

**CITY OF BOULDER**  
**CITY COUNCIL MEETING**  
Municipal Building, 1777 Broadway  
Boulder, Colorado 80302  
Tuesday, January 15, 2019

**MINUTES**

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

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

Council Members Brockett, Morzel, Nagle, Weaver, Carlisle, Yates and Young were present.

**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 6:06 p.m.

1. Stephen Rowland signed up but did not speak.
2. Kennett Peterson spoke about the proposed new library site.
3. Kathie Joyner spoke about the South Boulder Creek Flood Mitigation project and Fraiser Meadows.
4. Lynn Segal spoke about Alpine-Balsam development and related costs.
5. Joshua Joyce signed up but did not speak.
6. Jamie Morgan spoke about severe weather sheltering.
7. Carolyn Bninski spoke about Martin Luther King Jr. Day and climate engineering.
8. Maria Krenz spoke about homelessness and severe weather sheltering.
9. David Dadone spoke about Boulder Museum of Contemporary Art.
10. Patrick Murphy spoke about municipalization.
11. Don Cote spoke about Fraiser Meadows and the South Boulder Creek Flood Mitigation Project.

12. Brittany Gutermuth spoke about severe weather sheltering.
13. Adelaide Perr spoke about the proposed site for the new library.
14. Meagan Arango spoke about severe weather sheltering.
15. Brady Itkin spoke about severe weather sheltering.
16. Beverly Lyne spoke about Rocky Flats.
17. Lisa White spoke about the Transportation Master Plan and sustainable transportation.
18. Kristin Lawrence spoke about the “Hopper” inside of the opportunity zone.
19. Tom Mayer spoke about severe weather sheltering.
20. Paula Shuler spoke about prairie dogs on irrigated agricultural lands.

Open Comment closed at 6:44 p.m.

### 3. **CONSENT AGENDA**

- A. Consideration of a motion to approve the December 4, 2018 Regular Meeting Minutes
- B. Consideration of a motion to approve the December 18, 2018 Regular Meeting Minutes
- C. Consideration of a motion to accept the December 11, 2018 Study Session Summary for the Discussion on Prairie Dog Working Group Phase 2 Recommendations
- D. Consideration of a motion to accept the December 11, 2018 Study Session Summary of the Campaign Finance and Elections Working Group
- E. Consideration of a motion authorizing the city manager to enter into a settlement agreement in the claim brought against the city by Clifton J. Carney, Jr.
- F. Fourth reading and consideration of a motion to adopt 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
- G. Items related to the annexation and initial zoning of the properties at 5469 South Boulder Road and 66 South Cherryvale Road (case no. LUR2017-00096):1. Consideration of a motion to adopt Resolution 1250 finding the

annexation petition in compliance with state statutes and establishing February 19, 2019, as the date of a public hearing on the proposed annexation and the second reading of the ordinance; 2. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8311 related to the annexation of 2.9 acres, including a 1.91-acre property at 5469 South Boulder Road with an initial zoning designation of Residential - Low 2 (RL 2), a 70-ft strip of city-owned open space land at 66 South Cherryvale Road with an initial zoning designation of Public (P), and adjacent South Boulder Road right-of-way

- H. Items related to the annexation of 1179 Cherryvale Road (case no. LUR2018-00021): 1. Consideration of a motion to adopt Resolution 1249 finding the annexation petition in compliance with state statutes and establishing February 19, 2019 as the date for a public hearing; and 2. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8309 to annex a 0.27 acre property currently located within Boulder County with an initial zoning of Residential - Rural 2 (RR-2). 3. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8310 to annex a 0.77 acre property currently located within Boulder County with an initial zoning of Residential - Rural 2 (RR-2)
- I. Introduction, first reading and consideration of a motion to order published by title only Ordinance 8307 amending Sections 6-14-8, “Requirements Related to Operation of Medical Marijuana Businesses,” and 6-16-8, “Requirements Related to Operation of Recreational Marijuana Businesses,” to reverse the addition of marijuana centers and marijuana infused product manufacturers from the renewable energy offset requirements and coordinating amendments to Sections 6-14-9 and 6-16-9, “Right of Entry-Records to be Maintained,” and setting forth related details
- J. Introduction and consideration of a motion to order published by title only and adopt by emergency Ordinance 8312 amending Ordinance 8308 that temporarily suspends accepting building permit, site review, and other development applications that will result in adding floor area or dwelling units to land within the census tract 122.03 opportunity zone, generally bounded on the west by 28th Street, on the south by Arapahoe Avenue, on the east by 55th Street/Airport Road and on the north by Highway 119/Independence Road until June 22, 2020; and setting forth related details

**City Attorney Tom Carr spoke about the amendment included on the dais on the “Buff” colored-paper. This amendment included allowances, such as museums, interior remodels, “public-safety” demolitions, alterations within specific square footage requirements, affordable housing clarification, and the addition of Recital “Q” in the ordinance, stating an appeal process before council.**

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

**COUNCIL MEMBER MORZEL MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A-3J WITH THE AMENDMENTS FOR 3J AS STATED BY THE CITY ATTORNEY AND THE “BUFF” COLORED SHEET. COUNCIL MEMBER YOUNG SECONDED THE MOTION AS AMENDED. THE MOTION PASSED 8:0 AT 7:13 P.M. WITH COUNCIL MEMBER YATES VOTING NAY ON 3J.**

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

**5. PUBLIC HEARINGS**

- A. Continuation of Concept Plan Review for feedback on an updated proposal for Shining Mountain Waldorf School to redevelop the campus with new lower/middle and high school buildings and entitle the remaining land for redevelopment as residences (999 Violet Ave, 1100 Violet Ave, 1101 Union Ave, 1179 Union Ave, 0 Locust Ave, 934 Locust Ave, 4395 Broadway). Reviewed under case no. LUR2018-00014

Development Review Manager Charles Ferro and Planner II Shannon Moeller introduced this item at 7:13 p.m.

Director of Housing and Human Services Kurt Firnhaber answered questions.

Applicants, Jane Zeender and Adrian Sopher presented the updated concept review. Principal at JVA, Inc. Charlie Hager answered questions.

The public hearing opened at 7:53 p.m. and the following spoke regarding Shining Mountain Waldorf School.

1. Karen George
2. Brian Buckley
3. Michael Strife

The public hearing closed at 7:53 p.m.

Council thanked the applicant. The applicant hopes to find a buyer that will purchase the land in an amount that properly funds the proposed development.

- B. Third reading and consideration of a motion to adopt Ordinance 8296 amending Title 9, “Land Use Code,” B.R.C. 1981, to preserve commercial retail uses in the Business Community-1 (BC-1) and Business Community-2 (BC-2) zoning districts by restricting residential and other ground floor

uses and setting forth related details *The public hearing was held on December 18, 2019 and no further testimony will be heard.*

Development Review Manager Charles Ferro and Senior Planner - Code Amendment Specialist Karl Guiler introduced this item at 8:14 p.m.

**COUNCIL MEMBER YOUNG MOVED TO ADOPT ORDINANCE 8296 AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO PRESERVE COMMERCIAL RETAIL USES IN THE BUSINESS COMMUNITY-1 (BC-1) AND BUSINESS COMMUNITY-2 (BC-2) ZONING DISTRICTS BY RESTRICTING RESIDENTIAL AND OTHER GROUND FLOOR USES AND SETTING FORTH RELATED DETAILS. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION CARRIED 8:0 AT 8:43 P.M.**

A supplement will be provided by staff to amend the ordinance subject to findings with the staff memorandum.

**POST MEETING NOTE: This ordinance was incorrectly adopted on January 15, 2019 due to amendments that proved to be significant. This item was amended and passed, and will be brought before Council on fourth reading at the February 5, 2019 meeting.**

**6. MATTERS FROM THE CITY MANAGER**

**A. Discussion and Direction for Subcommunity Planning Program**

Assistant City Manager/Interim Director of Planning Chris Meschuk and Senior Planner Kathleen King introduced the item at 8:45 p.m.

Council discussed subcommunity boundaries and the public engagement process.

**7. MATTERS FROM THE CITY ATTORNEY**

**8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL**

**A. Nod of Five for Severe Weather Sheltering Update and Options**

Mayor Jones and Council Member Brockett introduced this item at 9:26 p.m.

Director of Housing and Human Services Kurt Firnhaber and Planning & Program Development Manager Human Services Wendy Schwartz presented the item.

**COUNCIL MEMBER YATES MOVED TO EXTEND THE MEETING. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED AT 11:03 P.M.**

Council asked about coordinated entry, costs of keeping the shelter open during the winter, exit strategy, housing programs and possible outcomes.

Council did not give a nod of five to extend winter sheltering days.

**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  
JANUARY 15, 2019 AT 11:20 P.M.**

Approved this 19th day of February 2019.

APPROVED BY:

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Suzanne Jones, Mayor

ATTEST:

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Lynnette Beck, City Clerk