

**CITY OF BOULDER  
CITY COUNCIL PROCEEDINGS  
September 15, 2015**

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

Mayor Appelbaum called the regular September 15, 2015 City Council meeting to order at 6:03 PM in Council Chambers.

Those present were: Mayor Appelbaum, Council Members Cowles, Jones, Karakehian, Morzel, Plass, Shoemaker, Weaver, and Young.

**A. U.S. Tennis Association Award Grant for Flood Restoration**—accepted by Council Member Young.

**B. Recognition of the COB Status as a Playful City** – recognition accepted by Council Member Weaver.

**2. OPEN COMMENT and COUNCIL/STAFF RESPONSE (limited to 45 min.)**

1. Paul Heller – Bike commuter opposed to Folsom project. Spoke to the bike accessibility in Boulder. Noted that the vast system has been much underutilized.
2. Sue Anderson – Presented statistics regarding youth accessing Marijuana in Colorado.
3. Otto Hansen – Addressed Short Term Rentals. Noted the provision that only allowed property owners to provide Short Term Rentals would force him to leave Boulder. He is a renter who rented out a portion of that space.
4. Gary Brenner – Spoke to Short Term Rentals and to a unit in his neighborhood used as a hotel. He stated concerns about following trends.
5. Carol Knight – Spoke of the unit mentioned by the previous speaker and the additional impacts of its use: trash, traffic, bears and parking.
6. Deborah Van Den Honert – Full time Chautauqua resident. Spoke to fair share contributions. The committee suggested increasing the rent by \$200 per month to support Capital Improvements.
7. Bob Yates - Addressed the Chautauqua Board and suggested leaving the make-up of the board as it was currently structured.
8. Darren O'Connor – Indicated that the City targets homeless people for smoking in non smoking zones and showed a video.
9. Rob Smoke – Spoke to the struggles that the homeless have faced on the streets of Boulder.
10. Alexis Neely – Spoke to Short Term Rentals. She could not afford the increased rent as a single mom unless able to rent her home out when traveling.
11. Lynn Segal – Stated Short Term Rentals should have a much broader process. Since property taxes have dramatically increased, people need to supplement their incomes.

There being no further speakers, Open Comment was closed.

**Staff and Council Response:**

**Council Member Young** asked the City Attorney to provide clarity around the Boise ordinance on Homeless camping.

City Attorney Carr responded that an Idaho district court ruled that the Boise ordinance was cruel and unusual punishment for not allowing homeless to camp. He stated that the City of Boulder's ordinance had a provision that if it is one's only alternative to camp, in that instance, it is in fact legal.

3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time. ( Roll Call vote required ) 6:53 PM
  - A. **CONSIDERATION OF A MOTION TO APPROVE THE MINUTES FOR THE AUGUST 6, 2015 CITY COUNCIL SPECIAL MEETING**
  - B. **CONSIDERATION OF A MOTION TO ACCEPT THE JULY 30, 2015 CLIMATE COMMITMENT STUDY SESSION SUMMARY**
  - C. **CONSIDERATION OF A MOTION TO ACCEPT THE AUGUST 11, 2015 CAPITAL IMPROVEMENT PROGRAM (CIP) STUDY SESSION SUMMARY**
  - D. **TWO MATTERS RELATED TO A PROPERTY LOCATED AT 747 12TH STREET:**
    1. **THIRD READING AND CONSIDERATION OF A MOTION AMENDING AND ADOPTING ORDINANCE NO. 8029 DESIGNATING THE BUILDING AND PROPERTY AT 747 12TH ST., TO BE KNOWN AS THE COWGILL PROPERTY, AS AN INDIVIDUAL LANDMARK UNDER THE CITY'S HISTORIC PRESERVATION ORDINANCE OWNER: 747 TWELFTH STREET, LLC APPLICANT: LANDMARKS BOARD**
    2. **SECOND READING, AND CONSIDERATION A MOTION PUBLICATION BY TITLE ONLY ORDINANCE NO. 8075 GRANTING AUTHORITY TO THE APPROVING AUTHORITIES UNDER TITLE 9, "LAND USE CODE," B.R.C. 1981, TO APPROVE THE SUBDIVISION OF ONE BUILDING SITE INTO TWO BUILDING SITES FOR A PROPERTY GENERALLY DESCRIBED AS 747 12TH STREET AND AS AN AMENDMENT TO TITLE 9, "LAND USE CODE," TO WAIVE OR MODIFY CERTAIN LAND USE REGULATIONS INCLUDING STANDARDS RELATED TO THE MINIMUM LOT SIZE, SETBACKS, AND BUILDING SEPARATION IN ORDER TO MEET CITY HISTORIC PRESERVATION OBJECTIVES, AND SETTING FORTH RELATED DETAILS**
  - E. **CONSIDERATION OF A MOTION TO ADOPT RESOLUTION NO. 1171 CONCERNING ENDORSEMENT OF PROJECTS OF THE MENTAL HEALTH CENTER OF BOULDER COUNTY, INC. D/B/A MENTAL HEALTH PARTNERS THAT INCLUDES THE REMODELING OF 1000 ALPINE AVE. (BOULDER) AND THE PURCHASE OF LAND AND OFFICE BUILDING LOCATED AT 1455 DIXON AVE. (LAFAYETTE) AND A RECOMMENDATION THAT THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OR OTHER APPROPRIATE ISSUING AUTHORITY ISSUE TAX-EXEMPT REVENUE BONDS FOR MENTAL HEALTH PARTNERS AND SETTING FORTH RELATED DETAILS**

**F. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8070 APPROVING SUPPLEMENTAL APPROPRIATIONS FOR OPEN SPACE AND INFORMATION TECHNOLOGY TO THE 2015 BUDGET**

Council Member Weaver moved, seconded by Council Member Morzel to approve Consent Agenda Items 3A through 3F. The motion carried 8:0, Council Member Jones absent, with the vote taking place at 6:54 PM.

**4. POTENTIAL CALL-UP CHECK IN**

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8-A.

**A. 2440 & 2490 Junction Place Site Review & Use Review Planning board voted 4-2 to approve the Site Review application**

No interest was expressed in calling-up this item

**B. 5530 Spine Rd./Alexan Gunbarrel Apts. Use Review**

No interest was expressed in calling-up this item

**ORDER OF BUSINESS**

**5. PUBLIC HEARINGS**

Note: Any items removed from the Consent Agenda will be considered after any City scheduled Public Hearings.

There was one public hearing on Items 5A-5C. 6:55 PM

**A. CONSIDERATION OF AN EMERGENCY ORDINANCE NO. 8082 CONCERNING THE PROPOSED ISSUANCE OF THE BOULDER MUNICIPAL PROPERTY AUTHORITY TAXABLE CERTIFICATES OF PARTICIPATION, SERIES 2015 (THE "2015 CERTIFICATES") IN AN AMOUNT NOT TO EXCEED \$41,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE THE BOULDER COMMUNITY HOSPITAL BROADWAY CAMPUS; AUTHORIZING THE CONVEYANCE OF THE LEASED PROPERTY TO THE BOULDER MUNICIPAL PROPERTY AUTHORITY ("BMPA") AND THE LEASE BACK OF SUCH LEASED PROPERTY BY THE CITY; AUTHORIZING A COMPETITIVE SALE OF THE 2015 CERTIFICATES SUBJECT TO CERTAIN PARAMETERS AND APPROVING THE DISTRIBUTION AND USE OF THE PRELIMINARY OFFICIAL STATEMENT AND NOTICE OF SALE IN CONNECTION WITH THE SALE OF THE 2015 CERTIFICATES; DELEGATING APPROVAL OF THE FINAL TERMS OF THE 2015 CERTIFICATES TO THE MAYOR, THE CITY MANAGER OR THE CHIEF FINANCIAL OFFICER; APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE 2015 CERTIFICATES; AND DECLARING AN EMERGENCY ORDINANCE AND PROVIDING THE EFFECTIVE DATE HEREOF**

The presentations on Items 5A – 5C were provided by Chief Finance Officer Bob Eichem and Senior Assistant Attorney Kathy Haddock.

Mayor Appelbaum moved, seconded by Council Member Weaver, to publish by title only and adopt by emergency measure Ordinance No. 8082 that authorizes the issuance of The Boulder Municipal Property Authority Taxable Certificates of Participation, Series 2015 (the "2015 Certificates") in an amount not to exceed \$41,000,000 for the purpose of providing funds to acquire the Boulder Community Hospital Broadway Campus; and to approve the other financing documents submitted with the Ordinance. The motion carried 8:0, Council Member Jones absent, with the vote taking place at 7:25 PM.

**B. CONSIDERATION OF A MOTION TO ADJOURN FROM THE BOULDER CITY COUNCIL AND CONVENE AS THE BOULDER MUNICIPAL PROPERTY AUTHORITY BOARD OF DIRECTORS (BMPA); AND**

**CONSIDERATION OF A MOTION TO ADOPT BMPA RESOLUTION NO. 139 APPROVING THE AMENDED AND RESTATED BYLAWS OF THE BOULDER MUNICIPAL PROPERTY AUTHORITY.**

The Boulder City Council adjourned by acclamation and convened as the Boulder Municipal Property Authority Board of Directors.

Board Member Appelbaum moved, seconded by Board Member Cowles, to adopt BMPA Resolution No. 139 approving the amended and restated bylaws of the Boulder Municipal Property Authority. The motion carried 8:0 Council Member Jones absent, with the vote taking place at 7:26 PM.

**C. CONSIDERATION OF RESOLUTION NO. 140 AUTHORIZING THE ISSUANCE OF CERTIFICATES OF PARTICIPATION; THE METHOD OF SALE OF SUCH CERTIFICATES; THE EXECUTION AND DELIVERY OF CONVEYANCE DOCUMENTS, LEASE AND INDENTURE, THE USE OF A NOTICE OF SALE AND PRELIMINARY AND FINAL OFFICIAL STATEMENTS; THE EXECUTION OF RELATED DOCUMENTS AND SETTING FORTH RELATED DETAILS; AND**

**CONSIDERATION OF A MOTION TO ADJOURN FROM THE BOULDER MUNICIPAL PROPERTY AUTHORITY BOARD OF DIRECTORS (BMPA) AND RECONVENE AS BOULDER CITY COUNCIL; AND**

Board Member Appelbaum moved, seconded by Board Member Plass, to adopt BMPA Resolution No. 140 authorizing the issuance of certificates of participation; the method of sale of such certificates; the execution and delivery of conveyance documents, lease and indenture, the use of a notice of sale and preliminary and final official statements; the execution of related documents and setting forth related details. The motion carried 8:0 Council Member Jones absent, with the vote taking place at 7:26 PM.

By acclamation the BMPA Board of Directors adjourned from the Boulder Municipal Property Authority Board of Directors (BMPA) and reconvened as Boulder City Council.

The Council Agenda Committee reversed the order of items 5D and 5E at its meeting on September 14.

- D. Second reading** and consideration of a motion to order published by title only, **Ordinance No. 8072 to improve occupancy enforcement by amending Title 9 “Land Use Code” by amending Section 9-15-9,** “Multiple Dwelling Units And Occupancy - Specific Defenses,” eliminating a defense to over-occupancy based upon “active and diligent” management practices, amending Title 10 “Structures” amending Section 10-3-2, “Rental License Required Before Occupancy and License Exemptions” adding a prohibition of offering or advertising rental of a property without a valid rental license, adding a new Section 10-3-20 “Occupancy” requiring that the maximum legal occupancy be posted on all rental properties, requiring all rental licenses to include a notation of maximum occupancy and requiring all rental advertisements to include the maximum legal occupancy; amending Section 10-3-16 “Administrative Remedy” by increasing the fines for first and second violations and setting forth related details – 8:34 PM

The presentation for this item was provided by City Attorney Tom Carr.

The public hearing was opened:

1. Mancelo Manzen — Opposed to the proposed ordinance.
2. Jordan Mann — Opposed to increased occupancy limit enforcement.
3. Jane Hummer — Opposed to the proposed ordinance. Suggested working on noise issues instead.
4. Megan Gross — Opposed to the proposed ordinance.
5. Gregor Robinson — Urged change to the occupancy ordinance and not increased enforcement.
6. Charlie Johnson — Co-op resident. Stated concern that the proposed ordinance would impact both students and other contributing residents.
7. Ashley Hulik — Spoke in opposition to the proposed ordinance.
8. Rolf Kjolseth — 50+ year resident. Supported the proposed ordinance.
9. Ethan Wetty – Opposed based on the benefits of living with extended family.
10. Sam Schramski — Opposed. Expressed that it was an unjust ordinance targeting the low-income population.
11. Ginger Kern — Opposed to an occupancy ordinance as it would limit a lifestyle that is responsible and equitable.
12. Katherine Millersdaughter—Lives in a home with 26 people—20 unrelated. Stated Co-ops were the fabric for which Boulder stood.
13. Lincoln Miller—25+ year Boulder renter. Expressed that a new ordinance was a step in the wrong direction. It did not solve the issues facing Boulder residents.
14. Sara Way—Against occupancy limits. Owned a large house, but sold it because she could not build the type of community home she desired.
15. Alexis Neely—Asked what the goal was with a new ordinance. Stated that in changing times more flexibility is needed.

16. Peter Van Winkle – Stated that the people who have testified were not being allowed to be open and creative in their lifestyle. That destroys Boulder’s culture.
17. Josh Rosenfield – Spoke in opposition to a new ordinance. Noted he could afford any home, but desired to live together in a community.
18. Sam Calahan – Student living in an illegal coop. Opposed to the proposed ordinance. Noted that if the proposed ordinance would not solve this issues of trash, parking and noise.
  
19. Adam Stgenftenagel – Lived in a legal coop for five years while working for non-profits. Saw no reason for others not to live together in coops.
20. Bansi Buckley – opposed to occupancy limits in Boulder and the proposal to increase enforcement.
21. Ben Lipman – There was a culture represented at the hearing that needed to be valued. Stated folks in the audience were the heart and soul of Boulder.
22. Joshua Gribschaw-Beck – Spoke of the many people who could potentially be forced out of Boulder with an occupancy ordinance. Urged creative solutions to the real issues of trash, noise and traffic.
23. Alana Wilson – Expressed that the proposed ordinance was the wrong approach. Agreed with others that solutions to issues needed to be addressed differently.
24. Zane Selvins – Many people that would be impacted under the proposed ordinance are not the stereotypical CU students. Shared living promoted the ability for those dedicated to service to work in non-profit situations.
25. Alexander Hatoum - Spoke to the intelligence in Boulder and the challenges that researchers and academics have faced as those jobs pay so little. Stated the importance not to disenfranchise that component of the community.
26. Robert Jeffrey – Opposed the approach the City took to solving problems. Stated that Council did not support what people truly wanted.
27. Alyssa Proulx – 19 year resident. Stated that she could not afford to live in Boulder.
28. Matisse Rosen – Resident in one of the three legal coops in Boulder. Spoke to the fabric of those who lived in coops as dedicated public servants providing important services to the community.
29. Adli Ahram – Opposed to the proposed ordinance
30. Brookie Gallagher – Opposed. Stated the proposed ordinance was discriminatory and failed to address the real issues.
31. Andrea Egan – Spoke to the successful bike and bus infrastructure in Boulder. Opposed the proposed ordinance.
32. Jasmine – Boulder resident in opposition to occupancy limits. Stated it did not demonstrate the progressive nature that Boulder tries to portray.
33. Kevin McWilliams – Also spoke in opposition to increased occupancy ordinance. Noted that young professionals simply cannot afford to live in Boulder and urged Council to reconsider the occupancy requirements.
34. Austin Glaser – Lives in Louisville and drives into Boulder each day. The only time he could afford to live in Boulder was with four unrelated persons in a home.
35. Michael Skispun - Agreed with previous speakers that had pointed out all the problems with the occupancy ordinance. Increase enforcement did not help the diversity of residents.

36. David Finberg - Opposed to an ordinance. Noted it took months to find affordable housing in Boulder.
37. Val Soraci - Reminded Council that the Boulder Housing Working Group had a list of tools to address affordable housing and one was creating coop housing.
38. Thomas Wells - A member of the Boulder Housing Working Group. Hoped that Council recognized the unique character of the speakers that came to the hearing.
39. Keith Percy - Expressed that living in a coop would be a huge benefit to him and hoped that one day he could legally participate. Opposed occupancy limits.
  
40. Damian Lenthold - a Boulder native. Spoke to the benefits of shared living. Opposed to the ordinance.
41. Nicole Shegda - Opposed the occupancy limit and occupancy enforcement ordinances. Spoke to the challenges that young adults faced living in Boulder.
42. Brant Rumberger - Was interested in hearing arguments for the proposed ordinance as those in support were in the minority at the public hearing.
43. Clyda Stafford - Supported the proposed ordinance. As a 48 year resident, he noted all the violations that come with over occupancy.
44. Braedon Miguel - Spoke to loving one's neighbor and the service jobs provided by those who live in coop housing.
45. Ian Leahy - Urged Council to eliminate occupancy limits.
46. Stephani Heacox - Shared her affinity for intended communities and the ability to provide housing for seniors.
47. Fiona Dunne - Opposed to occupancy and enforcement ordinances. Spoke to the benefits of shared housing.
48. Dana Shier - 10 year Boulder resident who explained what has happened when inspectors come. People who are forced out of their home are bumped to another that may not be in occupancy compliance. Stated that the City shouldn't be able to define who her family is.
49. Emily Sigman - A service worker who could not work in Boulder unless part of a shared home.
50. Edward Jabari - Stated that about half of the people he knows in Boulder are in the same situation as those who have testified before the Council. They are the brightest and best and should not be disenfranchised.
51. Erica Blair - She spoke to the definition of family. Mentioned the benefits of shared living.
52. Nate Perkins - Agreed with other speakers. Expressed that the proposed ordinance was a step in the wrong direction.
53. Kia Bridges - Urged Council to recognize the error of increased enforcement when eliminating the limits was clearly what should be done.
54. Sarah Dawn Haynes - Spoke to the many benefits of co-op housing.
55. Josh Maynard - Spoke on unaffordable housing in Boulder. Noted that the cost continued to rise.
56. Faith Beveridge - Boulder Native. Noted she could not afford to live in Boulder.
57. Jeremy Bold - Stated that logic behind the proposed ordinance was to cut down on party blocks, but parties have nothing to do with occupancy.
58. Sarah Ruch - Came to Boulder because it is touted as "Green." Noted the proposed ordinance did not reflect that value.

59. Mary Meetze - Opposed the proposed ordinance.
60. Shane Mehitzer – Expressed that the arguments used against those living in over occupancy are very bad.
61. Stephen Klein – Erie resident. Supported the lifestyle represented by those at the hearing.
62. Richard William Machado – Opposed to occupancy limitation and increased enforcement.
63. Caleb Phillips – Agreed with other speakers and urged Council to find creative way to support address occupancy.
  
64. Becky Higbee – Stressed the success of co-op living in Boulder.
65. Brian Field – 30 year landlord. Expressed that the issue was not the number of people in a residence, but rather the behavior of people.
66. Toby Fernsley – Spoke to the results of occupancy enforcement. Suggested that the way to resolve it was to vote in November to replace five of the seats on Council.
67. Daniel Ong – Expressed that occupancy limits in Boulder was discrimination.
68. Eric Budd – Occupancy enforcement was intended to address problems in neighborhoods, but was not a real solution.
69. Deandra Eubanks – Greeley resident. Voiced support for those who will be future leaders – read a poem she wrote.
70. Orren Franklin – An artist and teacher who may be unable to stay in Boulder. Stated the working and middle class will be further eliminated in the community.
71. Fiona Bartell – Resident in a legal coop. Spoke to the value of this life style and the movement to live responsibly
72. Paul Johnston – Has lived alone for a long time and would like to live with friends.
73. Cha Cha Spinrad – Urged Council to listen to the people present – sang to Council.
74. Rachel Rahrenholtz – Noted people she knew have moved farther away from town. Stated that she favored them being able to live in Boulder.
75. Julie Goldberg – Supported there being more legal co-ops in Boulder.
76. Sue Ann Vallmar – Landlord. Supported affordable housing in the City.
77. Michael Benks -- – Opposed occupancy limits.
78. Shawn Geller – Opposed the proposed ordinance.
79. Alex Hyde-Wright – Suggested approaches to solving issues attached to occupancy.
80. Phillip Horner – Social worker. Opposed to the proposed ordinances. Coop housing provided an economic solution to living in Boulder.
81. Katherine Troy – Spoke to the challenges she faced while going to school and the incredible support network that helped her. It is a new time and people rely on extended family.
82. Savannah Kruger – spoke to the magic that exists in Coop housing and the sense of community that is fostered in a unique lifestyle.
83. Stephen Haydel – spoke to the impacts of over occupied homes in Goss Grove.

There being no further speakers the public hearing was closed.



Council decided to continue the item to another meeting for discussion and action.

Mayor Appelbaum moved, seconded by Council Member Weaver to continue the item until a date to be determined by the Council Agenda Committee. The motion carried: 9:0 at 11:40 PM.

**E. CONTINUED SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT AND ORDER PUBLISHED BY TITLE ONLY, ORDINANCE NO. 8050 AMENDING TITLE 10 “STRUCTURES” FOR THE PURPOSE OF ALLOWING AND REGULATING SHORT-TERM RENTALS BY AMENDING SECTION 10-1-1 “DEFINITIONS” BY AMENDING THE DEFINITION OF “OPERATOR,” AMENDING THE DEFINITION OF “RENTAL PROPERTY,” ADDING A NEW DEFINITION OF “SHORT-TERM RENTAL,” ADDING A NEW SECTION 10-3-19 “SHORT-TERM RENTALS” AND SETTING FORTH RELATED DETAILS 7:27 PM**

Note: The public hearing on this item was held and closed on August 27, 2015.

Presentation for this item was provided by City Attorney Tom Carr.

Council asked staff questions regarding non-owner occupied rentals being permitted, the limit on accessory units, smart regulations, and effective dates.

Staff responded that non-owner occupied rentals are not to be permitted. The limit on accessory unit days is 120. Smart regulations are in place for detached dwellings and the effective date for an implemented ordinance is January 4, 2016.

Council Member Jones moved, seconded by Council Member Plass, to approve on second reading Ordinance No. 8050 as presented in Attachment B and including the amendments on the blue and gold handouts. (also adding a new section...listen to motion language from Tom). The motion carried 8:1, Council Member Karakchian opposed, vote taken at 8:31 PM.

**6. MATTERS FROM THE CITY MANAGER - none**

**7. MATTERS FROM THE CITY ATTORNEY - none**

**8. MATTERS FROM MEMBERS OF COUNCIL**

**A. POTENTIAL CALL-UPS-**

**1. 2440 & 2490 JUNCTION PL. SITE REVIEW AND USE REVIEW PLANNING BOARD VOTED 4-2 TO APPROVE THE SITE REVIEW APPLICATION**

No action was taken on this item.

**2. 5530 SPINE RD./ALEXAN GUNBARREL APTS. USE REVIEW**

No action was taken on this item.

**9. PUBLIC COMMENT ON MATTERS -15 min**

None. Public comment on any motions made under Matters.

**10. FINAL DECISIONS ON MATTERS** None. Action on motions made under Matters.

**11. DEBRIEF** –Due to the hour, Council determined that a debrief was not necessary.

**12. ADJOURNMENT**


There being no further business to come before Council at this time, BY MOTION  
REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on September 15, 2015 at  
11:45 PM.

Approved this 20<sup>th</sup> day of October, 2015.

APPROVED BY:

  
Matthew Appelbaum

Mayor  
ATTEST:

  
Alisa D. Lewis  
City Clerk