



CITY COUNCIL MEETING

Council Chambers

Thursday, June 15, 2023

MINUTES

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

Mayor Brockett called the meeting to order at 6:01 p.m.

Council Members present: Benjamin, Brockett, Folkerts, Friend,
Speer, Winer and Yates
Virtually present: Joseph, Wallach

Motion	Made By/Seconded	Vote
Motion to AMEND the agenda: To CHANGE title: • Item 3H - Consideration of a motion to authorize the city attorney to appoint Special Counsel to investigate and, if necessary, prosecute a complaint related to an alleged code of conduct violation filed pursuant to Subsection 2-7-8(e)(1-6), B.R.C. 1981 AND, discussion of options regarding the police oversight panel's vote to stop work so that council can consider	Friend / Yates	Carried 9:0

<p>passing a moratorium on the panel's acceptance of new cases</p> <p>To ADD:</p> <ul style="list-style-type: none"> • Item 3M - Consideration of a motion to accept the Council Employee Evaluation Committee’s recommendations for the appointment of Jeff H. Kahn as the Interim Municipal Court Judge and directing the City Manager to negotiate an employment contract <p>AND</p> <ul style="list-style-type: none"> • Item 3N - Consideration of a motion to call a Special Meeting of the City Council on June 22, 2023 <p>To REMOVE:</p> <ul style="list-style-type: none"> • Item 5B - Second reading and consideration of a motion to adopt Ordinance 8577 rezoning approximately 1.01 acres of land located at 5405 Spine Road and adjacent rights-of way from the Industrial - General (IG) to the Business - Community 2 (BC-2) zoning district as described in Chapter 9-5, “Modular Zone Systems,” B.R.C. 1981, and setting forth related details. (Case no. LUR2022-00057) – MOVED to the Special Meeting of June 22nd. 		
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A. **Immigrant Heritage Month Declaration** presented by Mayor Pro Tem Wallach

B. **Juneteenth Declaration** presented by Council Member Speer

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 **opened** at 6:23 p.m.

➤ **In-Person (Council Chambers):**

1. Hope Michelsen spoke on occupancy and zoning
2. Lisa Spalding spoke on occupancy and zoning
3. Patrick ORourke spoke on boulder bandshell
4. Richard Harris spoke on occupancy and zoning
5. Peter Barlerin spoke on occupancy and zoning
6. Laura Harbin spoke on demolition of historic structures
7. Alan Delamere spoke on affordable housing
8. Conor Hall spoke on raising minimum wage
9. Matthew Miranda spoke on affordable housing and raising minimum wage
10. Rishi Raj spoke on occupancy and zoning
11. Macon Cowles spoke on occupancy and zoning

➤ **Virtual (Council Chambers):**

1. Cosima Krueger-Cunningham spoke on occupancy and zoning
2. Dorothy Cohen spoke on occupancy and zoning
3. Eric Budd spoke on occupancy and zoning
4. ~~Rishi Raj~~ **moved to in-person**
5. ~~Macon Cowles~~ **moved to in-person**
6. Chelsea Castellano spoke on occupancy and zoning
7. Katherine Bush spoke on occupancy and zoning
8. Nick Grossman spoke on occupancy and zoning
9. Mark Stangl spoke on occupancy and zoning
10. Rosie Fivian spoke on occupancy and zoning
11. Margaret LeCompte spoke on occupancy and zoning

Open Comment **closed** at 7:10 p.m.

3. **Consent Agenda**

Mayor Brockett requested items 3G & 3H be removed from the Consent agenda for discussion prior to the vote. All Council Members agreed to remove those items.

- G. Consideration of a motion to **accept the recommendation of the Open Space Board of Trustees, the information presented at the Open Space Board of Trustees' special meeting** on May 31, 2023, and any relevant information provided by Caroline Miller at the June 15, 2023, City Council meeting, and **remove Caroline Miller as a member of the Open Space Board of Trustees for nonattendance to duty and cause**, declare the seat vacant, and appoint a replacement as soon as possible

Council Member Friend **RECUSED** herself from the discussion/vote related to 3G and left chambers.

Nuria Rivera Vandermyde, City Manager, provided background on the subject matter. Teresa Taylor Tate, City Attorney, provided council a brief explanation of the suggested process.

Open Space Board of Trustees Chair, David Kuntz read the resolution that was passed by the board for Caroline Miller's removal and made a statement explaining the boards position and vote.

Caroline Miller addressed Council in her defense.

The motion was made by Council Member Benjamin and seconded by Council Member Winer. **The motion was approved with a roll call vote of 8:0.**

Council Member Friend **RETURNED** to the meeting at 8:05 p.m.

- H. Consideration of a motion to **authorize the city attorney to appoint Special Counsel to investigate and, if necessary, prosecute a complaint related to an alleged code of conduct violation** filed pursuant to Subsection 2-7-8(e)(1-6), B.R.C. 1981 **AND, discussion of options regarding the police oversight panel's vote to stop work so**

that council can consider passing a moratorium on the panel's acceptance of new cases

Erin Poe, Deputy City attorney provided background, options for actions to be taken, and answers to question presented by Council.

Mayor Brockett motioned to have the City Attorney prepare a draft ordinance related to a partial moratorium to allow the panel to work on ordinance revisions. Motion approved 9:0.

Council CONTINUED this item to the July 13, 2023 Special Meeting pending CAC scheduling approval.

- A. Consideration of a motion to **accept the May 11, 2023 Study Session Summary** regarding **Potential Ballot Measures**
- B. Consideration of a motion to **accept the May 11, 2023 Study Session Summary** regarding the **Financial Update for City of Boulder**
- C. Consideration of a motion to **accept the May 25, 2023 Study Session Summary** regarding **Alpine-Balsam Update/Facilities Master Plan Implementation**
- D. Consideration of a **motion to authorize the City Manager to approve and execute a twenty-year revocable lease** for a proposed right-of-way encroachment (a stormwater separator device) within **Hibiscus Avenue right-of-way located at 3320 28th Street (REV2022-00048)**
- E. Consideration of a motion to **approve the request from the Mary Beth Kent Family Trust and representatives to approve and recommend that City Council approve a permanent, nonexclusive sewer line easement** across a portion of the City of Boulder's Gebhard Open Space property for the installation, operation, maintenance, repair and replacement of a sanitary sewer connection to serve the proposed Peacock Place subdivision at **5691 S. Boulder Road** pursuant to the disposal procedures of Article XII, Section 177 of the City of Boulder Charter
- F. Consideration of a motion to **approve and authorize the city manager to execute an Interim Intergovernmental Agreement between the City of Boulder, County of Boulder, and Boulder Public Library District** related to the transition from municipal library services to

library services provided by a library district in substantially the same form as in Attachment A to this Memorandum

- I. **Introduction**, first reading and consideration of a motion to order published by title only and **adopt by emergency measure Ordinance 8578 adopting Supplement 155** which codifies previously adopted ordinances, Appendix Council Procedures and other miscellaneous corrections and amendments, as amendments to the Boulder Revised Code, 1981; and setting forth related details
- J. **Introduction**, first reading and consideration of a motion to order published by title only **Ordinance 8580 designating the property at 830 14th St.**, City of Boulder, Colorado, to be known as the Powers House, as **an individual landmark** under Chapter 9-11, “Historic Preservation,” B.R.C. 1981; and setting forth related details
- K. **Introduction**, first reading and consideration of a motion to order published by title only **Ordinance 8581, amending Title 9, “Land Use Code,”** B.R.C. 1981, by **increasing the length of time an approval of land use is valid after discontinuance to three years and authorizing the city manager to reestablish land use approvals** that may have expired during the COVID-19 pandemic; and setting forth related details
- L. **Second reading** and consideration of a motion to **adopt Ordinance 8579 amending Title 9, “Land Use Code,”** B.R.C. 1981, by **granting exemptions to the city’s land use code standards for properties located at 2050 Mesa Drive and 2049 Bluff Street** to allow development of 2050 Mesa Drive with a detached single-family dwelling unit; and setting forth related details. This ordinance is proposed in order to settle a lawsuit between the property owner of 2050 Mesa Drive and the city
- M. Consideration of a motion to **accept the Council Employee Evaluation Committee’s recommendations for the appointment of Jeffrey H. Cahn as the Interim Municipal Court Judge** and directing the City Manager to negotiate an employment contract
- N. Consideration of a motion to **call a Special Meeting of the City Council on June 22, 2023**

Motion	Made By/Seconded	Vote
Motion to ACCEPT consent agenda items 3A-F and 3I-N	Yates / Benjamin	Approved 9:0

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

- A. **Landmark Alteration Certificate** to demolish an existing accessory building and construct a new accessory building at **661 Maxwell Ave.** in the Mapleton Hill Historic District

NO ACTION

5. **Public Hearings**

- A. Continuation of a Consideration a motion to **approve Landmark Alteration Certificate to rehabilitate and add on to Building L, the former Nurses’ Dormitory** at the Academy of Mapleton Hill at **2543 4th St. (previously addressed 311 Mapleton Ave.)** a pending individual landmark, per section 9-11-18 of the Boulder Revised Code (HIS2023-00018) - **Council deliberations ONLY - NO PUBLIC TESTIMONY**

Marcy Gerwing, City Principal Planner, answered questions from Council.

Motion	Made By/Seconded	Vote
REVISED Motion to conditionally approve a Landmark Alteration certificate to rehabilitate Building L, the former Nurses’ Dormitory at the Academy of Mapleton Hill at 2543 4th St. (previously addressed 311 Mapleton Ave.) a pending individual landmark, finding that the proposal meets the Standards for Issuance of a Landmark Alteration Certificate in Chapter 9-11-18, B.R.C. 1981 and is	Brockett / Yates	Carried 9:0

generally consistent with the General Design Guidelines provided the conditions stated by the Landmarks Board on April 12, 2023 are met		
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B. ~~Second reading and consideration of a motion to adopt Ordinance 8577 rezoning approximately 1.01 acres of land located at 5405 Spine Road and adjacent rights of way from the Industrial-General (IG) to the Business-Community 2 (BC-2) zoning district as described in Chapter 9-5, "Modular Zone Systems," B.R.C. 1981, and setting forth related details. (Case no. LUR2022-00057) –~~ **MOVED to the Special Meeting of June 22nd, 2023**

6. **Matters from the City Manager**

A. **Occupancy & Zoning for Affordable Housing Update**

Karl Guiler, Senior Policy Advisory, provided a presentation with background information, and answered questions from Council.

Brad Mueller, Planning and Development Services Director, also answered questions from Council.

7. **Matters from the City Attorney**

8. **Matters from the Mayor and Members of 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 by Mayor Brockett at 11:23 p.m.**

Approved this 17th day of August 2023.

APPROVED BY:

Aaron Brockett, Mayor

ATTEST:

Elesha Johnson, City Clerk