City Council
Meeting Minutes

July 3, 2018
City Hall, Council Chambers
749 Main Street
7:00 PM

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council:	*Mayor Robert Muckle*
	Mayor Pro Tem Jeff Lipton
	Councilmember Jay Keany
	Councilmember Chris Leh
	Councilmember Susan Loo
	Councilmember Dennis Maloney
	Councilmember Ashley Stolzmann
Staff Present:	*Megan Davis, Deputy City Manager*
	Aaron DeJong, Economic Development Director
	Rob Zuccaro, Planning & Building Safety Director
	Meredyth Muth, City Clerk
Others Present:	*Sam Light, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Mayor Pro Tem Lipton. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Andrew O'Connor, 1220 West Devonshire, Lafayette CO, stated he attended the Street Faire on June 22 and was carrying a sign reading "repeal the 2nd amendment." He stated a member of the police department told him he could not have a sign in the Street Faire because a security member had complained. He stated it was an

infringement on his first amendment rights and he was kept from expressing himself because the member of the security team did not like the content of his speech.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle stated he had a request to move item F to the regular agenda. Councilmember Stolzmann moved to approve the agenda as amended, Mayor Muckle seconded. All were in favor**.**

  A. *Approval of Bills*
  B. *Approval of Minutes: June 12, 2018; June 19, 2018*
  C. *Approval of Special Meeting for an Executive Session for August 7 at 6 pm*
  D. *Approval of Resolution No. 31, Series 2018 – A Resolution Approving an Agreement Between the City of Louisville and Public Service Company of Colorado for the Relocation of a Transmission Pole to Accommodate the Construction of the State Highway 42 Underpass*
  E. *Approval of City Programs, Goals, and Key Performance Indicators*
  F. *Approval of a Louisville Revitalization Commission Contract with Desman, Inc. for Parking Structure Conceptual Design Services – moved to regular agenda*

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle asked if City Attorney Light had any advice to Mr. O'Connor's comments. Attorney Light stated he understands Mr. O'Connor has retained legal counsel and that Chief Hayes has met with Mr. O'Connor about this issue.

CITY MANAGER'S REPORT

None.

REGULAR BUSINESS

DISCUSSION/DIRECTION/ACTION – TRANSPORTATION ISSUES AND UPDATE

Deputy City Manager Davis stated staff is seeking direction from Council on a variety of transportation issues. She said the legislature has passed a bill to fund transportation infrastructure to provide some additional funding for local governments that will go through the Highway Users Tax Fund (HUTF) formula bringing additional funding in 2019 and 2020. There is also some additional funding including some grant possibilities.

She reviewed two ballot initiatives underway. The first, Let's Go Colorado would raise the state sales tax by .62% and would create additional funding for the state highway fund for CDOT and go directly to local governments and would provide over $1M to Louisville each year.

CDOT has been working to create a list of priority improvements throughout the state which would be the first to be funded. The City has been working with the Mayors Commissioners Coalition (MCC) to make sure the Northwest Region is well represented on this list. There are regional projects important to the County on the list including State Highways 119, 7, and 287. Staff thinks we could see possibly $19.6M dedicated for Highway 42 in Louisville which is also on the list. This reflects the proposal in the Northwest Area Mobility Study.

Ballot Initiative - Staff is asking if Council is supportive of taking a position on the Let's Go Colorado initiative contingent on CDOT support for the full funding of projects in the northwest corridor.

Mayor Muckle stated the MCC and CDOT feel the proposal of bonding for transportation is harmful as it would require payback from the general fund without a new revenue source. Both are much more interested in a proposal that gives new dollars. Some municipalities have a concern a new tax rate would raise taxes to a point it would be difficult to raise local taxes. To offset this, the idea is to give 45% of these funds to local municipalities so they don't have to tax themselves for transportation funding.

Mayor Pro Tem Lipton asked if the income stream we get could be used to support a bond for transportation projects. Mayor Muckle stated he thought it could.

Councilmember Stolzmann stated she is generally supportive of the initiative and she would like to see Northwest Rail included on the secondary list of projects and that there be a more definitive discussion of how the multimodal fund will work.

Members were generally supportive but decided to not take a position until the list of projects is finalized.

TIP (Transportation Improvement) Funding – Councilmember Stolzmann stated the County is asking if there is support for committing $8.15M of the Subregional funding we will receive as a match for possible Regional funds. Councilmember Stolzmann stated the three projects (Hwy 119, SH 7 and SH 287) have been agreed on for the region. She noted there is some concern about this plan within the group. She asked what criteria Council wants her to use for the Subregional pool. She asked if Council is interested in this match and she suggested criteria to use include requiring some matching funds as a percent of the communities general fund, air quality improvement, congestion mitigation, and projects with high number of trips per day.

Councilmember Maloney asked if those three projects are the best projects. Councilmember Stolzmann stated the list was decided to be the best regional list. Councilmember Maloney noted he would support using the Subregional money ($8.15M) to support the regional projects. Mayor Muckle and Councilmember Loo agreed.

Mayor Muckle stated he supports criteria that moves the most people and solves congestion, helps air quality, and also what help the smaller towns get funding.

Mayor Pro Tem Lipton asked if any of the conversation is designed to restrict growth. Without consideration of reducing development it will be the same problem in a few years. Perhaps that should be an incentive or part of the criteria.

Councilmember Loo asked how affordable housing and mass transit might fit in that conversation. Mayor Pro Tem Lipton stated he wasn't addressing that, just that adding more roads only attracts more people and the process continues.

Councilmember Stolzmann stated the conversation about growth boundaries and transportation aren't currently connected to these transportation dollars.

Councilmember Stolzmann asked if a compromise is proposed to perhaps only do a third of the money toward the regional projects, would Council be supportive. Council was supportive.

Councilmember Stolzmann noted if the regional projects are not approved, then she believes the projects would have to be scored in the subregional process.

Transportation Matters - Deputy City Manager Davis noted the City of Louisville recently participated in an initiative to work with local businesses throughout the region to talk with them about transportation challenges and look at the Northwest Area Mobility Study (NAMS) projects our region has prioritized and get their feel for how it might or might not address what their needs are.

Davis asked for direction on whether or not Council is interested in pursuing any changes to local policy to implement new safety stop legislation in light of SB18-144. The bill allows for local regulation to be implemented so a bicyclist approaching a stop sign must slow to a reasonable speed and, when safe to do so, may proceed through the intersection without stopping. A bicyclist approaching an illuminated red traffic control signal must stop at the intersection and, when safe to do so, may proceed through the intersection. We don't have to address this issue unless we want to change our own rules.

Staff has discussed the pros and cons of this and what resources it would require. When discussing with our neighbors, they are not making changes at this time. Staff suggests waiting to see what other communities do before making changes.

Mayor Pro Tem Lipton suggested addressing this in the 2019 work plan. It will likely make it safer for cyclists and should be considered for next year. Councilmember Maloney stated he likes this idea. He agreed it would be a good 2019 item but would like to be cautious. Council members were in agreement.

Staff is seeking confirmation from City Council that it is acceptable to enter into an exclusive agreement with Zagster/Pace allowing them to be the only bike share operator in Louisville for two years. This would allow for both dockless and docked bicycles but require locking to a bike rack or docking station. There would be no cost to the city but it would be exclusive for Zagster/Pace and not allow other companies for two years. There is some funding budgeted for this and would keep there for any possible upgrades such as dock stations.

Councilmember Keany asked how the City can limit this to one company. Attorney Light stated the issue is using public property for docking stations requires a licensing agreement and making it exclusive. It does not preclude any person from riding another provider's bike into or through town.

Councilmember Keany stated he supports the contract but doesn't want the contract to limit free enterprise or someone using private property for these uses. He supports the lock to or docking model and not the ones that allow for leaving them anywhere.

Mayor Pro Tem Lipton asked if it perhaps an RFP should be done if this is going to be exclusive. Councilmember Leh agreed and asked if this would meet our procurement rules. Attorney Light stated he could take a closer look; this proposed model has no cost to the City other than soft costs which can include staff and Council time to research and prepare an ordinance concerning bike sharing programs.

Councilmember Leh and Mayor Muckle agreed with Councilmember Keany related to free enterprise.

Deputy City Manager Davis stated part of the reason staff looked at this vendor in particular was the model for the lock to component and our neighbors are looking at the same vendor. This gives us the opportunity to work with Commuting Solutions for marketing across all of the communities.

Councilmember Leh stated he is not sure the case for exclusivity has been met.

Mayor Muckle stated he supports moving this forward. Attorney Light stated staff will look to make sure the purchasing polices are met and this will come back for approval if a contract is agreed upon.

Councilmember Maloney stated for now this should be moved forward and can be revisited in two years. Members agreed.

DISCUSSION/DIRECTION/ACTION – FISCAL IMPACT MODEL REVIEW

Director Zuccaro stated staff is presenting an overview of the City's Fiscal Impact Models and seeking policy guidance on the model inputs and when to utilize the Fiscal Models in development review. This is on the work plan for 2018. The Finance Committee has reviewed this.

Two Fiscal Model Types
Originally Developed in 2014 – Move from Direct Cost to Marginal Cost Models and includes a Development Impact Model – Marginal/Average Cost Hybrid for Individual Development Proposals and an Area Planning Model – Marginal Cost Model for City-Wide or Area Land Use Scenarios.

The current model was developed in 2014 and we are moving from a direct cost model to a marginal cost model. This will be a better fit for a community like Louisville which is closer to build out. We have been using this as tool on new developments since 2014. Since 2014 there have been some modifications to the model including adding office/worker spending into the model. There were some oddities in the model and it needed to be aligned with the program based budgeting. This is reflected in the newly refreshed model.

The Fiscal Model can help ensure new developments have sustainable funding for City capital and services and evaluate fiscal impact of different land use scenarios and changes. Fiscal Models do not evaluate social impacts, environmental impacts, community character or market probability. It is important to relate this to the actual criteria by which a development is to be judged.

The model does show the effect on various city funds over a 20-year period. When staff works with the model some assumptions are made including the value of the building, income assumptions, vehicle miles, and more. That is used to determine how much the city will have to pay to provide services. Assumptions are from standardized sources as much as possible. Working with the Finance Committee, staff has created a list of direct inputs and their sources. Staff proposed a standard way to show a range of scenarios so they can have a high and low scenario to bring to Council when considering a development.

Director Zuccaro wanted to make sure Council is comfortable with how staff is running the model, bringing a range of possible outcomes and would like to know when to use which model. He presented a suggested table noting the intent to use this when it adds value to the development review. He noted Council has been asking for a range for the Fiscal Model. He proposed a way to do that by taking 80% of the developer provided/anticipated values and then double the absorption rates.

Director Zuccaro asked for Council feedback on this broad directional model and clarification on when and what model should be run. The Marginal Average Hybrid Model is usually done with smaller developments. The Marginal Cost Model has been used for area planning, general development plans and broader planning efforts. The intent is to use this when it adds value to the criteria being considered; is the City able to continue to provide adequate services to the community. He presented a draft table showing which model would be used according to the application type.

Mayor Pro Tem Lipton asked if developers know we are reducing their suggested value by 80% won't developers game the system. Director Zuccaro stated staff would not blindly move forward if the numbers seem out of context. Scenarios could be run to true it up.

Public Comments – None.

Councilmember Maloney stated this really is a directional model to help with policy decisions. He noted the importance of when the model is used and the model assumptions. This is the product of work with the Finance Committee and many of the numbers were changed from the original model to be more accurate. He was very comfortable moving forward with this and felt this is much more accurate than the old model.

Mayor Muckle supported the staff recommendation for use.

Councilmember Loo asked if the chart could be clearer when there is no need to include a fiscal model. Councilmember Leh asked if the policy statement made that clear. Mayor Muckle noted staff could take a look and see if there was a need to adjust the table for clarity on that issue.

DISCUSSION/DIRECTION/ACTION – CONSIDERATION OF PARTICIPATION IN COLORADO COMMUNITIES FOR CLIMATE ACTION

Mayor Muckle stated he is asking for Council's consideration of joining the Colorado Communities for Climate Action (CC4CA), a statewide coalition representing local governments (5 counties and 9 municipalities) in advancing state and federal actions to reduce climate-changing emissions. CC4CA works to bring the local government perspective into discussions around new climate actions, and to prevent the roll-back of important climate protections that impact local communities.

Mayor Muckle stated their policy agenda is very much in alignment with our policy agenda and with our sustainability goals. The primary purpose is to lobby federal and state on local issues and not impede local efforts on climate action. This is another way for us to successfully collaborate with other entities on a variety of issues.

Mayor Muckle stated the costs are only membership dues at this point. He stated things like this are something our citizens would like us to do and is important to them.

Councilmember Stolzmann stated she supports this suggestion. She felt CC4CA's support of State climate specific programs aligns with our support of the Paris Climate Agreement.

Councilmember Leh asked how this might impact staff time and resources. Deputy City Manager Davis stated there is an opportunity to participate at as deep a level as we want. At a minimum a staff member could be engaged with one council liaison. Most regular meetings are by phone and there would be some in person meetings and voluntary time on committees. The commitment level is up to us and she estimated four hours of staff time per month.

Councilmember Leh stated this is important and useful and our citizens want this from us. He supported joining initially at the base level.

Councilmember Loo stated she does not support this. She does not want us to be dictated to by other communities or unfunded mandates. There is not enough local control in the document. She would like more analysis of how these goals will affect Louisville. She does not want to make this a partisan issue; we know what is right for Louisville. This is a very political organization. We don't need to be partisan to move our Sustainability Action Plan forward. This organization is too partisan and liberal and heavily controlled by the City of Boulder and Boulder County. Until some of the larger cities such as Denver and Aurora participate, this will be Boulder dominated.

Mayor Pro Tem Lipton stated he is generally in favor. There is nothing that binds us to every position or issue of the association. This helps us leverage our resources and get help from others on these issues. He suggested we join at the base level and evaluate in 12 months to see if we are getting what we need from the organization. They are not going require us to do anything we don't want to do.

Councilmember Maloney stated he was stuck on "which are agreed to by unanimous consent of all the member communities." We have to agree to things on our terms. If we engage in this we have to do it by what is best for Louisville. That noted, this is a larger community that can add perspective to our community and if we don't like it we can leave. We can provide leadership on what we think is important. Can support our sustainability goals. We can stay true to our principals.

Councilmember Leh stated the way he read that statement as unanimous consent is consensus. There would be concern if it is expected every community must swallow the whole thing, potentially that is a problem, but that is not likely the process. We can withdraw if that is how they operate.

Mayor Muckle stated working by consensus is the goal of all organizations.

Councilmember Stolzmann stated she agreed with Councilmember Leh on the language interpretation that if there were not unanimous consent, an item would be pulled. Councilmember Leh stated their policy agenda says unanimous agreement.

Public Comments

Doug Grinbergs, 530 West Sycamore Circle, stated he cares deeply about sustainability efforts and climate change mitigation. The Federal and State governments are not taking care of this and it is now left up to local municipalities to do something. We need as many tools as possible in our toolbox to address this. He gave some suggestions on other ways to address climate change: turn off day burner street lights, solar for the Library, white and green roofs, greener quieter lawn mowers, discourage idling vehicles.

Councilmember Loo stated she would prefer the money be spent another way to address issues. Our dollars should be used in places can get a concrete result. Let's spend our $5000 on something real.

Mayor Muckle moved the City of Louisville join the CC4CA coalition. Mayor Pro Tem Lipton seconded with a friendly amendment that it be at the base level and to evaluate the benefits of the membership at the end of the 12 month period.

Councilmember Stolzmann asked for a friendly amendment to add at the end of the motion it is being made because of human caused global warming.

Motioner accepted the friendly amendments, seconder did not accept Councilmember Stolzmann's amendment.

Substitute motion: Councilmember Stolzmann made a substitute motion to support the CC4CA because of human caused global warming at the base level and re-evaluate after the first 12 month period. Councilmember Leh seconded.

Vote on substitute motion: Motion passed Yes = 4, No = 3; no votes from Councilmember Keany, Councilmember Loo, Mayor Pro Tem Lipton.

APPROVAL OF A LOUISVILLE REVITALIZATION COMMISSION CONTRACT WITH DESMAN, INC. FOR PARKING STRUCTURE CONCEPTUAL DESIGN SERVICES – *moved from consent agenda*

Mayor Muckle asked Councilmember Stolzmann to state why she pulled this item off the consent agenda. Councilmember Stolzmann stated she would like to know if the land swap with Voltage is not on track. Secondly, she would like to discuss general priorities for staff and if this is a priority for staff. We have priorities in the Revitalization Area that do not include this project; should those funds be used on projects already in the CIP.

Mayor Pro Tem Lipton left the meeting at 8:57 pm.

Director DeJong stated the land swap with Voltage had not been abandoned but they are working on financing for the new building which has been challenging.

Councilmember Stolzmann asked if the current building has outstanding building permits and the approximate value of those projects. Director DeJong stated those expenditures are short-term and don't preclude the larger development approved last year. Councilmember Stolzmann asked if there is a time frame for demolition. Director DeJong stated they need to work out the financing prior.

Councilmember Maloney stated we always have to be looking at potential for the future. We are talking about $28,500 to provide information on what might be possible in that area. He felt this is an investment in information to help make policy decisions in the future. Mayor Muckle agreed the information is likely to be valuable.

Councilmember Stolzmann stated the scope of work #1) states the consultant will meet with the Louisville Revitalization Commission (LRC) for site issues. She questioned whether the LRC should be consulted on that and suggested the consultant should meet with staff from Planning and Public Works. Members agreed.

Councilmember Stolzmann asked what the scope of work point # 2) meant. Are they asking consultant to make recommendations to make changes to the zoning standards and guidelines for parking for this area. Director DeJong noted it is background information so it complies with the existing rules. Councilmember Stolzmann suggested adding a sentence in the second bullet "and comply with the rules in your proposal".

Councilmember Stolzmann stated she hoped the authority given to the LRC was considered throughout this process.

Councilmember Loo stated that related to #2 in the scope of work, if the rules are hampering the best way to build on a lot, the consultant should also tell us that. We should ask for an honest analysis from the consultant on what is the optimal design regardless of if it meets the regulations and if changes are needed. Councilmember Leh agreed. Director DeJong stated he felt LRC was looking for that as well.

Mayor Muckle noted he does want to make the recommended change to the first scope of work point as suggested for staff consultation.

Attorney Light noted Council approval is required for the LRC to enter into this contract.

Motion: Councilmember Loo moved to approve the agreement by and between the LRC and Desmond Inc. for consultant services, with the change to #1 in exhibit B the scope of work to have the consultant meet with Public Works and/or Planning staff of the City of Louisville. Councilmember Leh seconded.

Vote: Motion passed Yes = 5, No = 1; No**:** Council Member Stolzmann; Absent: Mayor Pro Tem Lipton.

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Councilmember Stolzmann moved to set a special meeting for July 10, 2018 at 7:00 pm for Discussion/Direction on Boulder County Greenhouse Gas Inventory, Discussion/Direction on Energy Future Collaboration Draft Memorandum of Understanding with Xcel Energy and Discussion/Direction on Residential Estate Lot Coverage. Councilmember Loo seconded the motion. All in favor. Councilmembers Leh and Lipton absent.

Councilmember Maloney stated he had asked the Planning Department about the process for roof repairs due to the recent hailstorm. He noted the City needs to be flexible and provide additional resources if need be.

ADJOURN

Members adjourned at 9:18 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk