

**CITY OF BOULDER
CITY COUNCIL MEETING**
Municipal Building, 1777 Broadway
Boulder, Colorado 80302
Tuesday, September 3, 2019

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, Weaver, Yates and Young were present. Council Member Nagel arrived at 7:13 p.m. and left at 7:45 p.m.

COUNCIL MEMBER YATES MOVED TO APPROVE THE AMENDED AGENDA INCLUDING THE ADDITION OF ITEM 1C – DECLARATION IN HONOR OF DR. CHARLES CAMBRIDGE; ITEM 8B IF TIME ALLOWS – SCHEDULING OF LARGE HOMES LARGE LOTS DISCUSSION; AND REORDERING THE PUBLIC HEARING ITEMS. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 7:0 AT 6:05 P.M. WITH COUNCIL MEMBER NAGLE ABSENT.

- A. Declaration for Pollinator Appreciation Month was presented by Council Member Morzel at 6:06 p.m.
- B. Declaration for LGBTQ Pride Week was presented by Council Member Carlisle at 6:15 p.m.
- C. Declaration in honor of Dr. Charles Cambridge and Yoshiko Elaine Takahashi was presented by Council Member Weaver at 6:22 p.m.

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 6:27 p.m.

- 1. Cheryl Hall spoke about the zoning petition.
- 2. Stephen Haydel spoke about 30th Street and improved bike lanes.
- 3. Joshua Harrison spoke about Boulder Museum of Contemporary Art (BMoCA).
- 4. Leslie Cushion signed up but did not speak.

5. Patrick Murphy spoke about municipalization.
6. Margaret LeCompte spoke about the open space tax ballot measure.
7. Rozie Vajda spoke about the open space tax ballot measure.
8. Ginger Tanner spoke about the tobacco ordinances.
9. Diana Caruso spoke about Long's Gardens and the open space tax.
10. Amanda Bickel spoke about the open space tax ballot measure.
11. Darren O'Connor spoke about the Homeless Outreach Team.
12. Elizabeth Black spoke about ditches and water cycle.
13. Peter Mayer spoke about the open space tax ballot measure.
14. Ina Robbins spoke about the open space tax ballot measure.
15. Leslie Glustrom spoke about municipalization.
16. Lynn Segal spoke about taxes in the city.
17. Casey Cooks spoke about preserving current zoning.
18. Kirk Cunningham spoke about the open space tax ballot measure.
19. Raymond Bridge spoke about the open space tax ballot measure.
20. Molly Davis spoke about the open space tax ballot measure.

Open Comment closed at 7:13 p.m.

3. CONSENT AGENDA

A. Items related to regulating and taxing tobacco products:

1. Continued second reading and consideration of a motion to pass Ordinance 8340 Raising the Age for Purchase of Tobacco Products to 21, requiring age verification, prohibiting the sale of flavored tobacco products and limiting the number of electronic smoking devices and related products that can be sold to an individual in a twenty-four-hour period as amended and setting forth related details; and

2. Continued second reading and consideration of a motion to adopt as an Emergency measure Ordinance 8342 placing on the November 5, 2019 ballot a new sales tax on electronic smoking devices including any refill, cartridge or component; and setting forth the ballot title and other election procedures and setting forth related details

Amended as presented on the dais with the lime green sheet adding security measures to online sales, adopted by emergency.

- B. Continued second reading and consideration of a motion to adopt Ordinance 8344 submitting to the registered electors of the City of Boulder at the Municipal Coordinated Election to be held on Tuesday, November 5, 2019, the question of authorizing the city council to increase City of Boulder debt by an amount not to exceed \$10,000,000, with a maximum repayment cost of not to exceed \$15,000,000, without raising taxes, to provide for a housing assistance program that will include permanently affordable deed restrictions and make loans to middle-income households to purchase homes sold in boulder; and setting forth the ballot title and other election procedures and setting forth related details
- C. Third reading and consideration of a motion to adopt by Emergency measure Ordinance 8346 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 5, 2019, the question of whether the City of Boulder should extend and dedicate to Open Space a 0.15 cent sales tax; with revenue from the first year dedicated to funding the acquisition of a property interest in an approximately 25-acre property known as Long's Gardens; and setting forth the ballot title and other election procedures and setting forth related details

Amended as presented on the dais with the pink sheet adding “maintenance and restoration” to the uses of the fund, adopted by emergency.

- D. Consideration of a motion to approve the order of City of Boulder ballot measures in the 2019 Municipal Coordinated Election
- E. Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8349 relating to the financial affairs of the City of Boulder, making supplemental appropriations from the Open Space Fund, the Permanent Parks and Recreation Fund and the Storm Water and Flood Management Utility Fund for the fiscal year ending December 31, 2019 for the purpose of paying the purchase price for a property generally located at 5399 Kewanee Drive and commonly referred to as the “Hogan Pancost Property”; and setting forth related details

MAYOR JONES MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A-3E WITH THE ADDITIONAL AMENDMENTS TO ITEM 3A FROM THE “LIME GREEN” SHEET TO ADD MORE SECURITY TO ONLINE SALES AND ITEM 3C FROM THE “PINK” SHEET TO ADD “MAINTENANCE AND RESTORATION” TO THE USES OF THE FUNDS COLLECTED.

COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 8:0 AT 7:42 P.M.

4. CALL-UP CHECK-IN

5. PUBLIC HEARINGS

- A. Items related to the annexation and initial zoning of the Knollwood area (LUR2018-00048):
1. Second reading and consideration of a motion to adopt Ordinance 8348 to annex approximately 28.67 acres of land generally including the Knollwood Subdivisions and the properties at 150 Green Rock Drive and 2285 Knollwood Drive with an initial zoning designation of Residential – Estate (RE) and setting forth related details;
 2. Consideration of a motion to adopt Resolution 1261 accepting designation of the City Council as the approving authority for the Knollwood Metropolitan District pursuant to Colorado’s Special District Act; and
 3. Consideration of a motion to adopt Resolution 1262 approving a Second Amended Statement of Purposes pursuant to Colorado’s Special District Act to limit the Knollwood Metropolitan District’s services following annexation of the area to the City of Boulder

Assistant City Manager and Interim Planning Director Chris Meschuk and Senior Planner Kathleen King introduced this item at 7:43 p.m.

The public hearing opened at 7:50 p.m. and the following person spoke about Ordinance 8348 annexing the Knollwood subdivisions:

1. Barry Baer

The public hearing closed at 7:52 p.m.

COUNCIL MEMBER YATES MOVED TO ADOPT ORDINANCE 8348 TO ANNEX APPROXIMATELY 28.67 ACRES OF LAND GENERALLY INCLUDING THE KNOLLWOOD SUBDIVISIONS AND THE PROPERTIES AT 150 GREEN ROCK DRIVE AND 2285 KNOLLWOOD DRIVE WITH AN INITIAL ZONING DESIGNATION OF RESIDENTIAL – ESTATE (RE) AND SETTING FORTH RELATED DETAILS; 2. ADOPT RESOLUTION 1261 ACCEPTING DESIGNATION OF THE CITY COUNCIL AS THE APPROVING AUTHORITY FOR THE KNOLLWOOD METROPOLITAN DISTRICT PURSUANT TO COLORADO’S SPECIAL DISTRICT ACT; AND 3. ADOPT RESOLUTION 1262 APPROVING A SECOND AMENDED STATEMENT OF PURPOSES PURSUANT TO COLORADO’S SPECIAL DISTRICT ACT TO LIMIT THE KNOLLWOOD METROPOLITAN DISTRICT’S SERVICES FOLLOWING ANNEXATION OF THE AREA TO THE CITY OF BOULDER. COUNCIL

MEMBER CARLISLE SECONDED THE MOTION. THE MOTION PASSED 7:0 AT 7:54 P.M. WITH COUNCIL MEMBER NAGLE ABSENT.

B. Items related to the Forest Glen General Improvement District:

1. Consideration of a motion to adjourn as the Boulder City Council and convene as the Board of Directors of Forest Glen Eco Pass General Improvement District; 2. Consideration of a motion to adopt Resolution 62 Granting Petition to include property to the District; 3. Consideration of a motion to adjourn from the Board of Directors of Forest Glen Eco Pass General Improvement District and reconvene as the Boulder City Council

Employee Transportation Coordinator Allison Crump and Senior Assistant City Attorney Janet Michels introduced this item at 7:54 p.m.

The public hearing opened at 8:00 p.m., and the following person spoke about the Resolution 62:

1. Joan Goddard

The public hearing closed at 8:01 p.m.

COUNCIL MEMBER BROCKETT MOVED TO 1. ADJOURN AS THE BOULDER CITY COUNCIL AND CONVEENE AS THE BOARD OF DIRECTORS OF FOREST GLEN ECO PASS GENERAL IMPROVEMENT DISTRICT; 2. ADOPT RESOLUTION 62 GRANTING PETITION TO INCLUDE PROPERTY TO THE DISTRICT; AND 3. ADJOURN FROM THE BOARD OF DIRECTORS OF FOREST GLEN ECO PASS GENERAL IMPROVEMENT DISTRICT AND RECONVENE AS THE BOULDER CITY COUNCIL. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 7:0 AT 8:02 P.M. WITH COUNCIL MEMBER NAGLE ABSENT.

C. Consideration of a motion to accept the Open Space and Mountain Parks Master Plan and adopt the proposed amendment to the Boulder Valley Comprehensive Plan Open Space and Mountain Parks Master Plan Summary

Dan Burke introduced Senior Planner and Project Manager Deryn Wagner and Community Connections and Partnerships Manager Mark Davison. They introduced this item at 8:06 p.m.

The public hearing opened at 8:19 p.m., and the following persons spoke about the Open Space and Mountain Parks Master Plan:

1. Steve Watts
2. Helen Braider

3. Adam Swetlik
4. Leslie Hitchcock Cushman
5. Alan Delamere

The public hearing closed at 8:30 p.m.

COUNCIL MEMBER MORZEL MOVED TO ACCEPT THE OPEN SPACE AND MOUNTAIN PARKS MASTER PLAN AND ADOPT THE PROPOSED AMENDMENT TO THE BOULDER VALLEY COMPREHENSIVE PLAN OPEN SPACE AND MOUNTAIN PARKS MASTER PLAN SUMMARY. COUNCIL MEMBER BROCKETT SECONDED THE MOTION. THE MOTION PASSED 7:0 AT 8:57 P.M. WITH COUNCIL MEMBER NAGLE ABSENT.

D. Items related to Use Standards and development applications within the Opportunity Zone (Census Tract 122.03):

1. Second Reading and consideration of a motion to adopt Ordinance 8337 amending Title 9, "Land Use Code," B.R.C. 1981, to update Use Standards for zoning districts located in the federally designated Opportunity Zone (Census Tract 122.03) to ensure development consistent with the Boulder Valley Comprehensive Plan and consistent with the Opportunity Zone Moratorium Ordinance 8314; and
2. Second Reading and consideration of a motion to adopt Ordinance 8347 amending Ordinances 8308, 8312 and 8314 which temporarily suspended accepting building permits, 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, by excluding any land in the BR-1, BMS, BT-1, BT-2, MU-4, IG, IM, IMS, IS-1, IS-2, A, E, P, RH-3, RH-6, and MH zoning districts and by amending the standards for the RH-4 and RM-1 Zoning Districts

Assistant City Manager and Interim Planning Director Chris Meschuk, Senior Planner - Code Amendment Specialist Karl Guiler and Planner II Andrew Collins introduced this item at 8:58 p.m. They presented an amendment on the dais with the "Blue" sheet amending Use limitations exceptions to include "computer design and development facility" and amending floor area increase by 10% in nonconforming use review before adoption."

The public hearing opened at 10:07 p.m. and the following persons spoke about items related to the Opportunity Zone:

1. Sarah Silver

2. Jordan Bunch
3. Evan Freirich
4. Adam Swetlik
5. Peter Mayer pooled with Allyn Feinberg and Lisa Spaulding
6. Amanda Bickel
7. Kate Honea
8. Leora Frankel pooled with James Duncan & Emily Wingeier
9. Corina Julca
10. Ilan Sebba
11. Maxine Gower
12. Andrea Meneghel
13. Lynn Segal
14. Martha Larson
15. Renee Hummel

The public hearing closed at 10:49 p.m.

COUNCIL MEMBER MORZEL MOVED TO CONTINUE THE MEETING. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 7:0 AT 10:50 P.M. WITH COUNCIL MEMBER NAGLE ABSENT.

No action on this matter.

6. MATTERS FROM THE CITY MANAGER

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM THE MAYOR AND MEMBERS OF COUNCIL

- A. Consideration of a motion to approve the 2019 performance evaluations, and salary adjustments for the City Manager, City Attorney, and Municipal Judge

Council Members Weaver and Morzel introduced this item at 11:33 p.m.

The public hearing opened at 11:36 p.m. and with no speakers the public hearing closed at 11:36 p.m.

COUNCIL MEMBER BROCKETT MOVED TO APPROVE THE 2019 PERFORMANCE EVALUATIONS, AND SALARY ADJUSTMENTS FOR THE CITY MANAGER, CITY ATTORNEY, AND MUNICIPAL JUDGE. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 6:1 AT 11:37 P.M. WITH COUNCIL MEMBER CARLISLE VOTING NAY AND COUNCIL MEMBER NAGLE ABSENT.

B. IF TIME ALLOWS: Scheduling of Large Homes Large Lots Discussion

This item was not discussed.

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 SEPTEMBER 3, 2019 AT 11:38 P.M.

Approved this 15th day of October, 2019.

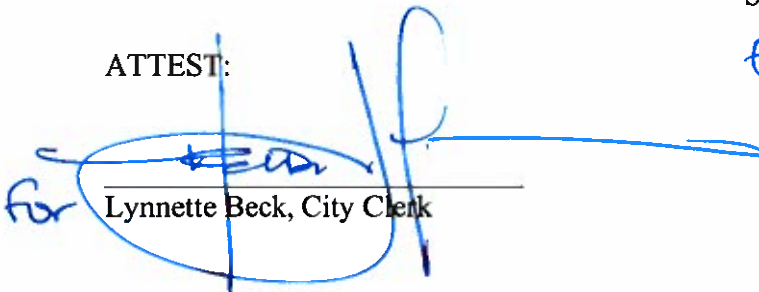
APPROVED BY:



Suzanne Jones, Mayor

for Suzanne Jones

ATTEST:



for Lynnette Beck, City Clerk