

CITY OF BOULDER
CITY COUNCIL MEETING
Municipal Building, 1777 Broadway
Boulder, Colorado 80302
Tuesday, December 4, 2018

MINUTES

1. CALL TO ORDER AND ROLL CALL

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

Council Members Brockett, Carlisle, Morzel, Nagle, Weaver, Yates and Young were present. Council Member Grano arrived at 6:24 p.m.

Council Member Morzel moved to amend the agenda by removing Item 6A-Broadband Backbone Discussion. Council Member Carlisle seconded the motion. The motion passed 8:0 at 6:05 p.m. with Council Member Grano absent.

- A. Declaration in Honor of University of Colorado Boulder Student Serene Singh, the First CU Boulder Woman to Receive a Rhodes Scholarship

Mayor Jones presented the declaration to Ms. Singh. Provost Russ Moore and Dean of the College of Media Lori Bergen also spoke in her honor.

- B. Consideration of a motion to approve the election returns from the 2018 Coordinated Municipal Election held on November 6, 2018

This item was heard first at 6:06 p.m.

City Clerk Lynnette Beck served as the Secretary of the General Canvassing and Election Board.

COUNCIL MEMBER BROCKETT MOVED TO ADJOURN AS THE BOULDER CITY COUNCIL AND RECONVENE AS THE GENERAL CANVASSING AND ELECTION BOARD FOR THE CITY OF BOULDER COORDINATED MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018. COUNCIL MEMBER CARLISLE SECONDED THE MOTION. THE MOTION PASSED 8:0 AT 6:06 P.M. WITH COUNCIL MEMBER GRANO ABSENT.

Roll for the Board was called and the following responded: Council Members Carlisle, Jones, Morzel, Nagle, Weaver, Yates and Young. Council Member Grano was absent.

The Board was sworn in by Board Secretary Beck.

By acclamation, Mayor Jones served as the Chair of the Board. Mayor Jones turned the meeting over to Board Secretary Beck for the following information to be presented.

1. Official Statement of Votes
2. Summary of Votes
3. Boulder County Audit, Reconciliation Report and Certification
4. Statement of Election Results and Certification for the Colorado Department of Local Affairs (DOLA)

A presentation was shown to display the ballot measures and the outcome of the election. [Note: All ballot measures passed for the City of Boulder 2018 Election.]

Board Secretary Beck noted that the official results, as well as historical information, are available on the Boulder County Elections website:

<https://election.boco.solutions/ElectionResults2018G/>

A public hearing was opened at 6:08 p.m. and with no speakers, the public hearing was closed at 6:08 p.m.

BOARD CHAIR JONES MOVED TO APPROVE THE ELECTION RETURNS FROM THE 2018 COORDINATED MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018 AND TO ADJOURN FROM THE GENERAL CANVASSING AND ELECTION BOARD AND RECONVENE AS THE BOULDER CITY COUNCIL. COUNCIL MEMBER NAGLE SECONDED THE MOTION. THE MOTION PASSED 8:0 AT 6:09 P.M. WITH COUNCIL MEMBER GRANO ABSENT.

2. OPEN COMMENT

(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 began at 6:10 p.m.

1. Leslie Glustron spoke regarding the rate increases for Xcel.
2. Paul Alter spoke regarding “Voices for Children” and court-appointed advocates.
3. Kathleen Christensen spoke regarding the rising fees of HOAs on permanently affordable properties.
4. Lynn Segal spoke regarding Opportunity Zones.
5. Elise Reinhard spoke regarding large lots and large homes issue.

6. Darren O'Connor spoke regarding the homeless sheltering issues.
7. Harvey Hine signed up but did not speak.
8. Amy Gahran spoke regarding the rising fees of HOAs on affordable properties.
9. Kimberly Murphy spoke regarding her personal experience with the ADU process and new restrictions with current regulations.
10. Meagan Arango spoke regarding the homeless and need for change at Boulder Shelter for the Homeless.
11. Asa Hardman spoke regarding his personal experience with the ADU process and new restriction with current regulations.
12. Bob Hunnes spoke regarding the towing ordinance and signage charges.
13. Jamie Morgan spoke regarding changes needed with Boulder Shelter for the Homeless.
14. Meghan Pfansteil spoke regarding Boulder Area Rental Association's concern about the towing ordinance and signage requirements.
15. Robert Haumann spoke regarding large lots and large homes issue.
16. Ellie Sciarra spoke regarding development and large lots and large homes.
17. Cindy Angell spoke regarding Boulder's Area Rental Association's concern about the towing ordinance and signage requirements.
18. Karey Christ-Janer spoke regarding stakeholders and the future of Xcel programs.
19. Jan Morzel spoke regarding the large lots and large homes issue and potential moratorium.
20. Corwin Sampson spoke regarding potential housing options.

Open Comment closed at 7:08 p.m.

Council asked for staff to provide an update on the Boulder Shelter for the Homeless and current severe weather sheltering situation.

3. **CONSENT AGENDA**

- A. Consideration of a motion to accept a correction to the July 10, 2018 the Marijuana Advisory Panel (MAP) Study Session Summary

- B. Consideration of a motion to accept the October 23, 2018 Study Session Summary regarding Revenue Needs and Potential Funding Sources for Climate Commitment Work
- C. Consideration of a motion to accept the October 23, 2018 Study Session Summary regarding council discussion of guidance for the Housing Advisory Board
- D. Consideration of a motion to accept the November 13, 2018 Study Session Summary regarding updates on the hospital deconstruction and Alpine-Balsam Area Plan
- E. Consideration of a motion to accept the November 13, 2018 Study Session Summary regarding 6400 Arapahoe Site Programming
- F. Consideration of a motion to accept the November 27, 2018 Study Session Summary on the Boulder Public Library Master Plan Follow Up, Regarding Financing Options for Long Term Sustainable Library Funding
- G. Consideration of a motion to approve the City of Boulder's 2019 State and Federal Legislative Agenda
- H. 1. Consideration of a motion to approve disposal of certain interests in City park land to allow realignment of an existing ditch to accommodate greater sustainability of a park amenity (Scott Carpenter Park pool), pursuant to City Charter Sec. 162, through two grants of permanent easement, and 2. Consideration of a motion to authorize the city manager to execute documents conveying two easements across Scott Carpenter Park allowing proposed grantees to operate an irrigation ditch, including a) the conveyance of a permanent easement of approximately 592 feet to the Smith and Goss Ditch and McCarty Ditch water users; and b) the conveyance of a permanent easement of approximately 110 feet to University of Colorado, in substantially the same forms as presented in and generally depicted on Attachment A
- I. Consideration of a motion to authorize the city manager to disburse \$4.6M for 2019 Sugar Sweetened Beverage Product Distribution Tax Funding Allocations
- J. Consideration of a motion to authorize the city manager to disburse \$2.1M for 2019 Human Services Fund Allocations
- K. Sixth reading and consideration of a motion to adopt Ordinance 8256 amending standards for accessory dwelling units and owner accessory units including Section 4-20-43, "Development Application Fees," Title 9, "Land Use Code," and Section 10-3-19, "Short-term Rentals," B.R.C. 1981, and setting forth related details

- L. Second reading and consideration of a motion to adopt Ordinance 8299 approving annual carryover and supplemental appropriations to the 2018 Budget; and Consideration of a motion to adjourn as the Boulder City Council and convene as the Boulder Municipal Property Authority (BMPA) Board of Directors
- M. Consideration of a motion to adopt Resolution 151 amending the 2018 Budget for the Boulder Municipal Property Authority; and Consideration of a motion to adjourn from the Boulder Municipal Property Authority Board of Directors and reconvene as the Boulder City Council
- N. Continued second reading and consideration of a motion to adopt or amend and pass, Ordinance 8295 amending Chapter 7-7, "Towing and Impoundment," B.R.C. 1981, to adopt additional regulations on nonconsensual towing and setting forth related details
- O. Introduction, first reading and consideration of a motion to adopt Emergency Ordinance 8303 adopting Supplement 137, which codifies previously adopted Ordinances 8249, 8279, 8280, 8283, 8284, 8290, and 8292, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981
- P. Introduction, first reading and consideration of a motion to order published by title only Ordinance 8305 to rezone approximately 33,067 square feet of land located at 1204 Upland Avenue and a portion of adjoining right-of-way from Residential - Rural 1 (RR-1) to Residential - Low 2 (RL-2) (LUR2018-00011)
- Q. Introduction, first reading, consideration of a motion to publish by title only, and adopt as an emergency measure Ordinance No. 8306 approving a loan evidenced by the City of Boulder, Colorado, Community Culture and Safety Sales and Use Tax Revenue Notes (Capital Improvement Projects), Series 2019, in the aggregate principal amount of \$4,556,250 – Series A (tax-exempt) and \$3,543,750 – Series B (taxable) for the purpose of providing funds (A) to acquire land to be used for the relocation of Fire Station 3, (B) to finance any other City capital improvement program projects identified in 2017 Ballot Issue 2N, and (C) to pay costs of issuance of the 2019 Notes; approving the form of said Series 2019 Notes; providing for the sale of said Series 2019 Notes; providing for the payment and redemption of said Series 2019 Notes from and out of the City's Community, Culture and Safety Tax (CCS), which was extended an additional four years, by vote of the people, on November 7, 2017; providing other details and approving other documents in connection with said Series 2019 Notes; and declaring an emergency and providing the effective date hereof

COUNCIL MEMBER BROCKETT MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A-3Q WITH THE AMENDMENTS TO 3N INCLUDING

SIGNAGE REQUIREMENTS ON THE “BLUE SHEET” HANDED OUT ON THE DAIS, PHONE AND NAMES OF TOWING COMPANIES, TOWING SYMBOL ON SIGNAGE, EXEMPTIONS FOR COMMERCIAL PROPERTIES UNTIL NEW CONSTRUCTION, NEW OWNERSHIP OR EXTERIOR REMODEL OCCURS, EXEMPTION FOR RESIDENTIAL PROPERTIES THAT DO NOT TOW MORE THAN 5 TOWS PER YEAR UNTIL NEW CONSTRUCTION, NEW OWNERSHIP OR EXTERIOR REMODEL, AND ALL PERSONAL PROPERTY TO BE RETURNED TO THE OWNER OF THE CAR TOWED WITH THE EFFECTIVE DATE OF APRIL 1, 2019. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 7:47 P.M.

4. CALL-UP CHECK-IN

- A. Call-Up: 2920 Baseline - Use Review
- B. Call-Up: 2990 Diagonal Highway - Site and Use Review
- C. Call-Up: 5100 Reservoir Road - Amendment to Site Review

Council Members added that they were concerned about the business properties that contained drive-thrus as they do not contribute to emission reduction efforts.

There was no interest in calling-up these properties.

5. PUBLIC HEARINGS

- A. Second reading and motion to adopt Ordinance 8302 authorizing the acquisition of property interests used or owned by Public Service Company of Colorado, d/b/a Xcel Energy, for the electric distribution facilities to serve the city, by negotiation and purchase or through the power of eminent domain, and setting forth related details

Director of Climate Initiatives Steve Catanach and Senior Council Kathy Haddock introduced this item at 7:53 p.m.

The public hearing was opened at 8:21 p.m. and the following spoke regarding the acquisition of property interests with Xcel:

- 1. Nathan Roura
- 2. Ajana Lowery
- 3. Patrick Murphy
- 4. Karey Christ-Janer
- 5. Evan Freirich

6. Brad Segal
7. Paul Culnan
8. Bob Morehouse
9. Duncan Gilchrist
10. Steve Whitaker
11. Lili Francklyn
12. Conor May
13. Lynn Segal

The public hearing was closed at 8:55 p.m.

COUNCIL MEMBER WEAVER MOVED TO ADOPT ORDINANCE 8302 AUTHORIZING THE ACQUISITION OF PROPERTY INTERESTS USED OR OWNED BY PUBLIC SERVICE COMPANY OF COLORADO, D/B/A XCEL ENERGY, FOR THE ELECTRIC DISTRIBUTION FACILITIES TO SERVE THE CITY, BY NEGOTIATION AND PURCHASE OR THROUGH THE POWER OF EMINENT DOMAIN, AND SETTING FORTH RELATED DETAILS. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 8:1 AT 9:08 P.M. WITH COUNCIL MEMBER YATES VOTING NAY.

6. MATTERS FROM THE CITY MANAGER

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

- A. Call-Up: Use Review (LUR2017-00049) to demolish an existing McDonald's restaurant with a drive-thru window and construct a new McDonald's restaurant with a drive-thru window at 2920 Baseline in the BC-2 (Business – Community 2) zoning district
- B. Call-up item: Use Review (LUR2017-00063) to demolish an existing gas station, carwash, convenience store with a Starbucks restaurant with a drive-thru window at 2990 Diagonal Hwy. in the BC-1 (Business – Community 1) zoning district
- C. Call-Up: Amendment to a previously approved Site Review application for the new Boulder Reservoir Visitor Services building at 5100 Reservoir Road, to amend previous conditions of approval related to electric vehicle (EV) charging stations and photo-voltaic readiness, and to amend the building square footage and bike parking layout and locations (LUR2018-00065)

- D. Discussion of the Large Homes and Lots in residential zoning districts code change project including but not limited to a proposed phased schedule/timeline, draft community engagement plan, updated scope and purpose statements, additional data, and proposed options moving forward. The council will also discuss whether a temporary Suspension of Permits or interim development regulations related to Large Homes and Lots should be undertaken to allow the project to be completed in phases

Senior Planner Karl Guiler and Planner II Andrew Collins introduced the item at 9:09 p.m.

Council was interested in the fast approach which was estimated to be complete in September 2019 instead of the more phased approach which would most likely be complete at the end of the 2019.

Assistant City Manager/Interim Director of Planning Chris Meschuk answered questions.

- E. Mayor pro tem election

Mayor Jones introduced the item at 10:18 p.m.

Council commended former Mayor Pro Tem Aaron Brockett for his year of service.

The public hearing was opened at 10:10 p.m. and with no speakers, the public hearing was close at 10:19 p.m.

COUNCIL MEMBER MORZEL MOVED TO NOMINATE COUNCIL MEMBER SAM WEAVER FOR MAYOR PRO TEM. BECAUSE THERE WERE NO FURTHER NOMINATIONS, BY ACCLAMATION, COUNCIL MEMBER WEAVER WAS DECLARED MAYOR PRO TEM FOR THE 2018-2019 TERM.

- F. Reminder from Council Retreat Committee

Council Member Yates introduced this item at 10:19 p.m. and recommended that council homework priorities focus on items that they want to be completed before the end of this current council.

9. DISCUSSION ITEMS

10. DEBRIEF

11. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE COUNCIL AT THIS TIME,
BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED ON
DECEMBER 4, 2018 AT 10:21 P.M.**

Approved this 15th day of January 2019.

APPROVED BY:

Suzanne Jones, Mayor

ATTEST:

Lynnette Beck, City Clerk