?), DAYS AND TIMES AND LOCATION THAT THE HAB WILL CONVENE, AND STAFFING NEEDS.
4. ANY OTHER TASKS THAT WILL NEED TO BE COMPLETED IN THE FORMATION OF THE HOUSING ADVISORY BOARD. COUNCIL WILL ACCEPT APPLICATIONS AND INTERVIEW MEMBERS OF THE PUBLIC FOR THE HOUSING ADVISORY BOARD DURING ITS FORMAL OPEN APPLICATION PROCESS IN THE JANUARY-LATE FEBRUARY 2018. COUNCIL ANTICIPATES THE REPORT FROM THE CITY MANAGER WITH RECOMMENDATIONS NO LATER THAN JANUARY 30, 2018 IN TIME FOR THE POSITIONS OF THE HOUSING ADVISORY BOARD TO BE LISTED WITH OTHER CITY BOARD AND COMMISSION OPENINGS. COUNCIL MEMBER CARLISLE SECONDED THE MOTION.

This motion was discussed but not voted on.

Deputy Director of Housing Kurt Firnhaber gave a presentation and answered questions.

COUNCIL MEMBER WEAVER MOVED TO EXTEND THE MEETING. COUNCIL MEMBER BROCKETT SECONDED THE MOTION. THE MOTION PASSED 8:1 AT 11 P.M. WITH COUNCIL MEMBER YATES VOTING NAY.

COUNCIL MEMBER MORZEL MOVED TO DIRECT STAFF TO BRING THE HOUSING ADVISORY BOARD AS A TOPIC TO THE JANUARY 23, 2018 STUDY SESSION WITH POSSIBLE STAFF RECOMMENDATIONS AND ORDINANCE OPTIONS. COUNCIL MEMBER CARLISLE SECONDED THE MOTION. THE MOTION PASSED 8:1 AT 11:11 P.M. WITH COUNCIL MEMBER GRANO VOTING NAY.

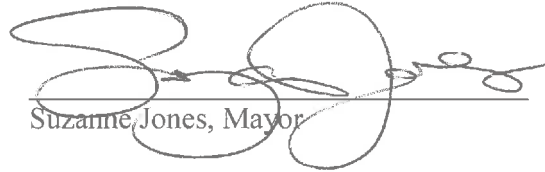
9. **Comment on Motions Made Under Matters**
10. **Decisions on Motions**
11. **Debrief**

12. **Adjournment**

THERE BEING NO FURTHER BUSINESS TO COME BEFORE COUNCIL AT THIS TIME, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED ON DECEMBER 5, 2017 AT 11:14 P.M.

Approved this 20<sup>th</sup> day of February, 2018.

APPROVED BY:



Suzanne Jones, Mayor

ATTEST:



Lynnette Beck, City Clerk