

**BOULDER CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Tuesday, July 16, 2013
6 p.m.**

FINAL AGENDA

1. CALL TO ORDER AND ROLL CALL

A. New Boulder Website Launch

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE (limited to 45 min.) Public may address any city business for which a public hearing is not scheduled later in the meeting (this includes the consent agenda and first readings). After all public hearings have taken place, any remaining speakers will be allowed to address council. All speakers are limited to three minutes.

3. CONSENT AGENDA (to include first reading of ordinances) Vote to be taken on the motion at this time. (Roll-call vote required)

A. Consideration of a motion to approve the City Council Meeting **Minutes from June 4, 2013**

B. Consideration of a motion to approve the City Council Meeting **Minutes from June 10, 2013**

C. Consideration of a motion to approve the City Council **Meeting Minutes from June 11, 2013**

D. **Second reading** and consideration of a motion to adopt **Ordinance No. 7909 authorizing participation in the Denver Metro Mortgage Assistance Plus Program** and authorizing the City Manager to enter into the Delegation and Participation Agreement with the city of Denver

E. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance submitting** to the registered electors of the city at the general municipal coordinated election to be held on Tuesday, November 5, 2013, **the question of amending Section 98, “Term of bonds – disposal of bonds”** of the Charter of the City of Boulder to authorize negotiated or private sales of bonds and setting forth related details

F. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance submitting** to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013, **the question of amending Charter Section 130** and other related Charter sections **removing the requirement that individuals be City electors to serve on City Boards and**

Commissions and amending Charter Section 185 to allow out of City electrical utility customers to serve on the Electric Utility Board and setting forth related details

- G. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance submitting** to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013, **the question of extending Ordinance No. 7907, the moratorium on accepting and processing applications for drilling permits on City of Boulder open space properties and on any city permits or use review of new mining industry uses involving oil and gas extraction and setting forth related details**
- H. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance submitting** to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013, **the issue of whether City of Boulder taxes should be increased by an excise tax of up to 15 percent of the average market value of unprocessed recreational marijuana from a recreational marijuana cultivation facility and a sales and use tax of up to 10 percent on recreational marijuana and setting forth related details**
- I. Consideration of a **motion calling a special meeting on July 23, 2013 for the condemnation ordinance and the ordinance for the final determination that the conditions precedent of Charter Section 178(a) have been met**
- J. Consideration of a **motion calling a special meeting on August 5, 2013 for ballot items**

4. POTENTIAL CALL- UP CHECK IN

Opportunity for Council to indicate possible interest in the call- up of an item listed under agenda Item 8-A1.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

- A. Introduction, **first reading** and consideration of a motion to order published by title only, three **ordinances submitting to the registered electors** of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013, **the questions of whether Boulder should 1) extend and dedicate to open space a 0.15 cent sales tax; 2) extend and dedicate to open space, transportation and general government services a 0.33 cent sales tax; and 3) the issue of whether to impose an interim new 0.25 cent sales tax to be dedicated to transportation and to funding the acquisition of a property interest in an approximately 25-acre property known as Long's Gardens and setting forth related details**

6. MATTERS FROM THE CITY MANAGER

None

7. **MATTERS FROM THE CITY ATTORNEY**

None

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

A. Potential Call-Ups:

1. Vacation of existing utility easement at 1661 Elder Avenue IP Date: July 16 Last Opportunity: July 16
2. Community and Environmental Assessment Process (CEAP) for the 28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project, IP Date: July 16 Last Opportunity: July 16

B. Consideration of a motion to create and appoint a Council Committee on Boards & Commissions

9. **PUBLIC COMMENT ON MATTERS** (15 min.) Public comment on any motions made under Matters.

10. **FINAL DECISIONS ON MATTERS** Action on motions made under Matters.

11. **DEBRIEF** (5 Min.) Opportunity for Council to discuss how the meeting was conducted

12. **ADJOURNMENT**

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CITY OF BOULDER
CITY COUNCIL PROCEEDINGS
June 4, 2013

1. CALL TO ORDER AND ROLL CALL – 6:05 PM

Mayor Appelbaum called the regular June 4, 2013 City Council meeting to order at 6:05 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Ageton, Becker, Cowles, Jones, Karakehian, Morzel, Plass and Wilson.

Mayor Appelbaum announced special meetings scheduled for June 10, 2013 at 5 PM and June 11, 2013 at 6:30 PM.

2. OPEN COMMENT AND COUNCIL/STAFF RESPONSE – 6:09 PM

1. Cosima Kruegaer-Cunningham – Spoke to the crisis of bees due to the use of pesticides which are causing a catastrophic decline in the bee population.
2. Tim Thomas – Voiced opposition to an initiative petition being circulated that would derail the municipalization efforts approved by the voters. He also asked for an update on the civic use pad at the St. Julien which was only being used by the hotel.
3. Raymond Bridge – Spoke on behalf of PLAN Boulder County and voiced support for putting the extension of the 0.33 sales tax extension on the 2013 ballot.
4. Elizabeth Allen – Spoke in support for moving forward with municipalization.
5. Mary Louise Chavers – Spoke to the use of pesticides noting that not only are bees being affected but data indicates that pesticides also were having a negative impact on breast cancer survivors.
6. James Duncan – Spoke in support of having the Nablus Sister City application approved.

City Manager Brautigam mentioned a grant received for work around the health impacts of pesticides. She also noted that Council would receive a memo on June 14 regarding open space.

Council Member Cowles noted that the petition Mr. Thomas spoke about was an effort to stop municipalization and those circulating the petition were misinforming the public as to its intent. He wanted to make sure that the public understood what they were signing. He stated that Council took their charge very seriously in making the decision as to whether or not municipalization was right for Boulder.

Mayor Appelbaum reminded the audience of the rules of decorum.

Council Member Wilson urged the public to educate themselves in regard to municipalization before signing the petition being circulated.

3. CONSENT AGENDA - 6:20 PM

A. CONSIDERATION OF A MOTION TO APPROVE THE CITY COUNCIL MEETING MINUTES FROM APRIL 2, 2013

B. CONSIDERATION OF A MOTION TO APPROVE THE CITY COUNCIL MEETING MINUTES FROM APRIL 16, 2013

C. CONSIDERATION OF A MOTION TO ACCEPT THE APRIL 23, 2013 STUDY SESSION SUMMARY ON THE OLD HIRE POLICE AND FIRE PENSIONS STATUS AND CONTRIBUTIONS

D. CONSIDERATION OF A MOTION TO ACCEPT THE APRIL 30, 2013 STUDY SESSION SUMMARY ON THE POLICE DEPARTMENT STAFFING AND DEPLOYMENT ASSESSMENT REPORT

E. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7905 ELIMINATING THE UPPER AGE LIMIT IN EMPLOYMENT DISCRIMINATION PROTECTION UNDER B.R.C. 1981, TITLE 12, HUMAN RIGHTS AND SETTING FORTH RELATED DETAILS

F. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7906 VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF VACATION TO VACATE PUBLIC RIGHT-OF-WAY IN ASSOCIATION WITH THE SITE REVIEW FOR THE PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT ALEXAN FLATIRONS AT 5460-5485 SPINE ROAD

G. CONSIDERATION OF A MOTION TO APPROVE A CONDUIT LEASE TO THE ZAYO GROUP

This item was amended by the City Attorney's Office to clarify the length as 131,322 feet long and the lease payment to the city would be \$722,271.00

H. CONSIDERATION OF A MOTION TO CALL A SPECIAL MEETING ON JUNE 11, 2013 AT 6:30 PM IN COUNCIL CHAMBERS TO CONSIDER CIVIC AREA OPTIONS CRITERIA FOR EVALUATION

Council Member Jones asked if the lease with the Zayo Group could impact Boulder's ability to offer broadband to its citizens in the future, similar to what the city of Longmont was planning.

Director of Information Technology Don Ingle responded that Senate Bill 152 was more difficult to overcome because it prevented municipal governments from competing with the telecommunications industry. He clarified that what Longmont did was place the item on the ballot for voters to override the provision. The lease with the Zayo Group would not prevent the city of Boulder from taking steps to be exempted from Senate Bill 152.

Council Member Cowles noted that Comcast spent \$750,000 attempting to prevent Longmont from creating a telecommunications utility and the voters chose to pass the ballot item as presented.

Council Member Morzel moved, seconded by Council Member Jones, to approve Consent Agenda items 3A through 3H with 3G as amended by the City Attorney's Office. The motion carried 9:0 at 6:33PM.

4. POTENTIAL CALL- UP CHECK IN

No interest was expressed in calling up agenda item 8A-1.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

A. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7901 AMENDING CHAPTERS 4-7-3(D); LICENSE APPLICATION; 4-7-4, TERM OF LICENSE; 4-7-5(A), RABIES INOCULATION REQUIRED; 4-20-7(A), DOG LICENSE FEE; 6-1-3(A), UNNECESSARY SUFFERING; 6-1-7(A)(2), IMPROPER CARE OF ANIMAL PROHIBITED; 6-1-20(B), AGGRESSIVE ANIMAL PROHIBITED; 6-1-21(C), NUISANCE ANIMAL PROHIBITED; AND RELOCATION TO 6-1-41, LIMITATION OF KEEPING OF DOMESTICATED ANIMALS, B.R.C. 1981

City Manager Brautigam noted that there would be no presentation on this item.

Council Member Ageton asked what the definition of a "vicious and terrorizing" dog was, noting that no definition was provided in the ordinance. She wondered if the responding officer would interpret that phrase.

City Attorney Carr responded that would be at the discretion of the responding officer.

Animal Control Supervisor Boswell commented that her staff has extensive training around what behaviors are considered to be "vicious and terrorizing." She gave teeth being bared, hackles raised, forward leaning as examples. She added that the behaviors she described would occur while the dog was in an "attitude of attack," and not an occurrence without other factors.

Council Member Ageton explained that she had a difficult time with this language because she didn't feel that she could explain it adequately to a constituent.

Council Member Morzel echoed the comments made by Council Member Ageton. She also expressed concern about eliminating 3-year dog licenses. She asked why that provision was being removed.

Officer Boswell responded that there was concern about animals with rabies being brought in from out of state. She also explained that when Animal Control was moved under the Boulder Police Department, licensing had become more of a priority for enforcement and that has increased compliance.

Council Member Morzel asked how Boulder might increase compliance further.

Officer Boswell stated that education was a big part of compliance. She noted that fees also played a role. There were communities that were dependent on the fees to build and/or run their animal shelters, which also gave the city incentive to educate their citizenry.

Mayor Appelbaum asked if a rabies vaccination was good for three years, would the proposed database track that and not require the applicant to furnish the same information.

Officer Boswell responded affirmatively. She further explained that with 3-year licenses there were many times when the rabies vaccination would lapse in that timeframe and by changing the license term would enable staff to better track those vaccinations.

Mayor Appelbaum asked if veterinarians would still be able to issue licenses and if so, how would the city educate those veterinarians to encourage dog owners to comply.

Officer Boswell noted that veterinarians were essential to the compliance rate. She felt that reaching out to educate the veterinarians would continue.

City Attorney Carr noted that there had to be three violations for aggressive animals before the owner and dog would be required to go through training or possibly have their license revoked.

Council Member Plass wondered if it would be easier to list animals allowed as domesticated pets rather than a list of what animals one may not keep. He was specifically concerned about bees and chickens, neither of which was being addressed in the code.

Officer Boswell responded that either list had the ability to become extensive. She also noted that people with questions could call or visit the website for more information.

The public hearing was opened at 6:57 PM.

There being no speakers present, the public hearing was closed at 6:57 PM.

Council Member Cowles moved, seconded by Council Member Wilson, to adopt Ordinance No. 7901 amending Chapters 4-7-3(d); License Application; 4-7-4, Term of License; 4-7-5(a), Rabies Inoculation Required; 4-20-7(a), Dog License Fee; 6-1-3(a), Unnecessary Suffering; 6-1-7(a)(2), Improper Care of Animal Prohibited; 6-1-20(b), Aggressive Animal Prohibited; 6-1-21(c), Nuisance Animal Prohibited; and relocation to

6-1-41, Limitation of Keeping of Domesticated Animals, B.R.C. 198. The motion carried 9:0 at 6:59 PM.

B. ITEMS RELATED TO FRACKING:

1. **CONSIDERATION OF AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DRILLING PERMITS ON CITY OF BOULDER OPEN SPACE PROPERTIES AND FOR ANY CITY PERMITS OR USE REVIEW OF NEW MINING USES INVOLVING OIL AND GAS EXTRACTION**
2. **INTRODUCTION, FIRST READING, AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, AN ORDINANCE ADDING A NEW SECTION 11-1-59 TO THE B.R.C. 1981, BANNING THE USE, SALE OR SUPPLY OF WATER FOR OIL AND GAS EXTRACTION AND SETTING FORTH RELATED DETAILS**

City Attorney Tom Carr presented on this item.

Council Member Morzel asked if the length of the moratorium was purely based on what would be defensible in court.

City Attorney Carr answered affirmatively and noted that if Council put it on the ballot they could choose the length of the moratorium on that as well. He stated that the longer the moratorium, the less defensible it may be in court.

Council Member Ageton asked if there were limits in place for water use in manufacturing within city limits.

City Attorney Carr responded that there were not, sale of water outside city limits was only for agricultural customers.

The public hearing was opened at 7:17 PM.

1. Cheryl Stevenson – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
2. Elizabeth Allen – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
3. Kim Smith – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
4. Claudia Naeseth – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
5. Mary Louise Chavers – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.

6. Mary Schwaba – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
7. Ellen Stark – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
8. Kristen Marshall – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
9. Janis Bellipanni – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
10. Erik Swean – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
11. Susan Secord – Spoke on behalf of 350 Boulder in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
12. Gabriel Perry – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
13. Katherine Hormel – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
14. Gregory Miller – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
15. Cosima Krueger-Armingham – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
16. Martin Spector – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
17. Stewart Guthrik – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
18. Ken Bonetti – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
19. Cynthia Santos – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
20. Audrey James – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
21. David Prowell – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.

22. Lynn Israel – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
23. Suzanne Spiegel – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
24. Martha McPherson – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
25. Kris Young – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
26. Ellen Buhlev – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
27. Charley Cropley – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
28. Matthew Hudgens – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
29. Alessandra Downey – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
30. Micah Parkin – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
31. Jim Morris – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
32. Andrew Rose – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
33. Lynn Segal – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
34. Joe Cohen – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
35. Angela Miller – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
36. Katherine Troy – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.

37. Deborah Young – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
38. Rhonda Akin – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
39. Cecelia DeLuca – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
40. Cyndi Nusbaum – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
41. Neshama Abraham – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
42. Jeff Rote – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
43. Mary Anne Righi – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
44. Ben Converse – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
45. Kelly Bartell – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
46. Scott MacInnis – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
47. Sarah Larrabee – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.
48. Ben Binder – Spoke against a moratorium and ban on water use for hydraulic fracturing.
49. Joy Barrett – Spoke in favor of a moratorium and a ban on the sale and use of water for hydraulic fracturing.

There being no further speakers the public hearing was closed at 9:01 PM.

Council Member Jones commented on the value of Boulder's open space and protecting it as a resource.

Council Member Morzel expressed her support for a moratorium on hydraulic fracturing and a ballot item for a longer moratorium.

Council Member Cowles echoed the comments of Council Members Jones and Morzel. He encouraged the audience to continue educating the community of the risks of hydraulic fracturing.

Council Member Becker noted that she would support the ordinances proposed and putting the moratorium on the ballot.

Council Member Wilson commented that he would support both of the ordinances. He discussed the hazards of methane gas being released into the environment due to hydraulic fracturing. He further explained that homes in Boulder are heated by natural gas that was hydraulically fractured and he wanted citizens to remember that the gas came from another community. He also reminded the audience that municipalization would rely heavily on inexpensive natural gas in order to be successful.

Council Member Plass noted that he would support both ordinances.

Mayor Appelbaum agreed with support for both ordinances.

Council Member Ageton stated that she would support both ordinances, but stated she was unsure about the ballot item. She was concerned about the expense of a lawsuit given the many other projects that also deserved attention.

Council Member Karakehian disclosed that he would support both ordinances being proposed. He echoed Council Member Ageton's concerns.

Council Member Jones moved, seconded by Council Member Morzel, to adopt Emergency Ordinance No. 7907 imposing a one year moratorium on the acceptance and processing of applications for drilling permits on city of Boulder open space properties and for any city permits or use review of new mining uses involving oil and gas extraction and to introduce and order published by title only Ordinance No.7908 adding a new Section 11-1-59 to the Boulder Revised Code, 1981 banning the use, sale or supply of water for Oil and Gas Extraction and setting for the related details. The motion carried 9:0 at 9:29 PM.

1. INTRODUCTION, FIRST READING, AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, AN ORDINANCE ADDING A NEW SECTION 11-1-59 TO THE B.R.C. 1981, BANNING THE USE, SALE OR SUPPLY OF WATER FOR OIL AND GAS EXTRACTION AND SETTING FORTH RELATED DETAILS

Mayor Appelbaum announced a five minute recess at 9:30 PM.

The meeting reconvened at 9:35 PM.

C. CONTINUATION OF SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT EMERGENCY ORDINANCE NO. 7904 AMENDING CHAPTER 13-2, "ELECTIONS" B.R.C., 1981, REGARDING POLITICAL COMMITTEES, CONTRIBUTIONS BY

CORPORATIONS AND TIMING OF CAMPAIGN FINANCE DISCLOSURE, AND SETTING FORTH RELATED DETAILS

City Attorney Tom Carr presented on this item.

Council Member Ageton inquired about how corporations would fit into the framework of issue committees.

Council Member Cowles responded that staff and the subcommittee agreed that corporate governance would and should be in place for those entities.

Council Member Ageton noted that most corporations hold their annual meeting in the spring and pointed out that if the ordinance went into effect in 2013 those entities may be required to call a special meeting of its board and vote of shareholders.

Council Member Cowles clarified that a vote of the shareholders would be carried out in the same fashion as election of the board of directors.

Mayor Appelbaum commented that under the current code any group could contribute to an unofficial candidate committee and the maximum was one hundred dollars. Each individual on their own would also have the ability to donate up to one hundred dollars as well.

Council Member Becker recalled her role on the subcommittee and phone calls she was receiving related to the election ordinance. She commented that elections were a complicated matter and she felt more comfortable with the ordinance being presented than an ordinance drafted without time and consideration. She was concerned that other alternatives discussed opened the city up to legal risk and therefore the piece pertaining to political committees was removed until staff had more time to consider the implications.

Mayor Appelbaum conducted an agenda check at 10:26 PM.

Mayor Appelbaum moved, seconded by Council Member Morzel to suspend the rules and continue the meeting. The motion carried 8:1, with Karakehian opposed, vote taken at 10:27 PM.

The public hearing was opened at 10:27 PM.

1. Harry Hemy – Spoke against the group Citizens United and suggested further changes to the proposed ordinance.
2. Valerie Yates – Speaking on behalf of PLAN Boulder County in favor of additional reporting requirements in the proposed ordinance.

There being no further speakers, the public hearing was closed at 10:34 PM

Council Member Cowles noted that the primary change to the code included additional financial disclosure dates.

Council Member Becker moved, seconded by Council Member Ageton to adopt by emergency the amended version of Ordinance No. 7904 to amend Chapter 13-2 of the Boulder revised Code regarding timing of Campaign Finance Disclosure Requirements as presented in the pink handout. The motion carried 9:0, vote taken at 10:49 PM.

Mayor Appelbaum noted that he would like elections to come back to Council again for further discussion on political committees.

Council Members Ageton and Karakehian expressed concern about writing policy that may be perceived as targeting a specific group.

Council Member Wilson asked if the provisions for corporations would include expenditures for what might be considered normal work. He gave the example of a lobbyist that would fly to various municipalities to state the corporation's position on various policies.

City Attorney Carr replied that it would not apply to expenditures of that nature.

Council Member Becker pointed out that enacting such a policy would have no impact on the 2013 election and expressed her opinion that it was not a defensible position.

Mayor Appelbaum agreed and suggested that the portion written regarding corporations would fit better as a work plan item. He also noted that Council would be reviewing the work plan at the study session on June 11.

Council Member Cowles reiterated that he felt shareholders had the right to vote on what policies the corporation supported or opposed.

Council Member Becker asked why Council Member Cowles felt that this was such an important policy to put in place for 2013.

Council Member Cowles commented that the legislature was not working on anything similar and he felt that Boulder would be protecting the integrity of its elections by mandating shareholder approval for positions related to elections.

Council Member Cowles moved, seconded by Council Member Morzel, to introduce and order published by title only an Ordinance adding a new section 13-2-23 to the Boulder Revised Code imposing a disclosure requirement on corporations making contributions for or against campaigns or issues in the City of Boulder and setting forth related details as presented in the blue handout. The motion failed 4:5, with Council Members Becker, Appelbaum, Wilson, Karakehian and Ageton opposed, vote taken at 11:32 PM

6. **MATTERS FROM THE CITY MANAGER** – 11:32 PM - None

7. **MATTERS FROM THE CITY ATTORNEY** – 11:32 PM

A. DRAFT SPECIAL RULES FOR THE JUNE 10, 2013 SPECIAL MEETING TO CONSIDER THE NABLUS SISTER CITY PROJECT APPLICATION 11:32PM

City Attorney Tom Carr presented on this item.

City Attorney Carr recommended amending Rule 7 to allow electronic signup for the public hearing beginning at 4 PM on June 6 and ending at 4:30 PM on June 10, 2013.

Mayor Appelbaum moved, seconded by Council Member Morzel to amend Rule 7 to allow electronic sign-up for the public hearing beginning at 4 PM on June 6 and ending at 4:30 PM on June 10, 2013. The motion carried 9:0 at 12:24AM.

B. UPDATE ON SCHEDULING FOR RECREATIONAL MARIJUANA ORDINANCES -11:40 PM

City Attorney Tom Carr presented on this item. He indicated that the City Attorney's staff would bring ordinances forward in September.

Council Member Wilson asked if the city of Denver had scheduled their ordinances for consideration.

Senior Assistant City Attorney Kathy Haddock noted that there were draft ordinances, but they had not been scheduled to go before Council yet.

Council Member Ageton wondered if there were provisions in Amendment 64 stating that a business had to have been in operation for a specific amount of time before it could apply to change over to a recreational marijuana business.

City Attorney Carr responded that all Amendment 64 required was that the entity holds a current business license.

Council Member Jones cautioned the Council against enacting policy that could inhibit successful businesses from continuing their operation. She recalled the work Council did on medical marijuana licensing and wanted to continue to support compliant businesses. She stated that she felt those businesses already proven to be compliant with medical marijuana be given the first opportunity to apply for recreational marijuana business licenses.

Council Member Morzel expressed agreement and suggested that Boulder parallel what Denver selected to enact.

Council Members Cowles and Karakehian agreed with Council Members Jones and Morzel.

Mayor Appelbaum asked Council if they were comfortable putting a moratorium in place that would delay medical marijuana businesses from applying to convert to recreational medical marijuana businesses until June 1, 2014. Applications for new recreational marijuana businesses, from applicants without current medical marijuana licenses would be accepted beginning October 1, 2014. Last, applications for new medical marijuana businesses would not be accepted between March 1, 2014 and January 1, 2015.

Senior Assistant City Attorney Haddock pointed out that Amendment 64 required the city to designate who would be receiving applications by October 1, 2013.

Council Member Karakehian said that he would like Council to consider putting a limit on the number of recreational marijuana businesses that would be allowed in Boulder.

Council Member Morzel asked for a map showing all medical marijuana business locations when the ordinances were brought back in September.

Council Member Jones agreed to the timeline and added that she wanted to watch Denver's policy choices closely.

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL – 12:20 AM

A. POTENTIAL CALL-UPS

1. EASEMENT VACATION FOR TRADER JOES IP DATE: MAY 8, 2013 LAST OPPORTUNITY FOR CALL-UP: JUNE 4, 2013

No action was taken on this matter.

2. EASEMENT VACATION FOR 420 HAWTHORN AVENUE IP DATE: JUNE 4, 2013 LAST OPPORTUNITY FOR CALL-UP: JUNE 4, 2013

No action waste taken on this matter.

3. EASEMENT VACATION FOR 2055 AND 2065 BALSAM IP DATE: JUNE 4 LAST OPPORTUNITY FOR CALL-UP: JUNE 4, 2013

No action waste taken on this matter.

OTHER MATTERS

Council Member Morzel noted that the contractor hired to assist with Council employee evaluations had sent a questionnaire via email that each Council Member

would need to complete. She and Council Member Plass were requesting the questionnaire be returned by June 18.

Council Member Morzel requested that Council give a nod of five to staff to research the Long's Garden and the Hoge land opportunities.

Council Member Ageton pointed out that staff had been directed to get an appraisal on Long's Garden.

Council Member Karakehian commented that he did not have enough information.

Council Member Cowles requested that the discussion be scheduled for June 18 and request a nod of five at that time.

City Manager Brautigam noted that the appraisal was completed for Long's Garden on June 1 and the city would be reviewing it in the next week and staff would have information for Council on June 18.

Council Member Morzel added that the property was currently zoned as agricultural, had never been used for any other purpose and she was concerned that if it sold to another buyer it may be used to build an apartment complex or multiple homes. She noted that the zoning around the property was residential.

Council Member Becker stated that she was comfortable with the progress on Long's Garden. She was somewhat confused because the city did not have an urban agriculture program and she wasn't aware of the city having purchased properties in the past prior to understanding the use.

Council Member Morzel clarified that she wanted to hear the information available and have the discussion. She was not stating that either property ought to be purchased.

Council Member Jones commented that she was interested in urban agriculture and would like to understand who in the city was working on it.

Council Member Becker recalled the housing discussions that Council had been a part of. She noted that Council did not want to expand outward or upward and the commitment was to fill in the undeveloped areas. She wondered why the city would then purchase a property like Hoge or Long's Garden that would be better developed by another entity.

Council Member Ageton stated that she would check in with Boulder Housing Partners to find out if they are aware that Long's Garden may go up for sale.

Mayor Appelbaum asked for a show of hands to show interest in receiving more information on the Hoge property.

Council Member Becker suggested staff make a recommendation as to whether the Hoge property ought to be considered for purchase and what the use would be.

Council Member Becker noted that Council just approved an acquisition plan for Open Space and Mountain Parks. Staff had not identified the Hoge property in its plan and she wondered what might have changed since that time.

There was not a majority of Council that wanted to receive more information on the Hoge property.

9. PUBLIC COMMENT ON MATTERS – 12:22 AM

None

10. FINAL DECISIONS ON MATTERS – 12:23 AM

Vote was taken on the motion to amend Rule 7 to allow electronic sign-up for the public hearing beginning at 4 PM on June 6 and ending at 4:30 PM on June 10, 2013. The motion carried 9:0 at 12:24AM.

11. DEBRIEF – 12:24 AM

None

12. ADJOURNMENT – 12:25 AM

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on June 5, 2013 at 12:25 AM.

Approved this ____ day of _____, 2013.

APPROVED BY:

ATTEST:

Alisa D. Lewis
City Clerk

Matthew Appelbaum
Mayor

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**CITY OF BOULDER
CITY COUNCIL PROCEEDINGS
Monday, June 10, 2013**

1. CALL TO ORDER AND ROLL CALL

Mayor Appelbaum called the regular June 10, 2013 City Council meeting to order at 5:00 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Ageton, Becker, Cowles, Jones, Karakehian, Morzel, Plass and Wilson.

ORDER OF BUSINESS

2. PUBLIC HEARING

A. CONSIDERATION OF THE APPLICATION REQUESTING SISTER CITY STATUS FOR NABLUS, PALESTINE

Council Member Morzel reviewed the application process and criteria for sister city relationship establishment.

Council Member Cowles welcomed those attending the meeting and noted that Council was eager to hear their thoughts.

Mayor Appelbaum discussed the special rules adopted for the meeting.

Essrea Sharon presented on behalf of the Nablus, Palestine Sister City Project.

Bill Cohen and Rabbi Marc Soloway presented on behalf of the opposition.

Stan Deetz presented the rebuttal to the opposition remarks.

The public hearing was opened at 6:27 PM.

1. Dee Marie – Spoke in support of forming a sister city relationship with Nablus, Palestine.
2. Gordon Pedrow – Spoke in support of forming a sister city relationship with Nablus, Palestine.
3. Vern Seieroe – Spoke in support of forming a sister city relationship with Nablus, Palestine.
4. Scott Levin – Spoke as a representative from the Anti-Defamation League, against formation of a sister city relationship with Nablus, Palestine.
5. Mark Loewenstein – Spoke against formation of a sister city relationship with Nablus, Palestine.

6. Joan Nagel – Spoke against formation of a sister city relationship with Nablus, Palestine.
7. Jeff Skovron – Spoke against formation of a sister city relationship with Nablus, Palestine.
8. Stanley Kreis – Spoke against formation of a sister city relationship with Nablus, Palestine.
9. Thomas Trager – Spoke against formation of a sister city relationship with Nablus, Palestine.
10. Diane Deschanel – Spoke in support of forming a sister city relationship with Nablus, Palestine.
11. Beth Ornstein – Spoke against formation of a sister city relationship with Nablus, Palestine.
12. Dan CJ Winters – Spoke in support of forming a sister city relationship with Nablus, Palestine.
13. Alan Rosenfeld – Spoke against formation of a sister city relationship with Nablus, Palestine.
14. Michael Wolin – Spoke against formation of a sister city relationship with Nablus, Palestine.
15. Rabbi Joshua Rose – Spoke against formation of a sister city relationship with Nablus, Palestine.
16. Alice Trembour – Spoke in support of forming a sister city relationship with Nablus, Palestine.
17. Neil Dobro – Spoke as the chair of Americans Against Terrorism, opposed to formation of a sister city relationship with Nablus, Palestine.
18. Miriam Schiff – Spoke in support of forming a sister city relationship with Nablus, Palestine.
19. Deborah Young – Spoke as an originating member of the Jalapa Sister City Group, in support of forming a sister city relationship with Nablus, Palestine.
20. Mimi Ito – Spoke against formation of a sister city relationship with Nablus, Palestine.
21. Jane Rubenstein – Spoke against formation of a sister city relationship with Nablus, Palestine.

22. Jacqueline Melmed – Spoke as the chair of the Jewish Community Relations Council in favor of formation of a sister city relationship with Nablus, Palestine.
23. Will Weathersby – Spoke in support of forming a sister city relationship with Nablus, Palestine.
24. Kathryn Bernheimer – Spoke against formation of a sister city relationship with Nablus, Palestine.
25. Sergio Atallah – Spoke in support of forming a sister city relationship with Nablus, Palestine.
26. Charna Rosenholtz – Spoke against formation of a sister city relationship with Nablus, Palestine.
27. Aaron Pinsker – Spoke against formation of a sister city relationship with Nablus, Palestine.
28. Jerry Pinsker – Spoke against formation of a sister city relationship with Nablus, Palestine.
29. Rob Smoke – Spoke in support of forming a sister city relationship with Nablus, Palestine.
30. Jennifer Durrett – Spoke in support of forming a sister city relationship with Nablus, Palestine.
31. Gordon Golding – Spoke about waging peace in the world rather than war.
32. Tara Winer – Spoke against formation of a sister city relationship with Nablus, Palestine.
33. Linda Feather – Spoke against formation of a sister city relationship with Nablus, Palestine.
34. Andy Franklin – Spoke against formation of a sister city relationship with Nablus, Palestine.
35. Pastor Gene Binder – Spoke against formation of a sister city relationship with Nablus, Palestine.
36. Claudia Chang – Spoke in support of forming a sister city relationship with Nablus, Palestine.
37. Sara Fitouri – Spoke in support of forming a sister city relationship with Nablus, Palestine.

38. Amy Austin – Spoke in support of forming a sister city relationship with Nablus, Palestine.
39. Mark Toukan – Spoke in support of forming a sister city relationship with Nablus, Palestine.
40. Sheila Winters – Spoke in support of forming a sister city relationship with Nablus, Palestine.
41. Kaitlyn Griffith – Spoke in support of forming a sister city relationship with Nablus, Palestine.
42. Elizabeth Ordonez – Spoke in support of forming a sister city relationship with Nablus, Palestine.
43. Tom Mayer – Spoke in support of forming a sister city relationship with Nablus, Palestine.
44. Wisam Alshaibi – Spoke in support of forming a sister city relationship with Nablus, Palestine.
45. Sara-Jane Cohen – Spoke against formation of a sister city relationship with Nablus, Palestine.
46. Ida Audeh – Spoke in support of forming a sister city relationship with Nablus, Palestine.
47. Kristine Walcler – Spoke in support of forming a sister city relationship with Nablus, Palestine.
48. Cameron Powers – Spoke in support of forming a sister city relationship with Nablus, Palestine.
49. Francoise Poinatte – Spoke as a board member for the sister city of Jalapa in favor of forming a relationship with Nablus, Palestine.
50. Rob Prince – Spoke on behalf of Front Range Jewish Voice for Peace in favor of forming a sister city relationship with Nablus, Palestine.
51. Stuart Chase – Spoke in support of forming a sister city relationship with Nablus, Palestine.
52. Stephen Ruby – Spoke in support of forming a sister city relationship with Nablus, Palestine.

53. Prudence Scarritt – Spoke in support of forming a sister city relationship with Nablus, Palestine.
54. Sophia Stoller – Spoke in support of forming a sister city relationship with Nablus, Palestine.
55. Mary Axe – Spoke in support of forming a sister city relationship with Nablus, Palestine.
56. John Lamb – Spoke against formation of a sister city relationship with Nablus, Palestine.
57. Anna Baltzer – Spoke in support of forming a sister city relationship with Nablus, Palestine.
58. Philip Wegener – Spoke as the former president of the Friendship Cities Project in support of forming a sister city relationship with Nablus, Palestine.
59. Neal Feldman – Spoke in support of forming a sister city relationship with Nablus, Palestine.
60. Lisa Soehn – Spoke in support of forming a sister city relationship with Nablus, Palestine.
61. Lana Khalar – Spoke in support of forming a sister city relationship with Nablus, Palestine.
62. Lynn Segal – Spoke in support of forming a sister city relationship with Nablus, Palestine.
63. David Prowell – Spoke in support of forming a sister city relationship with Nablus, Palestine.
64. Christopher Kuehl – Spoke in support of forming a sister city relationship with Nablus, Palestine.
65. Brian Underhill – Spoke in support of forming a sister city relationship with Nablus, Palestine.
66. Guy Benintendi – Spoke in support of forming a sister city relationship with Nablus, Palestine.
67. Saib Jarrar – Spoke in support of forming a sister city relationship with Nablus, Palestine.

68. Ayman Alawneh – Spoke in support of forming a sister city relationship with Nablus, Palestine.

There being no further speakers the public hearing was closed at 9:07 PM.

Council Member Cowles directed attention to the criteria in Resolution 631 and stated his support for approval of the Nablus, Palestine relationship.

Council Member Morzel pointed to the Sister Cities International purpose and noted her support for the motion.

Council Member Plass commented that he was concerned about how divided the community was in relation to the Nablus, Palestine application. He felt that sister city relationships should bring the community of Boulder together.

Council Member Wilson noted that he was not convinced that Nablus, Palestine was a good choice for Boulder as a sister city. He agreed with Council Member Plass' comments.

Mayor Appelbaum agreed with Council Member Plass' comments. He was worried that there were complexities that had not been addressed in regard to formation of a relationship with Nablus, Palestine relating to political issues.

Council Member Becker commented that both sides of the conversation were searching for peace and common ground. She stated that she felt the community was not ready for a sister city relationship that was very divisive in the community. She noted that she hoped the dialogue would continue in the community.

Council Member Ageton acknowledged the hard work of the members from the Nablus Sister City Project. She was concerned about the division within the community and agreed with Council Member Plass' comments. She felt there was more work to be done.

Council Member Karakehian commented that he was touched by many of the stories from supporters of the Nablus, Palestine application. He agreed with the comments related to concern over the polarization in the community. He stated that he would not be supporting the application. He felt that he would like to see Council give a “nod of five” before allowing Nablus, Palestine to come back for consideration.

Council Member Jones noted that she had been hoping for clarity during the public hearing. She expressed that if the motion failed it was not sending a message to the applicant group of no, but rather that now was not the right time.

Council Member Plass moved, seconded by Council Member Karakehian, to decline the application for the establishment of a new sister city relationship with Nablus, Palestine. The motion carried 6:3, with Council Members Cowles, Jones and Morzel opposed. Vote taken at 10:18 PM.

3. DEBRIEF

Council Member Plass commented that he had hoped the council discussion regarding this issue would have been handled in a more appropriate manner.

4. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on June 10, 2013 at 10:21 PM.

Approved this ____ day of _____, 2013.

APPROVED BY:

ATTEST:

Alisa D. Lewis
City Clerk

Matthew Appelbaum
Mayor

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**BOULDER CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Tuesday, June 11, 2013
6:30 p.m.**

SPECIAL MEETING AGENDA

1. CALL TO ORDER AND ROLL CALL

Mayor Appelbaum called the special June 11, 2013 City Council meeting to order at 6:40 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Ageton, Becker, Cowles, Jones, Karakehian, Morzel, Plass and Wilson.

ORDER OF BUSINESS

2. PUBLIC HEARING

A. Consideration of a motion to direct staff to begin development of the draft conceptual plan for the Civic Area and Implementation Strategies – 6:42 p.m.

City Manager Brautigam introduced the item along with Executive Director of Community Planning and Sustainability David Driskell. The presentation opened by providing the background of the overall process up to its current point. The presentation was then turned over to Sam Assefa, Senior Urban Designer, and Lesli Ellis, Comprehensive Planning Manager who asked for feedback from the Council on the Public Realm Diagram, Access and Mobility Diagram and Civic Park Improvements.

COUNCIL QUESTIONS - 7:23 PM

Council Member Plass asked a question regarding the square footage of a mixed-use community service building/community events center. He noted that Park Central and New Britain are 50,000 square feet and he wants to understand why this new building could be 110,000 square feet and which city offices it would include.

Lesli Ellis, comprehensive planning manager, responded that 50,000 square feet is the low end and only replaces New Britain and Park Central and its functions. She explained that 110,000 square feet is the high end and would replace all the scattered city offices including the Municipal building, New Britain and Park Central, and all the facilities on the 13th/14th Street block. The middle range of 80,000 square feet would replace New Britain, Park Central, the Atrium and other offices on the 13th/14th block but not the Municipal building.

Council Member Plass asked if 110,000 square feet would be the space we would be losing or if there is additional.

Sam Assefa, senior urban designer, responded that the current facilities are up to 40% deficient of current space standards for public meeting spaces, hallways, and ADA accessibility. The space study found that if we were to build new and be up to date with standards, additional square footage is necessary. For example Park Central and New Britain are about 48,000 square feet and the new proposed building 50,000 + square feet to accommodate larger meeting spaces, ADA accessible hallways, bathrooms etc and generally get the offices to current standards.

Council Member Cowles asked if that includes replacing the space in the Municipal building.

Lesli Ellis responded that the upper number of 110,000 square feet does include city council chambers space.

Council Member Cowles clarified that the upper number includes New Britain, Park Central, Atrium, Municipal and other scattered offices as well as additional square footage to modernize them to make them ADA accessible etc.

Lesli Ellis affirmed Council Member Cowles' clarification.

Council Member Ageton asked if there has been any work done on the condition of the Atrium Building in regards to its ability to be repurposed.

Lesli Ellis responded that she currently did not have that answer; however she has the history of use but not the condition.

Council Member Ageton noted that she is raising that question because it is a critical feature and knowing if it even can be repurposed or not is important in moving forward.

Sam Assefa commented that the Atrium was looked at through the NAIOP process and they had professionals looking at what it would take to repurpose it. He noted that the DU team found that for around \$150/square feet, the Atrium could be repurposed for a public market hall. He explained that this was their proposal and was supported by structural engineers who looked at the structure. Sam also noted that the volume needs to be looked at to consider what other functions it might suit.

Council Member Ageton asked if currently the Atrium Building is only being considered to be repurposed for a market hall or if other repurposing is being discussed.

Sam Assefa responded that there are various possibilities for repurposing the Atrium, but at this time, the city's main repurposing consideration is for a market hall type facility and that office space there is inefficient.

Council Member Ageton also asked if the city knows the preference of the Farmers' Market regarding a public market hall.

Sam Assefa responded that they have been working with the Farmers' Market and they are interested in exploring the public market hall idea but have no formal position.

Council Member Karakehian noted that in a previous meeting Park Central and New Britain had been discussed and he remembers being told that the money needed to make those buildings safe was more than the percentages allowed for work to be done on buildings in a high hazard flood zone (HHZ). He noticed that in this current proposal there is a cost figure that works for sustaining the buildings. He wanted to know if it is because the number is less this time or if the value of the building can be modified.

Jeff Arthur, director for Public Works for Utilities, explained that the new approach is to make modifications near the buildings instead of trying to shore up the buildings. He noted that, particularly with Park Central which is built on spread footers, if the creek washes away the dirt, the concrete could be undermined. He explained that the original assessment looked at how the foundation could be strengthened to be more resilient. The new technology strengthens the soil to prevent it from washing away and undermining the foundation. He noted that the high HHZ flood regulation speaks to not investing more than 50% of the value of the structure to upgrade it, and improvements to the soil are not really part of the structure. However, soil stabilization does not address the fundamental concern that the high hazard zone is about water that is deep enough and fast enough to wash people away. This new approach could potentially address the catastrophic effects of the building failing but does not address the issues of evacuating a building in the high hazard zone.

Council Member Wilson noted that Boulder High School's evacuation plan is to move to the top floors and that this could be a plan for the Park Central and New Britain buildings. He also expressed that he is less concerned with those buildings because they aren't residential, so people aren't living there at night and there are warnings for floods. He asked if those were mitigating factors.

Jeff Arthur agreed that they were mitigating factors and another mitigating factor is that since it is city offices, the employees are probably more educated about flash floods. However, he noted that predicting floods is like predicting the weather and there may be only 30 minutes of advanced warning. Also he expressed reluctance about keeping people in the buildings even with these new implemented upgrades because if it is a bigger flood than anticipated, it is unclear at what point the upgrades might be compromised.

Council Member Karakehian understood where the recommendation from the city comes from. He wondered if there is a way to modify the soil to prevent the building from washing away then can't something be done to the library parking lot by Arapahoe to protect it from flooding.

Jeff Arthur responded and explained that the conveyance zone is an area within which filler or structure is added (and if nothing is done to offset this), that water will be deeper downstream. He explained that if you were to put filler around the lot area, you have to figure out where that displaced water is going.

Sam Assefa clarified by explaining that new technology to shore up the New Britain building doesn't change the soil level so much, but rather changes the soil properties by injecting it with concrete. This is a new technology that has come around since December which is more cost-effective but doesn't change the grading.

Jeff Arthur explained that theoretically you could re-grade the parking lots so water wouldn't flow through there; however, you'd have to figure out where it went instead. In terms of the high hazard zone, regulations don't allow parking structures to be built because of the danger to people and the fact that cars tend to float in a foot and a half of water.

Council Member Karakehian expressed confusion because he thinks that if there is an ability to save the parking area then he wants to know how that can be done, because all the plans show that parking lot going away because it is in the HHZ.

Jeff Arthur responded that there is no regulatory requirement for removal. The city's regulation only restricts creating new parking in the HHZ. He noted that there is a risk leaving the parking where it is, but there is no regulation that says it must be removed.

Council Member Karakehian asked whether maintaining the lot has been explored because it seems all the plans show the lot going away.

Sam Assefa responded saying the city recommends removing parking from the HHZ and does not recommend elevating the parking lot so that it is no longer in the HHZ, because then you have to deal with where the displaced water goes.

Council Member Morzel commented that three of the council members are working on the Civic Use Pad and noted that it is outside the primary focus of the Civic Area and wants to see it included. She expressed how critical the Civic Use Pad is and how there is a fast approaching deadline to work it out. She noted that she wants the Civic Use Pad to be part of the larger vision because it could connect the north side of Canyon with the library and other arts on the south side.

Sam Assefa responded that although it was not highlighted in tonight's presentation, that the city has met with the Task Force and has been looking into the Civic Use Pad as part of the Civic Area. He also noted that they plan to meet with the St. Julien and will highlight the Civic Use Pad in the next meeting.

Council Member Morzel responded by saying she knows it has been talked about and doesn't want it to drop out of the discussion.

Council Member Becker seconded what Council Member Morzel said.

Council Member Cowles was interested in knowing if the Civic Use Pad could be used for city offices.

City Manager Jane Brautigam responded that city offices are one specific use that cannot go on the Civic Use Pad, and it would be very challenging to change that.

Council Member Cowles asked about 14th Street and the Boulder Transit in relationship to the development of Boulder Junction. He wanted to know what staff had to say about the integration of transit facilities at 14th and Canyon with the Civic Area Master Plan.

Bill Cowern, transportation operations engineer, asked for clarification to the question about what more could be done to integrate transit in the Civic Area.

Council Member Cowels explained that there is a big transit hub across Canyon just outside the planning area. He noted that there is not much in the packet of information about how the existing transit functions at Walnut may change over time as Boulder Junction develops and how that might impact the Civic Area Master Plan. He stated this is an issue for redevelopment of that site. He noted the importance of the Walnut Transit Center and wanted to know how it fits into the planning of the Civic Area.

Bill Cowern responded that there is currently work being done on 14th Street to expand the capacity for transit to accommodate more buses between Canyon and Walnut. That is staff's effort in conjunction with RTD to date to try and maximize the capability of that site. He commented that they have also discussed the possibility of using 14th Street between Canyon and Arapahoe for expanded capacity of RTD stops. He noted that they have not discussed any improvements to the transit center itself.

Council Member Cowles followed up by asking if there is a good sense of how as Boulder Junction develops and brings in more transit to the east how that will impact ridership and routes going to the Civic Area. He asked if the development will impact bus routes and the amounts of buses going in and out of the area.

Bill Cowen responded (without knowing for sure) that it would be his expectation that there wouldn't be any fewer buses going into the downtown. He projected that as transportation modes improve there could be a need for more buses, but not less.

Mayor Appelbaum noted that they have received emails talking about the possibility of some kind of conference facility and that the first-tier option regarding mixed-use facilities starts to get at this idea with a community events center. He asked if staff could clarify what the difference is, or if there is any, between the public's perception of a conference facility and a community events center.

Lesli Ellis responded that how it is described in the first-tier options is not unlike how the NAIOP competition conceptualized the idea as a flexible space used for conferences, banquets, performances, weddings and so on. She noted that there has been a fair amount of support for such a facility and that the city and others are always looking for spaces to hold meetings and spaces for community outreach. She expressed how important flexible space is which is different from a conference facility.

Sam Assefa added to this by noting how they have heard a lot regarding the need for a flexible facility. He explained that the difference between a conference or performance space with fixed seats and a flexible community events center is that in a flex space, seats can be removed for banquets and other such uses. He commented on the Civic Use Pad and how they are looking into the possibility of putting a flexible space of 10,000 square feet to 14,000 square feet there that could accommodate such programs (meetings, banquets, performance, etc.), including art (exhibit) space. He explained further analysis would need to be done to establish the needs of non-profits organizations and so forth. He also noted the city needs space for public meetings and outreach events. He commented that through the planning

process, a better sense of capacity needs in conjunction with other mixed-use spaces will be discovered.

Mayor Appelbaum responded by noting that generally only city owned land is discussed in the plan but that there is privately owned land just to the east. He wondered to what extent the city is looking at redevelopment of that private land to support some of the building needs such as a performing arts center, city offices, or something else. He expressed his concern that not everything can be placed between 13th and 14th Street and wants to know how and if the development of private property has been considered.

Lesli Ellis responded that many civic areas tend to be private/public partnerships with a mix of private and public land. She noted that some of the identified desirable developments such as hotels and residential units would be an advantageous private/public partnership. She commented that the team is continuing to explore these types of partnerships and uses for adjacent properties.

Council Member Karakehian expressed how the city and CU go back and forth between creating a conference center and wants to know if there is a discussion going on with CU at this time.

City Manager Jane Brautigam responded that there are no discussions going on.

Council Member Morzel wondered if there has been any type of market analysis for an additional hotel considering there are many new hotels currently in the planning or building process. She is concerned about the city's ability to sustain another hotel and wondered if there should even be another hotel downtown, where it would go and if it is even a viable possibility. She noted she would have a hard time supporting an additional hotel at this point.

Sam Assefa responded that the city is not ready to recommend any specific use. The city recommends creating a mixed-use facility which could include a hotel, residential units, retail, and other commercial uses. He noted that during the implementation process, proposals will be evaluated for what the specific needs are.

Council Member Becker commented that the CU NAIOP team did do some market research and established that there is a high demand for hotel rooms in the downtown area. She noted that there are hotels being lost and new ones being built but in places like Gunbarrel, so there is actually a high demand for a hotel in the downtown Boulder area.

Mayor Appelbaum noted that hotel or residential space keeps the site active and lively 24/7 but wondered how else this could be achieved. He noted that performing arts centers, conferences facilities, and city offices are not occupied all the time. He asked for clarification on how all of that factors into the plans of creating an 24/7 active site.

Sam Assefa responded that hotels function like residential units and may actually have more activity at night. He commented that "eyes on the park," day through nighttime use and park safety can be achieved with some hotel/residential space. He noted that the guiding principles will help identify and filter uses in order to achieve the Civic Area goal of creating active and lively spaces. He also commented that there are less interactions with a larger performing arts

center versus a hotel in terms of 24/7 use unless there are ways to utilize the performing arts center to use the building throughout every day. He explained that it becomes a question of how many different uses can be achieved in one building.

The public hearing was opened:

1. Madelyn Clair - opposed to funding a Civic Plaza and stressed the need for addressing public safety in the civic area corridor.
2. Judy Reed, President and cofounder of the Boulder Center for Performing Arts - noted that after years of study, their group had determined that a need for space for a performing arts Center would exceed a space for 400 patrons. The exact number need was yet to be determined but the group had hired a consultant that would be doing a needs assessment, ad feasibility analysis and a business plan for sustainability. She asked council to wait on this decision until the report is completed.
3. Hillary Griffith, UCAM chair speaking individually - commented that the space, design and the process should reflect community values by utilizing technology and innovation. This community is entrepreneurial and agile and those traits should be reflected in the space. She also spoke of collaboration and creativity as important components of the process. Sustainability should be at the core. She concluded that creative funding is available and cost should not preclude any decision.
4. Joe de Raismes, Vice president of the Boulder Center for Performing Arts – Noted that he was working with Frank Bruno and the Board of the Center for Performing Arts to find a private/public partnership to fund a new performing arts center. He then addressed the location stating that they have focused on the North East site.
5. Elizabeth Allen – Agreed with speaker one noting that it was not right to create structures in the 100 year flood zone. Leave the south side of Canyon alone.
6. Carla Selby – Supported a Science Art Museum but noted that the Atrium would not be a plausible location.
7. Carl Worthington- Spoke to the possibility of the 13th and 14th street block as a cultural block.
8. Dennis Berry – agreed that 13th and 14th street between Canyon and Arapahoe would be a great location for a cultural Center.
9. Christian Toohey- On behalf of the Farmer’s Market expressed excitement regarding what the impact could be. He then cautioned that it could also back fire if not well thought out.
10. Shanan Olson – also on behalf of the Farmers Market noting that the desire was not to become a big tourist draw, but rather remain true to the local community. Conflicting uses or scheduling could create a problem.

COUNCIL DISCUSSION 8:37 PM

A. FIRST-TIER RECOMMENDATIONS ON PUBLIC REALM DIAGRAM:

1. Boulder Creek and the cottonwoods along it remain a natural corridor and central focus for the park and outdoor space;
2. Existing buildings (New Britain and Park Central) are removed from the High Hazard Flood Zone (HHZ) to improve life and property safety;
3. Most of the surface parking in HHZ and 100-year floodplain is relocated to wrapped and/or underground structures at either end of the civic area, also to improve life and property safety and create new parkland;
4. A cohesive and expanded central park at the core, bookended by current and future mixed-use buildings; and
5. Canyon Boulevard becomes a complete street to reduce barriers to downtown and create more space and amenities for pedestrians, bicycles, and transit.

Council Member Jones stated 1, 4 and 5 of the first-tier recommendations in the Draft Public Realm Diagram make a lot of sense. She said it came down to city buildings and whether they should be put on that crowded block. She is open to removing New Britain and Park Central from the High Hazard Zone, but was not totally convinced. If they agreed that the buildings needed to be moved, she wondered how the process of Civic Area development would precede since this would be a major portion of the very beginning of the plan. She thought it was an intriguing idea to have a new consolidated municipal area, but understood it would probably be the hardest aspect to fund.

Council Member Cowles agreed with 1, 3, 4, and 5 but not 2, removing the buildings from the High Hazard Flood Zone. He was open to the idea, but doesn't want this to be the driving force of the project. He believes that an office building program – both what goes on inside and outside – is not exciting and that this contradicts the goal of making this a lively and beautiful place.

Council Member Karakehian expressed that Park Central and New Britain should not be moved because they are too valuable. He didn't believe that this Civic Area Plan should be a Civic Municipal Plan. He stated that the buildings should be left where they are and maintained to improve safety.

Council Member Becker agreed with all the first-tier recommendations of the Draft Public Realm (1-5). She approved of removing the structures from the High Hazard Flood Zone. She explained that the cost of offering services is very high because there are several spread out buildings which hold governmental offices which makes it inefficient for visitors and city employees. Also, she commented that maintaining structurally unsound buildings is a bad investment and even though it may be hard to fund, it seems inevitable. Also, she noted that if and when those buildings are removed, a new great public space could be created for the community. She commented that relocating those offices makes sense but is not entirely sure the 13th/14th Street block is the correct location. To sum up, she expressed that because of the current inefficiency, condition of the buildings, potential safety issues and because of the potential of what could be; removing the buildings from the HHZ should still be considered.

Mayor Appelbaum agreed with Council Member Becker and understood that it won't be the easiest thing to sell to people but commented how short-sighted it would be to leave the buildings for some future generation to deal with last minute. He does not believe pumping hundreds of thousands of dollars into fixing and flood proofing them is a good idea because what if that still isn't enough? He is unsure if the new city offices have to go on 13th/14th Street, but does want them to be part of the broader Civic Area Plan. He also noted that these new city offices spaces should all be better coordinated as to make it more efficient. He asked Council Member Jones about her stance on number 3, removing most surface parking.

Council Member Jones is in complete agreement with number three, relocating parking.

Mayor Appelbaum has absolute support for number three for a number of reasons; especially because of the real danger of being located in the HHZ. He also noted that having surface parking in an urban area deadens the area. He noted that doesn't mean there is no need for it, just that it needs to be somewhere else to open up park space. He is in agreement with all five elements from the Draft Public Realm Diagram but expressed his concern about not being absolutely sure where the city offices would be moved to. He acknowledged that the 13th/14th Street is city owned land, but noted that there might be a better arrangement for that space.

Council Member Morzel agreed with all five elements for the reasons that Mayor Appelbaum and Council Member Becker spoke to. She commented that keeping the buildings in the HHZ and continuing to invest in them is a not a good idea because this is the highest risk flood corridor in the state. She expressed her support of getting rid of all the surface parking. She also noted that creating a municipal campus has been an issue since at least 1995 (when she started working for the city) and she expressed that having a mixed used community services building between 13th and 14th Street could be exciting and lively. She explained that although there would be offices, it would not be entirely office buildings and so the area would not become a dead space.

Council Member Wilson said that number one is fine and number three is okay – although it seems to support having less people going to the library because parking will be even harder to find. Four and five are also okay. He noted that number two is an interesting issue because Park Central and New Britain are worth a lot of money. He argued that you could auction them off to businesses that would put offices there and pay quite a lot, so the idea of knocking them down troubled him. He believed most companies would accept the risk of the flood hazards to be in that location. He also had trouble supporting moving the city offices to the northeast area because that is the prime real estate and he thought other uses like performing arts would be better there. However, he understood that some offices may be needed for economic reasons. He noted that city offices may be better located west of the library. Lastly, he is concerned about if a performing arts center is built and under used that it would need to be subsidized.

Council Member Plass is in agreement with the five elements of the Draft Public Realm. He commented that removing the buildings is a tough one and is lost value, but given the condition of the buildings, functionality, expected life, and location in the HHZ, it makes it hard to invest in. He expressed that relocating the city offices and repurposing the land is good. He noted that the amount of new space needed for city offices ranges from 50,000-

110,000 square feet and he argued that those numbers are a very different when considering putting them into the northeast space of the Civic Area. He is also interested in looking for other potential areas in the downtown to place the city offices because he is not convinced that 13th/14th Street is the best place.

Council Member Ageton supported elements 1-5 from the Draft Public Realm. She is reluctant and struggling with element 2, removing the buildings, because it is losing value. However, she agreed that pouring money into them isn't the solution. She is concerned with the flood plains diagram and how no one knows exactly what a flood would do and doesn't understand why other buildings aren't being considered to move. She also agreed that other areas beside the 13th/14th Street block should be considered for where the city offices should be relocated because the 13th/14th corridor is the place for culture and arts. She is troubled by the language on the general Draft Public Realm diagram that seems to focus on the social aspects of the area and only briefly mentions city services, which is a major priority.

B. FIRST-TIER CHOICES:

1. Farmer's Market
2. Public Market Hall
3. Mixed-Use Community Services Building/Community Events Center

Council Member Ageton is in favor of keeping the Farmers' Market on 13th Street and is very interested in the potential to expand it. She noted how we need to keep working closely with the Farmers' Market to accommodate their needs and for continued success. She also expressed excitement for a public market hall. She noted how it is important to make sure that the market does not get turned into a tourist attraction and that it continues to be for the local community.

Council Member Plass commented that it makes sense to leave it on 13th Street which should help alleviate some of the fears the Farmers' Market has about the changing area. It is successful where it is, and is a major attraction. He is also excited about the synergy which could be created between a public market hall and the Farmers' Market.

Council Member Jones thought it is important to keep it a modest size to keep it community based. She also commented that expansion of the Farmers' Market is exciting.

Council Member Becker expressed some confusion about the expansion and/or year-round idea because there would need to be indoor space. She expressed how there are conflicting messages, because some say don't make it a tourist attraction, but it already is. She also believes that having the support of the Farmers' Market for expansion or anything, including creating a public market hall is critical. She acknowledged that creating indoor opportunities will make it more expensive to function and so spaces would need to be subsidized to avoid it being cost-prohibitive.

Council Member Plass wondered if the public market hall space could be repurposed during the week during hours when the market is not open.

Sam Assefa said the public market hall and Farmers' Market function separately but are very complimentary of one another. He noted how there are many different models on how these market halls function; generally, the successful ones operate with both permanent vendors open throughout the week and some vendors only during the seasonal market.

Council Member Becker stated she loves the San Francisco Ferry Building Market and explained that the 2nd and 3rd floor offices make the rent affordable for the market vendors.

Mayor Appelbaum was fine with looking into a market hall. He expressed concern about getting stuck on using the Atrium Building for this public market hall. He noted that the Atrium could be repurposed and no longer facilitates office space. However, he believes it is a strange building and is unsure if it is cost-effective to repurpose it. Since it is there, it is worth taking a look.

Council Member Cowles expressed his opinion that it is not worth maintaining the Atrium Building because it is no longer very functional. The civic uses should be first and foremost, but we should not preserve dreadful architecture which cannot adapt to newer functions and aspirations over time, which is the case with the Atrium.

Council Member Karakehian commented that we need to be open to repurposing or replacing the Atrium Building; replacing in this case may be better in order to design a better market hall.

Council Member Plass countered Macon and George by stating that the Atrium Building is an example of Boulder modern architecture and is potentially eligible for landmark designation. He is open for discussing the topic further.

Council Member Ageton mentioned that the location where the Atrium Building stands is a very important area and whatever ends up there needs to activate the site. She wondered if the Atrium Building ever do that?

Council Member Becker commented that the driver for the 13th Street block should be what needs to go there, not the existence of the Atrium. If the Atrium happens to fit the determined use, then keep it, but first focus on functionality.

Council Member Ageton asked about the recommendation for a mixed-use community services building/community events center and the large combination of possibilities. She noted that more options or proposals about what could go there; especially on the 13th/14th Street block, will be necessary before she can give real direction. She said that this is contingent on whether a performing arts center is part of the mix or not.

Mayor Appelbaum asked for clarification on what a 'yes' for this choice means.

Lesli Ellis said it would be the location where some, maybe all of the city services, are consolidated. It would be a mixed-use area with the public market hall and a flexible community meeting space which is around 20,000 square feet to accommodate functions

such as non-profits, banquets, and meetings. She also stated that there would likely be restaurants, cafes and other activities to activate the area in the evening and night hours.

Sam Assefa explained that this initial recommendation does not necessarily preclude all the other possible uses for the area. In fact, he commented that if you look at the NAIOP proposal, everything is included in the 13th/14th Street block.

Council Member Ageton wanted to know if agreeing to this choice means supporting placing the city offices in the 13th/14th Street block. (Response: no) She would like to see more options of other places where the city offices could go.

Council Member Becker agreed with the idea of the 13th/14th Street being a mixed-use center and doesn't want to take anything off the table. She commented that after working on the Civic Use Pad Task Force where the topic for needing a meeting space has been identified, she thinks this mixed-use development in 13th/14th is good. She also pointed out that the 13th/14th Street land is owned by the city and makes sense to put city offices there. She expressed that this will catalyze the development of the next block down Canyon.

David Driskell, executive director of Community Planning and Sustainability, asked whether council would support the private sector being part of the development, such as private offices, hotels, residential, etc. He said that this might be a way to generate money to help pay for the development as opposed to having only public buildings/institutions which would be funded by the public. He asked how we can approach a public/private development.

Council Member Cowles noted that after hearing more from Lesli, Sam, and David, he supports the first-tier choice concerning mixed-use community services building/community events center. He said the architecture and structures need to be timeless – not glass curtain walls or international style pieces. He expressed his concern that the building materials should honor the past and give to the future.

Council Member Morzel supported this first-tier recommendation especially because the 13th/14th Street block is mostly city owned land. Most communities have city services in one place. Ability to access services says a lot about a city, and Boulder could be improved. She also commented how this could make the area very lively and that the first floor could be accessible for many different uses. She liked the idea of 24/7 use by putting some residential in the area, too.

Council Member Wilson was okay with the third recommendation as it was written but recognized that the performing arts center might be a better fit here. Economically, if it makes more sense to put other business offices here and city offices somewhere else, he was fine with that too.

Council Member Becker was willing to consider private sector opportunities for the 13th/14th Street block.

Council Member Jones agreed with private/public potential, as long as the private sector is not the driver. She also agreed with Council Member Cowles about how the architecture

needs to be timeless and inspiring. She pointed out that the Civic Use Pad could accommodate non-profit space, so it makes sense to consider all these uses together.

C. SECOND-TIER CHOICES:

4. 13th/14th Street
5. West Senior Center
6. Bandshell
7. Performing Arts Center
8. Arts/Cultural/Science

Mayor Appelbaum asked generally if everyone was okay with further looking at 13th and 14th Street in conjunction with Canyon planning and design.

Council members all agreed.

Council Member Jones commented that she'd like better developed biking connections throughout this area and north and south of Pearl Street. She noted that as the complete street of Canyon Boulevard is considered and designed, bike connections through the downtown also need to be developed.

Council Member Ageton commented that businesses on 14th Street need to be spoken with to understand their needs as changes are made. She also expressed concern about the Dushanbe Teahouse potentially being overshadowed by this development.

Council Member Morzel also expressed this concern of the teahouse being overshadowed.

Council Member Ageton was okay with the initial recommendation concerning the West Senior Center in terms of co-locating it with other human services. However, she was unsure about the part of moving it outside the Civic Area because she noted that there's no other place for human services to co-locate it with. She realized that city staff is waiting on Human Services' master plan for further guidance.

Council Member Becker agreed with the idea of co-locating the West Senior Center with other services.

Council Member Jones was fine with co-location and also commented that the center is fine where it is.

Suzy Ageton expressed concern over losing parking spaces for the seniors wherever the center locates.

Council Member Morzel likes the bandshell and is okay with the recommendation. She is concerned with how it impacts the landmark designation by moving it.

| Lesli Ellis said there has been mixed feedback on what happens to the landmark designation. She said moving it does affect its integrity and landmark status; however they've also heard the perspective from board members that the context in which the bandshell sits now is so different from its original context. Moving it to a more park--like space may actually more closely resemble its original context. She noted that it is a landmarked structure and will have to go through landmarks board review for any alteration permit.

Council Member Morzel asked where it might move.

Lesli Ellis answered that the ideas competition generated ideas of moving it south of the creek and potentially having the bandshell's back to the creek to create natural seating with the landscape. There were also ideas for putting it between the library and municipal building or west of the library. In general, it would be in the park away from the busy street.

Council Member Becker said her, her son asked if the bandshell is the homeless shelter.

Council Member Cowles commented that the bandshell creates a difficult challenge because it is a landmark. However, he argued that the context has changed and it should not be next to a thoroughfare which conveys 20,000 automobiles every day. He expressed his opinion that the bandshell should be de-listed as a landmark or moved to a context similar to its 1938 context. The bandshell is a dark hole in the Civic Area plan that should be taken care of.

Council Member Plass expressed real concern about delisting a landmark, especially one that is city owned. It sets a horrible example for the rest of the community to de-list a landmarked building that is inconvenient. He noted that this doesn't serve their program well and that they aren't being an exemplar for the private sector. He actually does agree with the city's initial recommendation; however, he wondered about where it is going to be relocated, because some of the suggestions seem to put it in the flood conveyance zone. He asked if it is legal to move it into the flood zone.

Jeff Arthur said it is not technically a habitable structure so the high hazard provision doesn't apply. The conveyance zone is a factor; it would have to be set up in a way where it wouldn't catch the flow.

Mayor Appelbaum doesn't disagree with Tim about delisting landmarks, but he doesn't want the bandshell to drive the project. Force fitting it in the area doesn't make sense unless the bandshell has utility on the site, which is supposed to be lively, interesting and attractive. ? Currently, the bandshell location, huge space in front of it, and the seating don't work anymore, in addition to the structure. He said do not plop it somewhere because we feel forced to do so, that's not very helpful. If it is just taking up space and isn't attractive and active, what can we do to fix that?

Council Member Jones agreed with Mayor Appelbaum, but expressed they should explore all the options before they create the precedent that Tim mentioned. She noted that having the bandshell's back to the creek doesn't speak to her because the creek is the celebrated feature of the area.

Council Member Ageton stated that she hopes the city will not spend a lot of money on near term improvements. She would like to see a budget, because interim improvements could be a bad expenditure of public dollars.

Council Member Karakehian expressed dislike for the bandshell. He commented that if it is going to be moved and if it does remove it from the historic register, we should look into other locations in the city, such as north Boulder Park or Foothills Park. There are other parks where the bandshell might work better. He noted that moving it out of the Civic Area would not bother him. He also agreed with Suzy that in the interim, there should not be a lot of money spent. However, he would like to see it more secured with a chain link fence which is lockable and one that you can't get over in order to make it more secure at night.

Council Member Wilson supported the idea of having a performing arts center, because it is something which the city is missing, and it doesn't appear to be on CU's radar. He commented that if CU was thinking about a performing arts center, he would want to see what they are doing before plans are developed for the Civic Area. He said that CU might or might not do a conference facility, but they don't seem to be interested in a performing arts center. He reflected on the success of his alma mater's performing arts center at Illinois and explained that the city there would never build one because the university's was so nice. However, he said CU does not have one and existing facilities, such as Macky are not enough. If the 13th/14th Street is developed as mixed-use with conference space, and CU then announces it is going to be build a conference facility, then the 13th/14th Street block could be repurposed to serve a performing arts center. However, he noted more analysis is necessary.

Council Member Karakehian expressed that the performing arts center is his number one priority; he would give it the prime space on the site. City offices would be his last choice for what goes on 13th/14th Street. The Arvada Center is a wonderful space and it is a shame that Boulder doesn't have one. Arvada Center is 500 seats, is quite large, and very comfortable. He doesn't know what Boulder needs, but the study being performed should help clarify that issue.

Council Member Ageton was interested in a performing arts center and recognized the challenge of figuring out what size is needed and looks forward to Judy's analysis. She said it is important to think about where a center will function best; placing it near downtown is necessary in order to achieve synergy with downtown activities. This makes her less interested in seeing a performing arts center as a redevelopment of the north library. She recognizes that there are many considerations to take in including city offices and is interested to see where it goes.

Mayor Appelbaum was also interested in a performing arts center but is skeptical because, as was mentioned earlier, suggestions for a performing arts center have been shot down many times in the past for a variety of reasons. He would like to see what the study finds, but will be skeptical of that too as often studies have optimistic findings. He expressed concern about the cost and subsidizing operating costs, as is done in other communities. He has no idea how big it needs to be. Providing land is a huge deal. He also wondered how the space can be mixed use to keep the site lively and active for the majority of every day. He wondered about pushing this project east a block. Mayor Appelbaum mentioned that if the 13th/14th Street

block isn't used for city offices, that land will have to be bought for offices somewhere else, so the public is going to have to pay for something. Lastly, he commented that looking at the north library space was worth analyzing. If an analysis shows that it is the right size and would get a lot of use that it is worth pursuing.

Council Member Becker commented that we need to continue exploring the possibility of a performing arts center and is more interested in it being developed north of the library. She noted how north of the library is not far from downtown and is in fact right across the street from the St. Julien, which is a very active site with many visitors. She also mentioned her uncertainty for what will happen with the senior center, but that it may actually be well sited with a performing arts center.

Council Member Morzel supported a performing arts center and doesn't think 13th/14th Street is the right location. She liked the idea of it being northwest of the library building. She expressed how there could be a real synergy linking a performing arts center with the Civic Use Pad. She commented how this would connect the north and south side of Canyon to one another. After looking through the Boards and Commissions feedback, she understands and agrees that there is consensus that a smaller performing arts center (800 seats or less) is what this community needs. She is concerned about how to keep it functioning all the time and recognizes that it needs to be flexible space.

Council Member Cowles would like to see the staff consider the goals of option 8b of repurposing the Atrium and Municipal Buildings in their planning process.

Council Member Wilson commented that there is need for science displays but that we need to talk with the Boulder History Museum to see if something like this will be part of their permanent functions.

Mayor Appelbaum supported outdoor science, art, and/or cultural displays. He stated a lot could be done to capture the culture of Boulder and support Civic Area goals of being attractive and getting people outdoors. He supported exploring all the options and thinks a lot of them make sense such as repurposing buildings, and moving BMoCA to the Civic Use Pad. A lot of moving parts make it hard to analyze all the pieces; he would like to see more analysis.

Council Member Jones agreed with Mayor Appelbaum and supports arts and culture and science too.

Council Member Morzel pointed out that there are 300 days of sunshine here in Boulder, so having outdoor displays is good. Repurposing buildings for small art classes or science classes would be nice. She completely supports the city continuing to explore these options.

3. DEBRIEF

No comments were made.

4. ADJOURNMENT

There being no further business to come before Council at this time, **BY MOTION**

REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on June 11, 2013 at 9:55 PM.

Approved this ____ day of _____, 2013.

APPROVED BY:

ATTEST:

Alisa D. Lewis
City Clerk

Matthew Appelbaum
Mayor

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: July 16, 2013

AGENDA TITLE: Second reading and consideration of a motion to adopt ordinance No. 7909 authorizing participation in the Denver Metro Mortgage Assistance Plus Program and authorizing the City Manager to enter into the Delegation and Participation Agreement with the City of Denver.

PRESENTER/S:

Jane S. Brautigam, City Manager

Paul J. Fetherston, Deputy City Manager

Bob Eichen, Finance Director /Acting Executive Director of Administrative Services,

Jeff Yegian, Acting Manager, Division of Housing

Bonnie Logan, Homeownership Program Manager

Executive Summary:

The City and County of Denver has invited the City of Boulder to participate in the 2013 Metro Mortgage Assistance Plus Program (MMA Plus). Denver developed the program in an effort to make homeownership more accessible to low and moderate-income buyers. This program will enhance the City of Boulder's Affordable Homeownership Program by making affordable mortgages more widely available for qualified buyers of affordable homes in the city's program.

Through the program, qualified buyers will receive a grant valued at 4 percent of the home's purchase price for down payment and closing cost assistance. Denver invited all major jurisdictions in the region to participate, and so far Arvada, Brighton, Dacapo, Edgewater, Lakewood, Littleton, Sheridan, and Wheat Ridge have signed on. There is very little administrative and no fiscal commitment required for the city to participate. The only requirement is that the city market the program to Boulder area mortgage lenders, who can then utilize the program for the benefit of home buyers.

Staff Recommendation:

Staff requests that City Council pass the proposed ordinance authorizing participation in the Denver Metro Mortgage Assistance Plus Program and authorizing the City Manager to enter into the Delegation and Participation Agreement with the City of Denver.

Impact:

- Economic - The existence of opportunities that complement the city's affordable housing program can make homeownership more accessible to prospective buyers, which in turn enhances Boulder's economic vitality by assisting business recruitment and retention of employees. Metro-wide collaboration also promotes a better understanding of affordable housing as a viable economic tool across a broad region.
- Environmental - Providing affordable housing makes it possible for employees to live in the community in which they work which helps to reduce commuting, traffic congestion and sprawl.
- Social - Affordable homeownership contributes to the health, livability and diversity of the broad community, provides an opportunity to positively affect the lives of low and moderate-income residents, and enhances the social fabric of the city. This program will also provide benefit to service members (former and current) that qualify for VA loans.
- Fiscal - None. No fiscal commitment is required by the City of Boulder to participate. The 4 percent grant made to homebuyers that utilize this program includes a \$1,000 issuers fee captured at closing that pays Denver's cost for administration and oversight.
- Staff Time - Minimal. Homeownership staff will market the program to Boulder area mortgage lenders, Boulder Area Realtor Association and prospective buyers. The marketing of this program will be linked to existing Homeownership Program marketing efforts requiring minimal additional resources.

Background:

The MMA Plus Program provides a 4 percent grant to low and moderate-income home buyers earning less than \$91,100 (1-2 people) or \$103,000 (3+ people) to assist with down payment and closing costs associated with a home purchase in the City and County of Denver, and in certain surrounding communities from the 40-jurisdiction Metro Mayors Caucus (MMC). The grant never has to be repaid by the buyer, and buyers must use an approved and trained mortgage lender. The only loans eligible are standard 30-year fixed-rate FHA and VA mortgage loans.

Funds from this program could potentially reduce the amount of down payment assistance funds needed by each buyer from the City of Boulder's Solutions Grant program, thereby allowing a greater number of buyers to be served by limited City of Boulder funds. Additionally, buyers may be able to increase affordability by combining the MMA Plus grant and the city's grant; and more households

may decide to take advantage of the affordable home purchase options available through the city's homeownership program, thus increasing the pool of eligible buyers for sellers in the program.

The City of Boulder's Permanently Affordable Housing Covenant will be reviewed to ensure the city's affordability restrictions and the MMA Plus assistance do not conflict. Staff works to ensure buyers purchasing homes through the city's affordable homeownership program receive purchase loans through mortgage lenders which are in compliance with state and federal laws and regulations. Mortgage loan underwriters receive education and are certified to participate in the MMA Plus Program.

The extent of the city's role is to market the MMA Plus Program to Boulder area mortgage lenders, Boulder area realtors and prospective buyers to increase participation in this regional program. There exist no financial contribution, reporting or monitoring responsibilities for the City of Boulder. The only costs are associated with staff time to perform the necessary marketing of the MMA Plus Program. Program reports will be provided to the city on a regular basis by Denver staff.

U.S. Bank, the program's servicer, is responsible for transferring down payment funds directly to the title company or closing place. The City of Boulder is not involved in this step of the transaction and is not responsible for account management.

The initial investment by the City and County of Denver is \$15,000,000; funds are replenished as mortgages are sold to U.S. Bank then repackaged into investment opportunities. There is no deadline for the City of Boulder's enrollment. There is no expected end-date for this program.

Analysis:

There are precedents for Boulder's leverage of regional partnerships to extend affordable homeownership opportunities in its use of Private Activity Bond authority for the Mortgage Credit Certificate Program which was regionally available. Seeking to take advantage of a regional partnership to help make homeownership possible for low and moderate income households, staff now recommends City Council authorize the City Manager to enter into a Delegation and Participation Agreement allowing home buyers within the City of Boulder jurisdiction to receive the benefits of the Metro Mortgage Assistance Plus Program.

Attachments:

- Attachment A - Proposed Denver 2013 Metro Mortgage Assistance Plus Program
- Attachment B - Delegation and Participation Agreement
- Attachment C - Draft Ordinance

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Proposed Denver 2013 Metro Mortgage Assistance Plus Program



Program Benefit: The proposed 2013 City and County of Denver Metro Mortgage Assistance Plus Program will provide a competitive 30-year fixed-rate mortgage with a down payment assistance (DPA) grant equal to 4% of the mortgage amount to qualifying low and moderate income homebuyer families throughout the City and County of Denver, and in certain surrounding communities that participate from the 40-jurisdiction Metro Mayors Caucus (MMC).

Program Mortgage Rate: Will be slightly above market rate (e.g., as of 2/11/13 anticipated to be **3.75%**). The program mortgage rate will change periodically to stay competitive with the market.

Program DPA/Lender Compensation: Each homebuyer family will receive a non-repayable DPA grant for down payment & closing costs equal to 4% of the initial principal amount of the mortgage loan. This is funded directly by Denver at mortgage loan closing. The net DPA is 3%, taking into account the 1% origination fee. Lender income is 2%, coming from the 1% origination fee at loan closing and 1% SRP (0.50% for VA loans) upon sale of the loan to the Servicer, US Bank Home Mortgage.

Program Size: \$15,000,000 revolving. Initially, \$15 million of funds may be reserved, closed, or purchased by the Servicer at any one time. However, as soon as the resulting GNMA Certificates are pooled and delivered by the Servicer, such amounts will be added back into the available \$15 million.

Program Period: Denver, as Program Sponsor, anticipates finalizing the program in late February, and then rolling out the 2013 Metro Mortgage Assistance Plus Program in early March. We anticipate an initial two-year program term, though extendable by Denver thereafter to allow for "continuous origination."

Eligible Mortgages: The normal tax-exempt bond or mortgage credit certificate (MCC) program requirements (income & purchase price limit, and first-time homebuyer) will not apply. In addition, the homebuyers will not be subject to "Recapture Tax." Denver currently anticipates the following requirements for eligible homebuyers:

- 1) **No First-time Homebuyer Requirement**
- 2) **Maximum Credit Qualifying Income: \$91,100 (2 or fewer)/\$103,000 (3 or more)**
- 3) **No Maximum Home Purchase Price**

Eligible Loans: FHA or VA, all 30-year, fixed rate & poolable into GNMA Certificates, minimum 640 FICO score (660 for manufactured housing), maximum 45 debt-to-income (DTI) ratio. All homebuyers must receive HUD-approved homebuyer education. Loans must be "underwriter certified" within 15 days of loan reservation, closed within 45 days, and purchased by the Servicer within 70 days. Refinances are not permitted.

Eligible Loan Area: Mortgage loans under the program may be made to qualifying borrowers throughout the City and County of Denver, and in the participating Metro Mayors Caucus (MMC) jurisdictions when added.

Participating Lenders: Must be approved by Denver and the Servicer, sign a Participating Lender Agreement with the Servicer, sign a Lender Agreement with Denver, pay an annual fee to Denver of \$1,000, and receive webinar training from the online loan reservations Administrator, eHousingPlus, and the Servicer.

For More Information: Please contact Stacy Houston with Raymond James | Morgan Keegan @ stacy.houston@raymondjames.com.

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DELEGATION AND PARTICIPATION AGREEMENT

This DELEGATION AND PARTICIPATION AGREEMENT, dated as of _____, 2013 (this “Delegation and Participation Agreement”), is by and between the City of Boulder, a legally and regularly created, established, organized and existing political subdivision under the Constitution and statutes of the State of Colorado (“City of Boulder”) and the CITY AND COUNTY OF DENVER, COLORADO, a legally and regularly created, established, organized and existing political subdivision under the Constitution and statutes of the State of Colorado (“Denver”);

RECITALS:

WHEREAS, the State of Colorado (the “State”) Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State’s political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, Denver is authorized pursuant to its Charter to promote the financing of residential facilities for low and middle income persons or families or facilities intended for use as the sole place of residence by the owners or intended occupants and to promote the health, safety and general welfare of the people of Denver; and

WHEREAS, Denver has sponsored its 2013 Metro Mortgage Assistance Plus Program to provide competitive fixed rate 30-year mortgage loans which will be coupled with down payment and closing cost assistance grants in connection with financing mortgage loans for residential facilities, intended for use as the sole place of residence by the owners thereof, for low–and middle–income families (the “Program”); and

WHEREAS, Denver has invited the City of Boulder to participate in the Program; and

WHEREAS, the City of Boulder has the full legal authority to participate in the Program pursuant to the Ordinance adopted by the City of Boulder Council authorizing the City of Boulder’s participation in the Program pursuant to this Delegation and Participation Agreement (collectively the “Act”); and

WHEREAS, the City of Boulder desires to delegate to Denver the authority of the City of Boulder to take action and exercise power under the Act on behalf of the City of Boulder with respect to the Program within the City of Boulder’s boundaries;

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, the City of Boulder and Denver hereby agree as follows:

Section 1. The City of Boulder hereby delegates to Denver the authority of the City of Boulder to take action and exercise power under the Act on behalf of the City of Boulder with respect to the Program within the City of Boulder’s boundaries.

Section 2. Denver hereby accepts the delegation of authority from the City of Boulder pursuant to Section 1 hereof and agrees to abide by each of the terms and conditions of this Delegation and Participation Agreement in connection with the use of such delegation. Denver agrees to make the Program available to the City of Boulder for the origination of home mortgages within the City of Boulder's boundaries.

By executing this Delegation and Participation Agreement with Denver, the City of Boulder is allowing Metro Mortgage Assistance Plus mortgage loans with down payment assistance to be made in its jurisdiction. The City of Boulder jurisdiction will be added to the eligible loan area for the duration of the program, unless the City of Boulder should withdraw. There is no cost or liability for the City of Boulder, a Metro Mayors Caucus jurisdiction to participate. There is not a specific opt-in deadline for participation. FHA and VA mortgage loans will be originated by participating lenders, purchased by the program servicer, US Bank, and then pooled into Government National Mortgage Association (GNMA) Certificates. These GNMA's will be sold by US Bank to Denver and then by Denver to Raymond James & Associates, Denver's single family investment banker, which has committed to purchase the GNMA's pursuant to a GNMA Purchase Agreement with Denver thereby refunding the loan pool.

Section 3. The participation of the City of Boulder in the Program, and all undertakings, obligations, duties and rights of the City of Boulder and Denver under this Delegation and Participation Agreement, are contingent upon the implementation of the Program.

Section 4. In the event that the Program is not implemented by Denver or the Program is discontinued by Denver, this Delegation and Participation Agreement, and all duties, obligations and rights of Denver and the City of Boulder hereunder, shall terminate. If the Program is not implemented or is terminated, the City of Boulder agrees to hold Denver harmless for any costs or any other liabilities incurred by the City of Boulder with respect to the adoption and approval of this Delegation and Participation Agreement or any other City of Boulder actions related thereto.

Section 5. The City of Boulder's participation in the Program pursuant to this Delegation and Participation Agreement shall not be construed as creating or constituting a general obligation or multiple fiscal year direct or indirect indebtedness or other financial obligation whatsoever of the City of Boulder nor a mandatory payment obligation of the City of Boulder in any fiscal year during which this Delegation and Participation Agreement shall be in effect.

[Signatures on the following pages]

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ORDINANCE NO. 7909

1 AN ORDINANCE ADOPTING AN INTERGOVERNMENTAL
2 AGREEMENT BETWEEN THE CITY OF DENVER AND THE
3 CITY OF BOULDER RELATING TO PARTICIPATION IN THE
4 METRO MORTGAGE ASSISTANCE PROGRAM AND
5 SETTING FORTH RELATED DETAILS.

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
7 COLORADO:

8 Section 1. The city council adopts and authorizes the city manager to execute the
9 intergovernmental agreement to participate in the 2013 Metro Mortgage Assistance Plus
10 Program, the form of which is included at the end of this ordinance and incorporated by this
11 reference.

12 Section 2. The city council delegates the authority to the city manager to renew the
13 agreement annually and make minor amendments that are not substantive in nature to the
14 intergovernmental agreement that the manager may find appropriate.

15 Section 3. This ordinance is necessary to protect the public health, safety and welfare of
16 the residents of the city, and covers matters of local concern.

17 Section 4. The council deems it appropriate that this ordinance be published by title only
18 and orders that copies of this ordinance be made available in the office of the city clerk for public
19 inspection and acquisition.

20 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
21 TITLE ONLY this **th day of ** 2013.

22
23 _____
24 Mayor

25 ATTEST:

1 City Clerk on behalf of the
2 Director of Finance and Record

3 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
4 PUBLISHED BY TITLE ONLY this ____ day of _____, 2013.

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7 _____
Mayor

8 Attest:

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10 _____
11 City Clerk on behalf of the
12 Director of Finance and Record
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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: July 16, 2013

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only an ordinance submitting to the registered electors of the city at the general municipal coordinated election to be held on Tuesday, November 5, 2013, the question of amending section 98, “Term of bonds- disposal of bonds” of the Charter of the City of Boulder to authorize negotiated or private sales of bonds and setting forth related details.

PRESENTER/S

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Paul J. Fetherston, Deputy City Manager
David Gehr, Deputy City Attorney
Bob Eichem, Chief Financial Officer

EXECUTIVE SUMMARY

At the April 23, 2013 study session and the June 18, 2013 City Council meeting, one of the potential ballot items discussed by the City Council was the possibility of amending the City of Boulder Charter to allow for the ability to use negotiated bond sales in certain circumstances. Council asked that staff bring forward potential ballot language for consideration for this topic.

The memos to the two meetings provide the background and analysis of this potential amendment. The study session materials can be found on the City Council web site for the April 23, 2013 study session on revenue, ballot, and Charter items. The memo for the June 18, 2013 meeting can be found in agenda item 6A starting on page 118 of the packet on the City Council web site. Links are not provided in this memorandum as the city is in the process of transferring to a new web site while this matter is pending before the council.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only an ordinance regarding revisions in Charter section 98,. Term of bonds - disposal of bonds.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The Charter amendment will not create any incremental economic impact on any businesses or individuals since the it will apply to future bond measures. The bond amendments will provide the city with more opportunities and options to consider when it considers issuing debt in future years. It will provide the city with another tool to improve the city and continue to make it an attractive place for residents, employers, and employees.
- Environmental –The amendment to the Charter will provide the city with opportunities to issue debt in order to fund important city priorities. Investing in city infrastructure may enhance the environmental by creating efficient and cost effective systems and programs.
- Social – Bond issues usually fund important city priorities. Quality infrastructure that is accessible to all members of the community, foster a sense of place and provide opportunities for enhancements to the quality of life of residents and employees that live and work in the city.

OTHER IMPACTS

- Fiscal – The fiscal impact of each bond issue will vary based on each bond issue.
- Staff time – The preparation and analysis of ballot items is a part of the ongoing work program of the departments involved.

PUBLIC FEEDBACK

Other than the public feedback that will be obtained during the public hearing there have not been any public comments received since this topic was discussed at a previous study session and council meeting.

BACKGROUND

Under Charter section 98, the city is required to sell bonds at public sales using a competitive approach to the bond sale. There are two methods of selling bonds issued by local governments. The two methods are known as competitive or negotiated sales. While there are numerous team members involved in a government bond sale, there are two positions that have major differences in roles when using competitive or negotiated bond sales: the issuer and the financial planner.

Best practices in government finance show that no matter which method is used, the issuer should have a separate financial advisor who has been selected via a request for proposal process. Due to recent changes in federal laws, the financial advisor now has a fiduciary responsibility to the issuer and may not represent or be the underwriter at any time in the bond sale process. This has eliminated the appearance of a conflict of interest when it used to be quite common for the financial advisor to be both the financial advisor and the underwriter.

Negotiated Bond Sales

When negotiated sales are used, an underwriter offers to purchase the entire bond amount from the issuer at a negotiated price. The underwriter is then responsible for selling the bonds to individuals or institutions. This process requires the underwriter to be involved early on in the process so it can participate in structuring the bond issue (when certain amounts will mature, call dates, expected interest rates, length to maturity), and conducts the pre-marketing effort to create interest in the bonds that will be sold.

The best practice for negotiated bonds sales is to select the underwriter through a request for proposal process with stated criteria of how the firm will be selected. It is not uncommon for one firm to be the lead and team with others when a bond issue is large or very complex. This provides additional outlets for making sure the bonds will be sold. The underwriter's way of making money relies on the difference between the amount they bid for the bonds from the issuer versus the amount they are able to sell the bonds for in the market. There is a structured method for analyzing what this actual difference should be to determine that the amounts are in line with current market charges. The financial advisor has a major role in conducting this analysis and ensuring no hidden costs are included.

Competitive Bond Sales

In a competitive sale method, the financial advisor has a much larger role and the underwriters' role is limited to submitting an electronic bid and buying the bonds from the issuer the day the bonds are sold. The financial advisor provides major support to staff for the structuring of the bond issue, is responsible for the pre-marketing, coordinates with the other less involved members of the team, ensures that the winning bid submitted meets all structural requirements of the bond sale, and conducts the closing on the day the bonds are sold.

Best Practices for Bond Sales

Best practices and advisories for debt management have been written by the Government Finance Officers Association of the United States and Canada (GFOA). They can be found at

http://www.gfoa.org/index.php?option=com_content&task=view&id=122&Itemid=135

Best practices demonstrate that there are times when consideration could be given to use competitive sales and other times when negotiated sales should be considered. Some of the most major reasons that council has heard of in previous discussions are:

When to consider using competitive sales

- ▶ Bond rating of the bonds is A or better
- ▶ General Obligation (often called GO bonds) or utility bond with a long-term record of strong performance
- ▶ Structure of bond issue easy to explain
- ▶ Issues are of sufficient size
- ▶ Positive market conditions
- ▶ Known issuer
- ▶ No special conditions on the sale
- ▶ Flexibility for the issue date is not needed

When to consider using negotiated sales:

- ▶ Rating of the bonds will be A or lower
- ▶ No or limited track record for the bonds to be issued
- ▶ Bond issue has unique features
- ▶ The bond issue is complex
- ▶ Issuer desires to target participation
- ▶ The date for selling the bonds needs to be flexible (unstable market conditions)
- ▶ The story behind the bond issue needs to be discussed with potential buyers of the bonds

ANALYSIS

Since the city Charter was originally approved in 1917, section 98 requires competitive bond sales. The competitive method has served the city well for over nine decades. The city has sold bonds that are not complex or unique, has had an A or better bond rating, a long history of paying off its bonds, and has not targeted participation in the sale of the bonds.

Two separate issues have occurred that suggests City Council may wish to consider asking the voters to modify this language in certain situations so that negotiated sales could be used if approved by council. The first is to ensure that City of Boulder residents have the opportunity to purchase bonds sold by the city. The second would be to provide an option to sell potential municipalization bonds.

In a competitive sale, the issuer cannot designate how many bonds need to be made available for local purchase. The competitive method allows the underwriter that buys the bonds to sell them to the people who normally purchase their bonds. While it is possible some of the bonds may end up selling locally it is not guaranteed. Staff was asked to research possible options to make bonds available locally. The negotiated sales method would allow this to occur.

The possibility of selling municipalization bonds will be more challenging than the bonds the city has sold in the past. As has been discussed in past study sessions and council meetings: the bonds will be more complex than previous bond issues; the city will not have a track record for the type of bonds to be issued since the electric utility would be very new; there would be unique features that would need explanation; it would be helpful to have more flexibility regarding the sale date of the bonds, and there may be a desire to target participation by residents of the area.

Proposed Charter Amendment

In the June 18, 2013 discussion, council members expressed a preference to be able to have the council choose when the city might use a negotiated bond sale arrangement. The proposed Charter amendment permits this flexibility. The proposed Charter change reads as follows:

Sec. 98. Term of bonds–disposal of bonds.

For bonds requiring an election prior to their issuance, the ~~The~~ term of any bond issues and the maximum rate of interest shall be fixed by the ordinance submitting the question to the registered electors of the city. ~~When issued, bonds~~ Bonds shall be sold to the highest responsible bidder at public sale, but in no case for less than par, and in all cases to the best advantage of the city. Council shall have the option to authorize a negotiated or private sale of bonds. Prior to authorization of a negotiated or private sale of bonds, the manager will provide a recommendation to council as to whether such sale would be to the best advantage of the city. Bonds may be sold at, above, or below par and contain provisions for redemption prior to maturity, with or without payment of a premium.

For future bond sales, the first approach will be to use competitive public sales of the bond issue. The bond issue would come before the council in the same manner as it does

today. If the city wanted to use a negotiated sale, it would start with at least a two step process. First, a request would need to be made to the council to authorize a negotiated sale. Before the council would make a decision to use this bond sale option, the city manager will need to analyze whether such a sale would be to the best advantage to the city. The manager would present this recommendation to the council. The council would consider the manager's recommendation and decide whether to authorize the sale of such bonds. Then, the bond issue would be prepared as discussed above in the section of this memo titled, "Negotiated Bond Sales."

The city's bond counsel, Kutak Rock has also advised that a small revision to Charter section 98 be made to update the language to current bonding practices and to remove ambiguity in the Charter section. The phrase, "but in no case for less than par," has been deleted. The language is obsolete, going back to practices in place in 1917, when the city's Charter was adopted and bonds were issued as "bearer bonds." In general, bearer bonds are being phased out in favor of registered bonds and capital appreciation bonds.

The city has interpreted the phrase as applying to the whole issue; the city has allowed individual maturities to be sold at a discount but have said that the bonds have to be sold in their entirety either at par or with a "net" original issue premium. Removing that limitation removes a potential conflict with what actually has occurred over the years at public sales. Bond counsel has advised that this is a rather unique restriction that does not appear in other charters. Other city charters are either silent on it or specifically allow bonds to be sold "at, above, or below par."

MATRIX OF OPTIONS

For City Council's consideration there are two possible options to allow for the negotiated sales of city bonds in certain situations. As proposed both would require council approval of the use of the negotiated bonds sale method.

The City Council may adopt the measure proposed in this memo, amend it, or reject it.

The approach that staff recommends is that bonds are sold by competitive public sale unless the City Council determines that a negotiated sale is to the best advantage of the city based on a recommendation by the city manager.

If the City Council wanted to have the greatest amount of flexibility in deciding how to do bond sales, it could substitute the language below into Charter section 98. Such an option would not have a presumption that the city would sell bonds in competitive public sales unless council decides otherwise, as described above in the analysis section of this memo.

Alternate Charter amendment:

Sec. 98. Term of bonds–disposal of bonds.

The term of any bond issues and the maximum rate of interest shall be fixed by the ordinance submitting the question to the registered electors of the city. When issued, bonds shall be sold at public or private sale to the highest responsible bidder, but in no case for less than par, and in all cases to the best advantage of the city.

ATTACHMENTS

- A. Proposed ordinance.

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ORDINANCE NO. _____

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE QUESTION OF AMENDING SECTION 98, "TERM OF BONDS - DISPOSAL OF BONDS" OF THE CHARTER OF THE CITY OF BOULDER TO AUTHORIZE NEGOTIATED OR PRIVATE SALES OF BONDS, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A general municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 5, 2013.

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to section 98 of the city Charter pertaining to the term of bonds and disposal of bonds. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Sec. 98. Term of bonds–disposal of bonds.

For bonds requiring an election prior to their issuance, the ~~The~~ term of any bond issues and the maximum rate of interest shall be fixed by the ordinance submitting the question to the registered electors of the city. ~~When issued, bonds~~ Bonds shall be sold to the highest responsible bidder at public sale, but in no case for less than par, and in all cases to the best advantage of the city. Council shall have the option to authorize a negotiated or private sale of bonds. Prior to authorization of a negotiated or private sale of bonds, the manager will provide a recommendation to council as to whether such sale would be to the best advantage of the city. Bonds may be sold at, above, or below par and contain provisions for redemption prior to maturity, with or without payment of a premium.

Section 3. The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. _____

Negotiated or Private Bond Sales

Shall section 98, "Term of bonds - disposal of bonds" of the Charter of the City of Boulder be amended as described in Ordinance No. _____ to give the City the option to sell bonds by a negotiated or private sale instead of a public sale when determined to be to the best advantage of the City?

FOR THE MEASURE _____ AGAINST THE MEASURE _____

Section 4. If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed and the Charter shall be amended as provided in this ordinance. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 5. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981, and this ordinance, and all contrary provisions of the statutes of the State of Colorado are hereby superseded.

Section 6. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the city.

Section 7. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 8. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 9. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 16th day of July, 2013.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 5th day of August, 2013.

Mayor

Attest:

City Clerk

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: July 16, 2013

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only, an ordinance submitting to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013 the question of amending Charter section 130 and other related Charter sections removing the requirement that individuals be City electors to serve on City Boards and Commissions and amending Charter section 185 to allow out of City electrical utility customers to serve on the Electric Utility Board and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Paul Fetherston, Deputy City Manager
Karen Rahn, Director, Human Services

EXECUTIVE SUMMARY

The Human Relations Commission (HRC) requested that the City Council consider amending the Boulder Home Rule Charter to allow those not registered to vote in the City of Boulder to serve on City Boards and Commissions. Council directed that the city attorney prepare a proposed ordinance making the proposed change consistent throughout the Charter. One of the sections that would require a change is section 185(b) establishing an Electric Utility Board. The city attorney recommends also amending this section to allow for out of City electrical utility customers to be eligible to serve on this board.

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only an ordinance placing on the November 5, 2013 ballot a measure amending sections 74, 130, 157, 172, 185 of the Boulder Home Rule Charter.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – To the extent that City Boards and Commissions provide input and assistance with economic development in the City of Boulder, economic development could benefit from more diverse representation on City Boards and Commissions
- Environmental – Several boards, in particular the Environmental Advisory Board and the Water Resources Advisory Board, provide guidance on important environmental issues. Diverse representation on these boards could provide a benefit to the environment.
- Social – Diversity is one of the City’s most important values. Expanding the Board and Commission selection process to be more inclusive for those not presently eligible to participate will support this goal.

OTHER IMPACTS

- Fiscal – None identified.
- Staff time – Staff work necessary to implement this provision should be minimal and can be accomplished within normal work programs.

BOARD AND COMMISSION FEEDBACK

This is an HRC initiative. The details of HRC feedback are covered in the analysis section below.

BACKGROUND

Charter section 130 establishes the criteria for membership on the City’s Boards and Commissions. It was included in the original 1918 Charter and was amended in 1998 to allow for appointments to be delayed until March.

Charter section 130 provides in relevant part as follows:

At any time after the organization of the council elected under the provisions of this charter, the council by ordinance may create and provide

for such advisory commissions as it may deem advisable; provided, that a library commission is hereby created, and the council shall, within ninety days from its organization, appoint the members thereof.

Each of such commissions, including the library commission, shall be composed of five electors, appointed by the council, not all of one sex, well known for their ability, probity, public spirit, and particular fitness to serve on such respective commissions. . . .

The requirement that Board and Commission members be “electors” precludes participation by non-U.S citizens and others not permitted to vote, including individuals incarcerated or on parole for felony convictions.

Prior to the November 2007 election, council considered a Charter amendment that might have altered this requirement. That provision would have added the following language to Section 130:

However, an otherwise qualified person who is not an elector may serve on a commission that exercises no quasi-judicial functions if that person is a legal resident of the United States, at least 18 years of age, and has resided in the city of Boulder for at least one year immediately prior to appointment to serve on the commission.

The proposed limitation to boards that do not exercise quasi-judicial functions was an attempt to deal with any concerns of local residents that non-citizens would be sitting in judgment of citizens. The proposed limitation to legal residents of the United States was to avoid a concern about "illegal" immigrants sitting as local government officials. The proposed limitation to people who had been residents of the City for at least one year was meant to reassure voters that the non-electors who serve will have had some connection to the community.

A number of members of the local immigrant community and other members of the public supported the general approach. Some of those, however, objected to the proposed limitations that were being considered.

A number of those who spoke against the proposal argued that governance is such a basic element of citizenship that it should not be diluted. They also argued that there are other meaningful ways in which non-citizens can participate in the community. Others argued that the change would be mostly symbolic in its impact and that it might stimulate an anti-immigrant mobilization and thus ultimately be counterproductive.

The council voted against placing the matter on the ballot by a closely divided vote. Some council members expressed opposition to the measure for some of the reasons noted above. Others indicated that they felt that the matter had not been adequately evaluated and so placement on the ballot was premature.

In 2008, council considered the measure again. The initial ordinance proposed by staff included a provision requiring that board members be legal residents. The ACLU objected to this provision on the ground that the City should not be in the business of verifying an applicant's residence status. Council removed the provision. Council ultimately adopted Ordinance 7605 placing an amendment to section 130 on the November 2008 ballot.¹

The proposed amendment was as follows:

Sec. 130. General provisions concerning advisory commissions.

At any time after the organization of the council elected under the provisions of this charter, the council by ordinance may create and provide for such advisory commissions as it may deem advisable; provided, that a library commission is hereby created, and the council shall, within ninety days from its organization, appoint the members thereof.

Each of such commissions, including the library commission, shall be composed of five ~~electors~~ city residents, appointed by the council, not all of one sex, who are well known for their ability, probity, public spirit, and particular fitness to serve on such respective commissions and who are at least eighteen years old and who have resided in the city of Boulder for at least one year immediately prior to their appointment to serve on the commission.

It is important to note that the measure proposed in 2008 only affected Boards and Commissions governed by section 130. The Planning Board, the Parks and Recreation Advisory Board and the Open Space Board of Trustees are governed by other sections of the Charter and thus would not have been covered by the 2008 proposal. Planning Board members are required to be "electors." Charter § 74. PRAB and OSBT members need only be "residents." Charter §§ 157, 172.

What followed was a relatively divisive community discussion. There was no organized opposition committee, although one Daily Camera columnist editorialized against the measure three times. Among the arguments levied against the measure were the following:

- Individuals in the country illegally would be permitted to serve;
- Felons on parole could serve;
- The measure extended the residency requirement for registered voters; and
- The measure failed to include others not eligible, in particular non-residents from adjacent areas.

The Daily Camera itself gave the measure what could at best be called a tepid approval:

We're not opposed to the notion, but question the need for it. There are plenty of ways to serve a community -- from volunteering with nonprofits

¹ A copy of ordinance 7605 is attached.

to participating with religious organizations -- that don't require citizenship.²

The voters rejected the measure with 20,122 (45.29 percent) voting in favor and 24,305 (54.71 percent) voting against.

As part of its 2013 council feedback, the HRC identified allowing non-electors to serve on city Boards and Commissions in response to question number 4, "Are there any other items that council should address in the coming year?"³ On April 15, 2013, the Human Relations Commission approved the following motion with a 5 to 0 vote:

[T]hat the Human Relations Commission hereby requests that the City of Boulder Charter Committee take appropriate steps to amend the Boulder City Charter to allow all people who reside in the City of Boulder to be eligible to serve on all City Boards and Commissions.

On April 17, 2013, the HRC sent a memorandum to the City Council advocating for a Charter change allowing all residents to serve on city Boards and Commissions.⁴

ANALYSIS

The "electors" requirement in the Charter means that to qualify a person must be a registered voter. To vote under Colorado law, a person must be:

- 18 years of age;
- A United States citizen;
- A resident of the State of Colorado and the precinct in which the person is registering for at least 30 days prior to registration;
- Not be serving a sentence for a felony; and
- Not be on parole for a felony.⁵

The elector requirement excludes United States citizens who are not registered to vote and legal residents who are not United States citizens. While much of the focus of comments during the 2008 campaign was on those in the country illegally, it is important to remember that many of those who are precluded from participating are in fact legal residents not registered to vote. It is also worth noting that the residency requirement to register to vote is shorter than the one year residency requirement included in the proposed ballot measure. If the amendment is adopted some individuals who would currently be eligible to serve would be excluded. That is, individuals who are registered to vote, but who have lived in Boulder less than a year.

² *Camera endorsements*, Boulder Daily Camera, October 31, 2008.

³ A copy of the Human Relations Commission's 2013 goals is attached.

⁴ A copy of the April 17, 2013 memorandum is attached.

⁵ §§ 1-2-101; 1-2-103(4) C.R.S.

City staff surveyed “peer” cities to determine whether the elector requirement is common. The results showed that most cities similar to the city of Boulder do not have this requirement.

Peer Cities/Counties	# Boards Requiring Electors	# Boards Requiring City Residency or No Residency	Percentage Electors Required for Boards
Ann Arbor, MI	0	48	0%
Berkeley, CA ⁶	1	43	2%
Boulder County, CO	0	27	0%
Davis, CA	0	0 / 16	0%
Eugene, OR ⁷	1	14	6%
Fort Collins, CO	26	0	100%
Madison, WI ⁸	1	83	1%
Norman, OK ⁹	4	33	10%
Palo Alto, CA	0	9	0%
Provo, UT	0	15	0%
Santa Barbara, CA ¹⁰	13	19	41%
Santa Cruz, CA ¹¹	13	4	76%
Tempe, AZ ¹²	1	33	3%

Other Jurisdictions of Interest	# Boards Requiring Electorship	# Boards Requiring Residency or No Residency	Percentage Electorship Required for Boards
Boulder County	0	27	0%
New York City, NY	0	59	0%
Seattle, WA	0	45	0%

In addition to the Charter section 130 requirements, there are specific sections addressing requirements for several other Boards and Commissions. These sections are as follows:

⁶ Berkeley requires members of its Fair Campaign Practices Commission to be electors.

⁷ Eugene requires members of its Budget Committee members to be electors.

⁸ Madison requires members of its Madison Election Advisory Committee to be electors.

⁹ Norman requires members of its Planning Commission, Board of Parks Commissioners, Norman Regional Hospital Authority, and Reapportionment Commission to be electors.

¹⁰ Santa Barbara requires some or all of the members on the following committees to be electors: Architectural Board of Review (7 of 7 members), Arts Advisory Committee (4 of 7 members), Civil Service Commission (5 of 5 members), Fire and Police Commission (3 of 5 members), Harbor Commission (7 of 7 members), Historic Landmarks Commission (5 of 9 members), Library Board (5 of 5 members), Living Wage Advisory Committee (1 of 7 members), Mosquito and Vector Management District (8 of 8 members), Parks and Recreation Commission (7 of 7 members or 6 of 7 members if one member is over 16 years of age but not yet 18), Planning Commission (7 of 7 members), Transportation and Circulation Committee (5 of 7 members), and the Water Commission (5 of 5 members).

¹¹ Santa Cruz requires members of its Board of Building Appeals, Clean River, Beaches and Ocean Fund Citizen Oversight Committee, Equal Employment Opportunity Committee, Green Building Working Group, Historic Preservation Commission, Measure K Oversight Committee, Parks and Recreation Commission, Planning Commission, San Lorenzo River Committee, Successor Agency Oversight Board, Transportation and Public Works Commission, and Water Commission to be electors. It does not require members of its Arts Commission, Commission for the Prevention of Violence against Women, Downtown Commission, or Sister Cities Committee to be electors.

¹² Tempe requires members of its Merit System Board to be electors.

Section 74 Planning board.

There shall be a city planning board which shall consist of seven members appointed by the city council. The appointive members shall be qualified electors of the city, shall not hold any other office under this charter except as provided in Section 84A, shall serve without pay, and shall be removable by the council for cause.

Section 157 Creation of the parks and recreation advisory board

There shall be a parks and recreation advisory board consisting of seven members appointed by the city council. The members of the board shall be residents of the city, shall not hold any other office in the city, and shall serve without pay. The council may appoint such ex-officio members to the board for such terms as it deems advisable.

Section 172 Creation of the open space board of trustees

There shall be an open space board of trustees consisting of five members appointed by the city council. The members of the board shall be residents of the city, shall not hold any other office in the city, and shall serve without pay.

Section 185 Creation of the electric utilities board

(a) Board Created: There shall be an electric utilities board consisting of nine members not all of the same gender. The members of the board shall not hold any other office in the city, and shall serve without pay.

(b) Board qualifications: Board members shall be selected from the registered electors of the city or from the owners or employees of a business or governmental entity that is a customer of the electric utility, provided, however, that a majority of the board shall be registered electors of the city. Board members shall be well known for their ability, probity, public spirit, and particular fitness to serve on the electric utilities board. At least three board members shall be owners or employees of a business or governmental entity that is a customer of the electric utility. . .

A change to only Charter section 130 would leave mixed requirements for these other boards. That is, Planning Board members would still need to be electors as would a majority of those serving on the Electric Utilities Board. There would be no such requirement for PRAB or OSBT, but the residency requirement for these boards would not be as strict as for those governed by section 130. That is, under the proposed amendment to section 130, applicants would have to be over 18 and residents for a year.

There are currently no such requirements for PRAB or OSBT. The proposed ordinance would amend sections 74, 157, 172 and 185 to be consistent with section 130.

In addition, staff recommends an additional amendment to section 185. At the time that the voters approved section 185, staff did not yet know the proposed service area boundaries for the new electrical utility. The service area boundary currently proposed would include approximately 5800 out of city customers. The language of section 185 does not currently allow for customers living outside of the city and not employed by a business served by the new utility to serve on the Electric Utilities Board. Accordingly, staff recommends amending section 185 to allow for such representation.

ATTACHMENTS

These could include more detailed background and technical analysis, as well as any proposed resolutions, ordinances or other relevant documents.

Attachment A Proposed Ordinance Amending Charter

Attachment B Ordinance 7605

Attachment C HRC Goals

Attachment D April 17, 2013 HRC memo

ORDINANCE NO. ____

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE QUESTION OF AMENDING SECTION 130 OF THE CITY CHARTER RELATING TO THE QUALIFICATIONS OF APPOINTEES TO CITY BOARDS AND COMMISSIONS; AMENDING SECTIONS 74, 157, 172, 185 IN A RELATED MANNER; ADDING A PROVISION TO SECTION 185 ALLOWING FOR OUT OF CITY ELECTRIC UTILITY CUSTOMERS TO BE REPRESENTED ON THE ELECTRIC UTILITIES BOARD; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. A general municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 5, 2013.

Section 2. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the question of making the following amendment to the City Charter (material to be added to the Charter is shown as underlined while material to be deleted from the Charter is shown stricken through with solid lines):

Sec. 130. General provisions concerning advisory commissions.

At any time after the organization of the council elected under the provisions of this charter, the council by ordinance may create and provide for such advisory commissions as it may deem advisable; provided, that a library commission is hereby created, and the council shall, within ninety days from its organization, appoint the members thereof.

Each of such commissions, including the library commission, shall be composed of five ~~electors~~ city residents, appointed by the council, not all of one sex, who are well known for their ability, probity, public spirit, and particular fitness to serve on such respective commissions and who are at least eighteen years old and who have resided in the city of Boulder for at

least one year immediately prior to their appointment to serve on the commission.

When first constituted, the council shall designate the terms for which each member is appointed so that the term of one commissioner shall expire on December 31 of each year; ...

....

Sec. 74. Planning board.

There shall be a city planning board which shall consist of seven members appointed by the city council. The appointive members ~~shall be qualified electors of the city,~~ shall be qualified to serve on an advisory commission pursuant to Section 130, shall not hold any other office under this charter except as provided in Section 84A, shall serve without pay, and shall be removable by the council for cause.

....

Sec. 157. Creation of the parks and recreation advisory board.

There shall be a parks and recreation advisory board consisting of seven members appointed by the city council. The members of the board shall be ~~residents of the city,~~ qualified to serve on an advisory commission pursuant to Section 130, shall not hold any other office in the city, and shall serve without pay. The council may appoint such ex-officio members to the board for such terms as it deems advisable.

....

Sec. 172. Creation of the open space board of trustees.

There shall be an open space board of trustees consisting of five members appointed by the city council. The members of the board shall ~~be residents of the city,~~ be qualified to serve on an advisory commission pursuant to Section 130, shall not hold any other office in the city, and shall serve without pay.

....

Sec. 185. Creation of the electric utilities board

(b) Board qualifications: Board members shall ~~be selected from the registered electors of the city~~ be qualified to serve on an advisory commission pursuant to Section 130 or if not so qualified, be a customer of the electric utility or ~~from~~ the owners or employees of a business or

governmental entity that is a customer of the electric utility, provided, however, that a majority of the board shall be qualified to serve on an advisory commission pursuant to Section 130~~registered electors of the city~~. Board members shall be well known for their ability, probity, public spirit, and particular fitness to serve on the electric utilities board. At least three board members shall be owners or employees of a business or governmental entity that is a customer of the electric utility

....

The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. ____

Qualifications for Appointment to City Commissions

Shall section 130 of the Charter be amended pursuant to Ordinance No. ____ to provide that city residents may be appointed to serve on city commissions even if they are not city electors, if they are at least eighteen years old and if they have resided in the city of Boulder for at least one year immediately prior to their appointment, and shall related changes be made to Charter sections 74, 157, 172 and 185 so that qualifications for service on the Planning Board, the Parks and Recreation Advisory Board, the Open Space Board of Trustees and the Electric Utilities Board be consistent in this respect and shall section 185 be amended to allow out of city electric utility customers to be represented on the Electric Utilities Board?

For the Measure ____

Against the Measure ____

Section 3. If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed and the Charter shall be amended as provided in this ordinance. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 4. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981, and this ordinance.

Section 5. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the City.

Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 7. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City, and covers matters of local concern.

Section 8. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 16th day of July, 2013.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED AND ORDERED PUBLISHED

BY TITLE ONLY this __day of _____, 2013.

Mayor

Attest:

City Clerk

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ORDINANCE NO. 7605

AN EMERGENCY ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, THE QUESTION OF AMENDING SECTION 130 OF THE CITY CHARTER RELATING TO THE QUALIFICATIONS OF APPOINTEES TO CITY COMMISSIONS; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. A special municipal coordinated election will be held in the city of Boulder, county of Boulder and state of Colorado, on Tuesday, November 4, 2008, between the hours of 7 a.m. and 7 p.m.

Section 2. At that election, there shall be submitted to the electors of the city of Boulder entitled by law to vote the question of making the following amendment to the city Charter (material to be added to the Charter is shown as double underlined while material to be deleted from the Charter is shown stricken through with solid lines):

Sec. 130. General provisions concerning advisory commissions.

At any time after the organization of the council elected under the provisions of this charter, the council by ordinance may create and provide for such advisory commissions as it may deem advisable; provided, that a library commission is hereby created, and the council shall, within ninety days from its organization, appoint the members thereof.

Each of such commissions, including the library commission, shall be composed of five ~~electors~~ city residents, appointed by the council, not all of one sex, who are well known for their ability, probity, public spirit, and particular fitness to serve on such respective commissions and who are at least eighteen years old and who have resided in the city of Boulder for at least one year immediately prior to their appointment to serve on the commission.

When first constituted, the council shall designate the terms for which each member is appointed so that the term of one commissioner shall expire on December 31 of each year; ...

...

The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. _____

Qualifications for Appointment to City Commissions

Shall Section 130 of the charter be amended pursuant to Ordinance No. 7605 to provide that city residents may be appointed to serve on city commissions even if they are not city electors, if they are at least eighteen years old and if they have resided in the city of Boulder for at least one year immediately prior to their appointment?

For the Measure _____

Against the Measure _____

Section 3. If a majority of all the votes cast at the election on the measure submitted shall be for the measure, the measure shall be deemed to have passed and shall be effective upon passage.

Section 4. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the city, the Boulder Revised Code, 1981, and this ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby superseded.

Section 5. The city clerk of the city of Boulder shall give public notice of the election in the manner required by law for Charter amendments.

Section 6. The notice of the election shall include the ballot title.

Section 7. The officers of the city are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the city.

Section 8. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 9. This ordinance is hereby declared to be an emergency measure in order for the ballot issue to be presented to the voters at the November 4, 2008 election.

Section 10. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

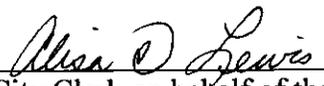
Section 11. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AMENDED, AND ORDERED
PUBLISHED BY TITLE ONLY this 8th day of July, 2008.



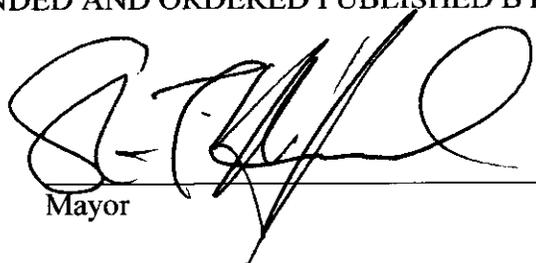
Mayor

Attest:



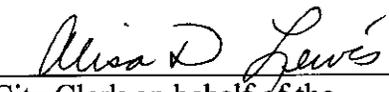
City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY
TITLE ONLY this 5th day of August, 2008.



Mayor

Attest:



City Clerk on behalf of the
Director of Finance and Record

READ ON THIRD READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCIL MEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of August, 2008.



Mayor

Attest:



City Clerk on behalf of the
Director of Finance and Record

STATE OF COLORADO)
 COUNTY OF BOULDER) SS:
 CITY OF BOULDER)

ORDINANCE NO. 7605

I, Sandy North, Deputy City Clerk of said City in the County and State aforesaid, do hereby certify that the foregoing ordinance was:

Introduced, read and amended on first reading on the **8th** day of **July 2008** and published by title only on the **11th** day of **July 2008** in the official paper of said City. That said publication was ten days before the passage of said ordinance.

Duly and regularly, read and amended by the City Council of said City on **second reading** at a regular meeting thereof held on the **5th** day of **August 2008**, and published by title only on the **8th** day of **August 2008** in the official paper of said City. That said publication was ten days before the passage of said ordinance.

Duly and regularly **passed and adopted as an emergency**, by the City Council of said City on **third reading** at a regular meeting thereof held on the **19th** day of **August 2008**, and published by title only on the **22nd** day of **August 2008** in the official paper of said City.

WITNESS my hand and the seal of said City of Boulder hereto affixed, this **26th** day of **August 2008**.




 S.L. North
 Deputy City Clerk

2500 Public Notice 2500 Public Notice

7605

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, THE QUESTION OF AMENDING SECTION 130 OF THE CITY CHARTER RELATING TO THE QUALIFICATIONS OF APPOINTEES TO CITY COMMISSIONS; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES.

(The published text of the above ordinance is available for public inspection and acquisition in the Office of the City Clerk, Municipal Building, 1777 Broadway, Boulder, CO 80302.)

INTRODUCED, READ, AMENDED AND ORDERED PUBLISHED BY TITLE ONLY THIS 8th DAY OF JULY 2008.

Shaun McGrath Mayor

ATTEST:

Alisa D. Lewis City Clerk

Motion Carried: 7:2 Ageton and Morzel Opposed

Published in the Camera on July 11, 2008 - 5424806

2500 Public Notice 2500 Public Notice

7605

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, THE QUESTION OF AMENDING SECTION 130 OF THE CITY CHARTER RELATING TO THE QUALIFICATIONS OF APPOINTEES TO CITY COMMISSIONS; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES.

(The published text of the above ordinance is available for public inspection and acquisition in the Office of the City Clerk, Municipal Building, 1777 Broadway, Boulder, CO 80302.)

INTRODUCED, READ, AMENDED AND ORDERED PUBLISHED BY TITLE ONLY THIS 8th DAY OF JULY 2008.

READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY TITLE ONLY THIS 5th DAY OF AUGUST 2008.

Shaun McGrath Mayor

ATTEST:

Alisa D. Lewis City Clerk

Motion Carried : 7:1 Morzel Opposed, Wilson Absent

Published in the Camera on August 8, 2008 - 5427538

7605

AN EMERGENCY ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, THE QUESTION OF AMENDING SECTION 130 OF THE CITY CHARTER RELATING TO THE QUALIFICATIONS OF APPOINTEES TO CITY COMMISSIONS; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES.

(The published text of the above ordinance is available for public inspection and acquisition in the Office of the City Clerk, Municipal Building, 1777 Broadway, Boulder, CO 80302.)

INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY THIS 8th DAY OF JULY 2008.

READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY TITLE ONLY THIS 5TH DAY OF AUGUST 2008.

READ ON THIRD READING, ADOPTED AS AN EMERGENCY AND ORDERED PUBLISHED BY TITLE ONLY THIS 19TH DAY OF AUGUST 2008.

Shaun McGrath Mayor

ATTEST:

Alisa D. Lewis City Clerk

Motion Carried: 9:0 Packet Page 190

Published in the Camera on August 22, 2008 - 5429066

Human Relations Commission Responses to 2013 Council Retreat Questions

- (1) What are your top priorities within the framework of the council work plan?
- Ensure that the livability of Boulder extends to low-income families and immigrants; and
 - Ensure that consideration of whether a Council goal or action will disproportionately impact a segment of the city's population is more visible. (Example: how the \$.10 per bag fee will impact low income families).
- (2) What would you like to see done that would advance the Council Goals?
- Engage broader community in city activities, meetings and process, specifically encouraging more effective ways of getting input from low-income families and immigrants who reside in Boulder; and
 - Effective outreach to broaden the pool of future applicants to boards, commissions and council.
- (3) How can your board help reach the council goals?
- Expand communication between City Council and HRC by engaging in proactive discussion on community issues;
 - Keep informed of current legislation and make recommendations to City Council, including marriage equality, immigration, and other civil rights issues that may emerge during 2013; and
 - Continue to fund efforts that promote and encourage education, respect and appreciation for communities in Boulder , specifically:
 - a. Community Event Fund: award grants up to \$1500 (plus \$100 for translation English/Spanish of promotional material) to organizations for community based events that encourage education, youth involvement and respect and appreciation for communities in Boulder.
 - b. Community Impact Fund: award grants for community initiated activities that raise awareness on emerging civil rights issues, facilitating interaction and understanding between communities, encouraging collaboration among diverse communities, strengthening civic participation among Boulder's diverse communities, and promoting an inclusive society.
- (4) Are there any other items that council should address in the coming year?
- Alter the qualifications for service on city boards and commissions to allow some non-electors to serve, specifically allowing anyone who has resided in the city for at least one year to be eligible to serve on city boards and commissions.

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April 17, 2013

To City Council Members:

On behalf of the Human Relations Commission (HRC), we are writing to request that you consider adding the issue of qualifications for service on city boards and commissions for discussion at your April 23, 2013 study session for ballot measures. This is an item that we identified in our response to your 2013 retreat questions. Specifically, we request that Council consider a ballot measure to alter the qualifications for service on city boards and commissions to permit non-electors to serve, allowing anyone who has resided in the city for at least one year to be eligible to serve on city boards and commissions.

The HRC believes that the electors requirement is a barrier to the City Council furthering its goals in the following areas:

1. City Council's *Priority Based Budgeting* objective to "foster inclusion, embrace diversity and respect human rights" and achieve the goal of Healthy and Socially Thriving Community (page 34 of Council Reference Notebook 2013);
2. City Council's aim to "foster an atmosphere of social and cultural inclusiveness" noted in its *Sustainability Framework – Safety & Community Well-Being* (page 35 of Council Reference Notebook 2013);
3. Sustainability philosophy and framework for decision-making. As described in the *City Council Goals and Community Sustainability* document:

"Social sustainability has been a major focus of the council and organization, focusing efforts to make our community and city government more welcoming to and inclusive of all residents. It means valuing equity and diversity, meeting the basic needs of residents so they can contribute and benefit from economic vitality and creating opportunities for all residents to participate in civic life. This requires strengthening representation of all people in the decision-making process. The greater the participation in the governance process, the more well-informed policy decisions are and the better long-term outcomes are for meeting city goals."

This particular obstacle is not a new one, and serves to prevent many residents, among them recent immigrants who have not yet attained citizenship, from serving on boards and commissions. By removing this obstacle we believe that Council will be able to receive advice from a more diverse, representative group of Boulder residents than registered electors. Based on our sense that public sentiment generally favors fair treatment of immigrants, this is a good time to remove an obstacle to their service on boards and commissions.

We respectfully request that you consider adding the issue of qualifications for service on city boards and commissions for discussion at your April 23, 2013 study session for ballot measures.

Thank you.

Sincerely,
Jonathan Dings, Chairperson
Amy Zuckerman, Deputy Chairperson



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM 5B**

MEETING DATE: July 16, 2013

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only, an ordinance submitting to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013, the question of extending Ordinance No. 7907, the moratorium on accepting and processing applications for drilling permits on City of Boulder open space properties and on any city permits or use review of new mining industry uses involving oil and gas extraction and setting forth related details.

PRESENTER:

Thomas A. Carr, City Attorney
Claybourne M. Douglas, Senior Assistant City Attorney

EXECUTIVE SUMMARY

On June 4, 2013, City Council adopted Ordinance No. 7907, imposing a moratorium until June 3, 2014, on application for any city permit that results in oil or gas exploration or for any application for use review under Title 9 of the Boulder Revised Code for new “Mining Industries” uses involving oil and gas extraction or exploration.

On June 18, 2013, council directed the city attorney to prepare an ordinance for a referendum on extending the moratorium, finding it both useful and compelling to have a vote of the people on such matters of new and controversial public policy, having the potential to affect the public peace, health and property.

Accordingly, the city attorney has prepared the attached ordinance. If approved by the electors of the City of Boulder, the ordinance will extend the current moratorium until June 3, 2018, unless the City Council, after June 3, 2016, by a two-thirds majority vote of the entire council, finds, by ordinance, that credible scientific studies of the public health and safety effects of oil and gas exploration and development, or settled legal authority support or require lifting the moratorium earlier.

STAFF RECOMMENDATION

Suggested Motion Language:

Motion to order published by title only an ordinance submitting to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013, the question of extending Ordinance No. 7907, the moratorium on accepting and processing applications for drilling permits on City of Boulder open space properties and on any city permits or use review of new mining industry uses involving oil and gas extraction.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – Oil and gas exploration is an important part of the economy of the state of Colorado, but has no recent substantial impact on Boulder. Neither the city nor the Open Space and Mountain Parks Department have had any applications for new oil or gas exploration in over ten years.
- Environmental – Oil exploration using hydraulic fracturing may have significant environmental impacts, including water pollution, air pollution and destruction of the natural environment.
- Social – Destruction of the environment and pollution of oil and water could significantly impair the social fabric of the City of Boulder. Much of the city's appeal derives from the natural setting, including the mountain backdrop and high plains that surround the city. Impairment of these features would significantly affect the community.

OTHER IMPACTS

- Fiscal – None at this time. Responding to a legal challenge would affect the city's budget.
- Staff time – The moratorium entails additional, unplanned but minor workload for the city attorney's office. Litigation would require either a substantial commitment of staff time or retention of outside counsel.

BOARD AND COMMISSION FEEDBACK

None

PUBLIC FEEDBACK

At the June 18, 2013 City Council meeting, several people spoke in favor of extending the moratorium. One person spoke in opposition to any such moratorium. Most of those in favor sought a 5-year moratorium. After discussion, council directed the city attorney to draft a "hybrid" proposal that would extend the moratorium for 5 years unless a two-thirds majority of the entire council found that an earlier end to the moratorium would be advantageous to the city.

BACKGROUND

In recent years, there has been a significant increase in unconventional methods to extract additional oil and gas from existing fields. These methods include horizontal drilling, where a well is drilled vertically and then horizontally to reach deposits that previously were not accessible. They also include hydraulic fracture. Hydraulic fracturing was used in the United States as early as 1947, but only very recently has it been employed on the current scale involving directional and horizontal wells. The dispute today arises not necessarily from the technique itself, but from its proximity to urban areas and the volume of water, chemicals and sand necessary to produce oil and gas at the depths and from the rock formations currently being explored. The United States Environmental Protection Agency explains hydraulic fracturing as follows:

Fluids, commonly made up of water and chemical additives, are pumped into a geologic formation at high pressure during hydraulic fracturing. When the pressure exceeds the rock strength, the fluids open or enlarge fractures that can extend several hundred feet away from the well. After the fractures are created, a propping agent is pumped into the fractures to keep them from closing when the pumping pressure is released. After fracturing is completed, the internal pressure of the geologic formation cause the injected fracturing fluids to rise to the surface where it may be stored in tanks or pits prior to disposal or recycling. Recovered fracturing fluids are referred to as flowback. Disposal options for flowback include discharge into surface water or underground injection.¹

Hydraulic fracture combined with horizontal drilling are considered unconventional drilling techniques. The use of unconventional drilling techniques in combination with more intensive hydraulic fracture has created a great deal of concern in our community and our region. The City of Longmont and Boulder County, both of which have many active oil exploration sites, have been at the forefront of those addressing these issues.

On February 2, 2012, Boulder County imposed a temporary moratorium on land use applications requesting approval to conduct oil and gas development activities within the unincorporated territory of the county. The County Commissioners extended the temporary moratorium three times. It will now expire on January 10, 2015. The area covered by the Boulder County moratorium includes lands owned by OSMP.

On July 17, 2012, the City of Longmont adopted oil and gas regulations to protect its citizens' health and safety. Included in these regulations were several provisions that are analogous to provisions currently in effect in the City of Boulder or others that the city may be interested in adopting after careful consideration. Almost immediately, on July 30, 2012, the Colorado Oil and Gas Conservation Commission ("COGCC") sued the City of Longmont seeking to invalidate portions of the newly adopted regulations.

¹ U.S. E.P.A., Hydraulic Fracturing Background Information, available at: http://water.epa.gov/type/groundwater/uic/class2/hydraulicfracturing/wells_hydrowhat.cfm

On November 6, 2012, the people of the City of Longmont passed a ballot measure prohibiting hydraulic fracturing in the City of Longmont. On December 17, 2012, the Colorado Oil and Gas Association (“COGA”) sued the City of Longmont seeking to invalidate the fracking prohibition. COGA also joined the COGCC suit against Longmont. The complaints brought by the COGCC and COGA are both pending before the Boulder County District Court. At issue in both lawsuits is the nature and extent of the power of a home rule city to regulate oil and gas exploration under its police power and to protect the health of its citizens and the environment.

The final resolution of these two lawsuits will provide necessary legal guidance regarding the nature and extent of regulation that a home rule city may exert under its land use authority and to protect the health and safety of its environment and citizens from the dangers associated with hydraulic fracturing using its land use and police powers.

ANALYSIS

Legal authority supports moratoria of this sort, based on the need for "stop-gap" regulations, of limited duration, designed to maintain the status quo pending study and governmental decision-making. Colorado courts have upheld moratoria lasting up to 10 months. Based on that authority, the city attorney considers the risk of a successful legal challenge to the current one-year moratorium (Ordinance 7907) relatively low. The draft referendum ordinance for an extended moratorium invokes the legal rationale summarized above, but would extend the moratorium to at least 3 years and perhaps up to 5 years. Defensibility of such an extended moratorium would depend on a number of factors including economic effect on a particular landowner, the extent to which the moratorium interferes with reasonable investment-backed expectations, and the character of the government action. Because this analysis depends on a fact-specific inquiry in each particular case, it is difficult to advise whether a particular claimant could successfully challenge an extended moratorium. It is safe to say, however, that a 3 or 5 year moratorium presents significantly greater legal risk than a 1 year moratorium.

Ordinance 7907 identified numerous unresolved scientific and legal issues regarding the effects of oil and gas exploration, including directional drilling and hydraulic fracturing, on public peace, health and property and the legal authority of a home rule city, such as Boulder, to protect the health and safety of its environment and citizens from dangers associated with those processes using its police powers. It may require 3 to 5 years before completion of those studies provides sufficient analysis of the public health and safety effects of oil and gas exploration and to resolve pending litigation involving the legal authority of Colorado home rule cities to regulate oil and gas exploration.

Based on the this scientific and legal uncertainty, the draft ordinance would, if approved by City of Boulder electors extend the current moratorium until June 3, 2018 unless the City Council, after June 3, 2016, by a two-thirds majority vote of the entire council, finds, by ordinance, that credible scientific studies of the public health and safety effects of oil and gas exploration and development, or settled legal authority support or require lifting the moratorium earlier.

ATTACHMENTS:

Attachment A – Proposed Ordinance regarding Extending the Moratorium on Oil and Gas Extraction

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ORDINANCE NO. _____

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE QUESTION OF EXTENDING ORDINANCE NO. 7907, THE MORATORIUM ON ACCEPTING AND PROCESSING APPLICATIONS FOR DRILLING PERMITS ON CITY OF BOULDER OPEN SPACE PROPERTIES AND ON ANY CITY PERMITS OR USE REVIEW OF NEW MINING INDUSTRY USES INVOLVING OIL AND GAS EXTRACTION IN THE CITY OF BOULDER, AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

- A. On June 4, 2013, the City Council adopted Ordinance No. 7907 an emergency ordinance imposing a moratorium until June 3, 2014, on application for any city permit that results in oil or gas exploration or for any application for use review under Title 9 of the Boulder Revised Code for new "Mining Industries" uses involving oil and gas extraction or exploration;
- B. Ordinance 7907, recited numerous unresolved scientific and legal issues regarding the effects of oil and gas exploration, including directional or horizontal drilling and hydraulic fracturing, on public peace, health and property and the legal authority of a home rule city, such as Boulder, to protect the health and safety of its environment and citizens from dangers associated with those processes using its land use and police powers;
- C. Several important scientific studies, including a study by the University of Colorado, are currently underway regarding the public health and safety effects of oil and gas exploration;
- D. It may require 3 to 5 years before completion of those studies provides sufficient analysis of the public health and safety effects of oil and gas exploration;
- E. It may also require 3 to 5 years to resolve pending litigation involving the legal authority of Colorado home rule cities to regulate oil and gas exploration; and
- F. It is both useful and compelling to have a vote of the people on such matters of new and controversial public policy, having the potential to affect the public peace, health and property.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
2 OF BOULDER, COLORADO:

3 Section 1. A general municipal coordinated election will be held in the City of
4 Boulder, County of Boulder and State of Colorado, on Tuesday, November 5, 2013,
5 between the hours of 7 a.m. and 7 p.m.
6

7 Section 2. At that election, there shall be submitted to the electors of the City of
8 Boulder entitled by law to vote the question of extending the oil and gas exploration
9 moratorium of Ordinance 7907 as stated below.

10 Section 3. The official ballot shall contain the following ballot title, which shall
11 also be the designation and submission clause for the question:
12

13 Ballot Question NO. ____

14 **Oil and Gas Exploration Moratorium Extension**

15 Shall Ordinance No. 7907 be amended to extend the current
16 moratorium on new oil and gas exploration until June 3,
17 2018 and to set legal standards and the council voting
18 requirements for lifting the moratorium amended pursuant to
19 Ordinance _____[number of this ballot measure
20 ordinance],?

21 For the Measure____ Against the Measure____

22 Section 4. If a majority of all the votes cast at the election on the question
23 submitted shall be for the question, the question shall be deemed to have passed and shall
24 be effective upon passage, and sections 2 and 3 of Ordinance 7907 shall be amended to
25 read as follows:

26 Section 2. Commencing immediately and continuing until 8 a.m. on June 3, ~~2014~~
27 2018, the city manager and city staff shall neither accept nor process any
28 application for a new oil and gas exploration permit under the Oil and Gas

1 Regulations of the City of Boulder, Colorado Open Space Board of Trustees
2 unless the City Council, after June 3, 2016, by a two-thirds majority vote of the
3 entire council, finds, by ordinance, that credible scientific studies of the public
4 health and safety effects of oil and gas exploration and development, or settled
5 legal authority support or require earlier acceptance and processing of such
6 applications.
7

8 Section 3. Commencing immediately and continuing until 8 a.m. on June 3, ~~2014~~
9 2018, the city manager and city staff shall neither accept nor process any
10 application for any city permit that results in oil or gas exploration or for any
11 application for use review under Title 9 of the Boulder Revised Code for new
12 “Mining Industries” uses involving oil and gas extraction or exploration unless
13 the City Council, after June 3, 2016, by a two-thirds majority vote of the entire
14 council, finds, by ordinance, that credible scientific studies of the public health
15 and safety effects of oil and gas exploration and development, or settled legal
16 authority support or require earlier acceptance and processing of such
17 applications.
18

19
20 Section 5. The election shall be conducted under the provisions of the Colorado
21 Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981 and
22 this ordinance, and all contrary provisions of the statutes of the State of Colorado are
23 hereby superseded.
24

25 Section 6. The officers of the City are authorized to take all action necessary or
26 appropriate to effectuate the provisions of this ordinance and to contract with the county
27 clerk to conduct the election for the City.
28

1 Section 7. If any section, paragraph, clause, or provision of this ordinance shall
2 for any reason be held to be invalid or unenforceable, such decision shall not affect any
3 of the remaining provisions of this ordinance.
4

5 Section 8. This ordinance is necessary to protect the public peace, health and
6 property of the residents of the City, and covers matters of local concern.
7

8 Section 9. The City Council deems it appropriate that this ordinance be published
9 by title only and orders that copies of this ordinance be made available in the office of the
10 city clerk for public inspection and acquisition.
11

12 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

13 TITLE ONLY this 16th day of July, 2013.
14
15

16 _____
Mayor

17 Attest:

18 _____
19 City Clerk
20

21 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
22 PUBLISHED BY TITLE ONLY this ____ day of _____ 2013.
23
24

25 _____
Mayor

26 Attest:

27 _____
28 City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: JULY 16, 2013

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only an ordinance submitting to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday, November 5, 2013, the issue of whether City of Boulder taxes should be increased by an excise tax of up to 15 percent of the average market value of unprocessed recreational marijuana from a recreational marijuana cultivation facility and a sales and use tax of up to 10 percent on recreational marijuana and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Paul Fetherston, Deputy City Manager
Bob Eichen, Chief Financial Officer
Karen Rahn, Human Services Director
Kathy Haddock, Senior Assistant City Attorney
Mishawn Cook, Tax and Licensing Manager

EXECUTIVE SUMMARY

At the June 18, 2013 City Council meeting, council members discussed various approaches to addressing the need to fund the impacts of the use of recreational marijuana and operation of recreational marijuana businesses within the city. Council requested that the city attorney prepare an ordinance that approved an excise tax of up to 15 percent and a sales and use tax of up to 10 percent. The proposed ordinance provides for approval of both taxes in one ballot measure. The state ballot issue for the excise and sales and use tax for the statewide taxes are also in one question. The proposed ordinance also adopts the changes to the Boulder Revised Code that would be required to levy the tax. The ordinance is referred to by reference in the ballot measure.

While the ballot measure approves an excise tax up to 15 percent and the sales and use tax up to 10 percent, the ordinance levies both taxes at 10 percent. Future councils could reduce the tax or increase it to the maximum amounts set forth in the ballot measure. The ballot measure also provides for up to 50 percent of the revenues collected from the excise and sales and use tax to be dedicated for programs designed to address the affects of marijuana on the community. At the Council Agenda Committee the council members present requested an option to approve the ordinance without dedicating funds. Staff has provided this option by printing in bold language dedicating funding. If council prefers to approve the ordinance on first reading without the dedication language, the motion should specify that the text in bold is excluded.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only an ordinance submitting to the registered electors the issue of whether City of Boulder taxes should be increased by an excise tax of up to 15 percent of the average market value of unprocessed recreational marijuana from a recreational marijuana cultivation facility and a sales and use tax of up to 10 percent on recreational marijuana. (Without the bold language as contained in the ballot measure ordinance and new code provisions).

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The imposition of an additional tax on recreational marijuana may cover the indirect costs to the city of marijuana use and allow the city to provide comprehensive substance abuse programs to mitigate the negative effects of abuse of marijuana and other intoxicating substances.
- Environmental – None identified
- Social – The social impacts of legalized recreational marijuana have yet to be identified. The proposed ordinance seeks to mitigate those impacts by using tax funds collected from recreational marijuana businesses to fund education and treatment.

OTHER IMPACTS

- Fiscal – The fiscal impact to the city is covered in the analysis section of this agenda item.
- Staff time – The staff time needed to complete the background work for the ballot item is included within the departmental work plans.

EXECUTIVE SUMMARY

The attached ordinance submits to the voters a ballot issue to approve an excise tax of up to 15 percent on unprocessed marijuana transferred from a recreational marijuana cultivation facility and a sales and use tax of up to 10 percent. The state has a similar ballot issue on the statewide ballot for such taxes at the state level. The ordinance includes the code sections that would be adopted to implement the tax if approved by the voters. The ordinance provides for the rate of each tax to be imposed. The rates can be set within the maximums approved by the voters. The code sections can be amended in the future by council. The ballot title and the legislative intent section of the ordinance specify the intent of council that up to 50 percent of the revenues from the additional recreational marijuana taxes be used for purposes related to comprehensive substance abuse programs, including without limitation, prevention, treatment, education, intervention, enforcement and research.

BACKGROUND

Amendment 64, which upon passage in November 2012, became Section 16 of Article XVIII of the Colorado Constitution, legalizes the use of recreational marijuana within the state and authorizes the state and local governments to license recreational marijuana businesses and impose an additional excise and sales and use tax on such businesses. An excise tax is usually levied on the wholesale price of a product at a certain point in the life of the product before it is sold at retail. Because the state requires vertical integration of marijuana businesses, there is no point in the process where a wholesale price is set. The state has adopted laws regarding the imposition of an excise tax that impose the tax on the cultivation facility levied at the time that unprocessed marijuana is transferred from the facility to a center or a manufacturer. The excise tax rate is levied on the “average market rate” of the marijuana, as determined by the state twice a year. This appears to be the average price charged by the grower to dispensaries and production facilities.

For the ease of the marijuana businesses, staff has proposed that the city excise tax be imposed in the same manner as the excise tax is proposed at the state level. If an excise tax is approved at the state level, the state plans to set the average market rate twice a year in at least two tiers. One tier would be the average market rate for buds, stems, leaves and the portion of the flower that typically is used by manufacturers, and one would be for the portion of the flower that is typically provided to retail centers for direct sale to consumers. The proposed ordinance provides for the city manager to determine the average market rate if the state tax does not pass or for some other reason the state does not regularly set the average market rate.

The sales tax is levied on the customer, and collected by the retailer, on the retail price of the marijuana and marijuana product purchased by the customer. The use tax is the complement to the sales tax; if it was not purchased in Boulder, but is used in Boulder, then a use tax is due (with a credit for sales tax paid to another city).

Neither the additional excise tax, nor the sales and use tax would be imposed on medical marijuana. Staff has planned a meeting at the end of July with existing medical

marijuana businesses in the city to obtain additional input on the proposed taxes. Many of these businesses have asked to convert to recreational marijuana businesses.

ANALYSIS

Excise and Sales and Use Tax Collection Estimates

Current sales of medical marijuana are estimated to be approximately \$24,000,000 annually. The city collects sales and use tax at the normal city rate of 3.41 percent. This generates approximately \$818,000. Of these taxes, 49 percent goes to the general fund (\$401,000) and 51 percent to the restricted funds (\$417,000).¹

The following estimates and information provide background for council's discussion. Estimates are based on current collections of medical marijuana.

State tax rate of 10 percent with 15 percent share back received by the city, based on current sales in Boulder:

State Tax Rate	Current Sales	50% Sales Increase	100% Sales Increase	200% Sales Increase
10% / 15% share back	\$360,000	\$540,000	\$720,000	\$1,080,000

Possible city sales and use tax rates and taxes generated at various levels (assuming passage)

Tax Rate	Current Sales	50% Sales Increase	100% Sales Increase	200% Sales Increase
Sales and Use Tax at 1%	\$240,000	\$360,000	\$480,000	\$720,000
Sales and Use Tax at 5%	\$1,200,000	\$1,800,000	\$2,400,000	\$3,600,000
Sales and Use Tax at 10%	\$2,400,000	\$3,600,000	\$4,800,000	\$7,200,000

Local excise tax rates at various levels based on wholesale cost of 40 percent of retail sales amount (40 percent of \$24 million is \$9.6 million):

Tax rate	Current Sales	50% Sales Increase	100% Sales Increase	200% Sales Increase
1.00%	\$96,000	\$144,000	\$192,000	\$288,000
5.00%	\$480,000	\$720,000	\$960,000	\$1,440,000
10.00%	\$960,000	\$1,440,000	\$1,920,000	\$2,880,000
15.00%	\$1,440,000	\$2,160,000	\$2,880,000	\$4,320,000

¹ Please note that at the council meeting on July 18 these percentages were stated in the handout as 45 percent/55 percent. This excluded the .15 percent that voters removed restrictions on, so the correct split is the 49 percent/51percent.

Use of Additional Marijuana Taxes Collected

Council discussed dedicating a certain portion of the revenues from the additional marijuana taxes to be dedicated for costs related to marijuana use. The proposed ballot measure provides that up to 50 percent of the city's additional excise and sales tax on retail marijuana is to be used for comprehensive substance abuse programs including prevention, treatment, education, intervention, enforcement and research. The ordinance can and does provide more detail. If 50 percent is dedicated to education and 50 percent to the general fund costs or capital improvement items, then one half of the amounts in each cell above would be available for each.

The portion of the revenues not dedicated for comprehensive substance abuse programs would go to the general fund to offset other costs of legalized marijuana. Based on the most recent analysis completed for the fee update, the direct costs of licensing, inspections and public safety are covered. It is much more difficult to determine the ongoing indirect costs that the various departments of the city will incur. Based on preliminary indications, the costs will most likely range from \$125,000 to \$250,000 per year. The actual amount will depend on what level of staffing is needed to handle the volume of work. Examples of general fund areas that may be impacted are public safety, legal, licensing, library, parks and recreation, human services, auditing and collections.

Staff considers marijuana revenues to be one time in nature until the federal laws change. Therefore, staff's recommendation is that for any type of marijuana revenue the new ongoing costs be paid first, then split the remaining balance between education (scope to be determined) and capital. Thus if the revenue no longer occurs the direct and indirect costs should also go away and the one-time dollars going to capital would not impact ongoing operations.

Comprehensive Substance Abuse Program

Projecting costs associated with legalizing recreational marijuana is difficult since this type of program has not been implemented before. No system currently exists as a comparable model for impacts of legalizing recreational use of marijuana. Few studies have calculated the range of social costs and impacts. Based on current substance abuse programming and need, it is anticipated that revenues from this tax will contribute to addressing substance abuse, but not fully meet new needs. Based on comprehensive tobacco use education and prevention programming, Boulder County Public Health estimated costs could exceed \$600,000 annually to expand comprehensive programming to include marijuana. This estimate does not include treatment and enforcement.

The successful approach used with tobacco education and prevention programs state-wide and locally was a broad, comprehensive approach. A similar approach would include: policies which prohibit or discourage use and accessibility; social norming campaigns to reduce social acceptability and preventative marketing that targets young people; education related to packaging and unintentional ingestion; consistent messaging; alignment of community strategies and youth and family focused interventions.

Expanding current education, prevention and treatment strategies would include Boulder County Public Health, Mental Health Partners, the University of Colorado, Boulder Valley School District, Boulder County, Drug Court system and providers of current best

practice and effective programs such as Natural Highs and the Prevention and Intervention Program in the schools. A current mechanism exists for county-wide multi-agency coordination through the Public Health Reducing Substance Abuse Implementation Team. Other coordination mechanisms might be identified. A distribution and evaluation mechanism for dedicated funding would need to be identified.

Total Additional Marijuana Tax Rates

Staff has been asked what the total tax is on recreational marijuana if both the state and city taxes pass. Since the excise tax is levied on a lower price than the sales and use tax, it is difficult to answer that question with precision. To determine the percentage, for marijuana sold in bulk, it will depend on the amount of the mark-up by the retailer. For marijuana sold in marijuana-infused products, it will depend on the amount of marijuana included within the product and the amount of the mark-up by the retailer. Generally, the taxes would be:

Excise Tax:	levied on average market price of unprocessed marijuana when transferred from cultivation facility to center or manufacturer	
	State excise tax on recreational marijuana	15 percent
	City excise tax on recreational marijuana	up to 15 percent
Sales Tax	levied on retail sales price which includes some proportion of excise tax levied on product	
	State general sales tax*	2.9 percent
	City general sales tax	3.41 percent
	State sales tax on recreational marijuana	10.0 percent
	City sales tax on recreational marijuana	up to <u>10.0</u> percent
	Total sales tax	up to 26.31 percent

*There are other entities that levy a general sales tax on retail products, including the county and RTD.

Other Additional Taxes Imposed

There are other products for which a separate sales tax is imposed. Additional sales taxes are imposed on both cigarettes and alcohol by the state. State law prohibits the city from imposing additional sales taxes on those products. The additional sales tax on cigarettes is 40 percent. The additional tax on alcohol is based on volume. The city also imposes an additional tax on alcohol businesses.

Attachment A: Proposed Ordinance

The attached ordinance specifies the way the additional taxes would be imposed if passed by the voters, and contains blanks for council to fill in the rate of each tax to be levied initially. The amount levied of either tax can be moved up to the maximum or down by council.

ORDINANCE NO. _____

(Recreational Marijuana Excise and Sales Tax)

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE ISSUE OF WHETHER THE CITY OF BOULDER TAXES SHOULD BE INCREASED BY AN EXCISE TAX OF UP TO 15 PERCENT AND A SALES AND USE TAX ON RECREATIONAL MARIJUANA OF UP TO 10 PERCENT AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

- A. Section 16 of Article XVIII of the Colorado Constitution authorizes a system of state and local licensing for businesses engaged in the cultivation, testing, manufacturing and retail sale of marijuana.
- B. City Council has determined to allow recreational marijuana businesses within the city.
- C. There are indirect costs to the city of the use of marijuana that are not covered by the license and application fees paid by the marijuana businesses. Many of those costs are related to the fact that marijuana is illegal at the federal level and the state has not been able to fully fund enforcement of laws adopted at the state level, leaving enforcement of marijuana laws to the city. Further, there are not comprehensive substance abuse programs for legal use of marijuana.
- D. Imposing the tax contemplated by the constitutional amendment legalizing recreational marijuana would provide the resources necessary for the city to be able to pay the indirect costs, including education and programs, related to the use of marijuana.
- E. It is appropriate for voters to approve collection, retention, and expenditure of the full amount collected from the tax proposed by the ballot issue described below.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
2 OF BOULDER, COLORADO:

3 Section 1. A general municipal coordinated election will be held in the City of Boulder,
4 County of Boulder and State of Colorado, on Tuesday, November 5, 2013, between the hours of
5 7 a.m. and 7 p.m.

6 Section 2. At that election, there shall be submitted to the electors of the City of Boulder
7 entitled by law to vote the issue of an excise and a sales tax on recreational marijuana.
8

9 Section 3. The official ballot shall contain the following ballot title, which shall also be
10 the designation and submission clause for the issue: *Note to City Council. Bold portions of*
11 *Sections 3 and 4 to be removed if council does not desire the dedication of any portion of the*
12 *tax revenues*
13

14 BALLOT ISSUE NO. ____

15 **RECREATIONAL MARIJUANA TAX**

16
17 SHALL CITY OF BOULDER TAXES BE INCREASED BY
18 (\$_____ first full fiscal year dollar increase) ANNUALLY
19 AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY
20 THEREAFTER BY THE IMPOSITION OF AN EXCISE TAX
21 OF UP TO 15 PERCENT ON THE CULTIVATION FACILITY
22 AT THE AVERAGE MARKET RATE AT THE POINT OF
23 TRANSFER FROM THE CULTIVATION FACILITY AND AN
24 ADDITIONAL SALES AND USE TAX OF UP TO 10
25 PERCENT ON RECREATIONAL MARIJUANA AS
26 PROVIDED IN ORDINANCE NO. _____ COMMENCING
27 JANUARY 1, 2014 **WITH UP TO 50 PERCENT OF THE**
28 **REVENUES FROM THE EXCISE AND SALES AND USE**
TAX TO BE USED FOR COMPREHENSIVE SUBSTANCE
ABUSE PROGRAMS INCLUDING WITHOUT LIMITATION
PREVENTION, TREATMENT, EDUCATION,
INTERVENTION, ENFORCEMENT, AND RESEARCH,
AND THE REMAINDER USED BY THE GENERAL FUND;

AND IN CONNECTION THEREWITH,

1 SHALL THE FULL PROCEEDS OF SUCH TAXES AT
 2 SUCH RATES AND ANY EARNINGS THEREON BE
 3 COLLECTED, RETAINED, AND SPENT, AS A VOTER-
 4 APPROVED REVENUE CHANGE WITHOUT LIMITATION
 5 OR CONDITION, AND WITHOUT LIMITING THE
 6 COLLECTION, RETENTION, OR SPENDING OF ANY
 7 OTHER REVENUES OR FUNDS BY THE CITY OF
 8 BOULDER UNDER ARTICLE X SECTION 20 OF THE
 9 COLORADO CONSTITUTION OR ANY OTHER LAW?

10 FOR THE MEASURE ____ AGAINST THE MEASURE ____

11 Section 4. If a majority of all the votes cast at the election on the measure submitted are
 12 for the measure, the measure shall be deemed to have passed, and the City Council authorized to
 13 make amendments to the Boulder Revised Code as provided below, effective January 1, 2014,
 14 and City Council may adopt amendments to these provisions and adopt other amendments to the
 15 Boulder Revised Code to implement these excise and sales and use taxes as may be necessary to
 16 implement the intent and purpose of this ordinance.

17 Section 5. If approved by the voters, effective January 1, 2014, the Boulder Revised
 18 Code is amended as follows:

19 Chapter 3-14 Recreational Marijuana Taxes

20 3-14-1 Legislative Intent.

21 The City Council intends that an additional excise tax be imposed on the first sale
 22 or transfer of recreational marijuana by a retail cultivation facility within the city
 23 and an additional sales tax imposed on every retail sale of recreational marijuana
 24 or recreational marijuana-infused product. The purpose of this tax is to increase
 25 the revenue base for the city to provide municipal improvements and services
 26 related to the introduction of a new marijuana industry to the city. Revenues from
 27 the tax shall be deposited in the general fund and shall be available to pay for the
 28 general expenses of government. **However, although the City Council recognizes that it cannot bind future City Councils, it nonetheless declares its intention that up to _____ percent of the revenues generated by this tax be appropriated by future City Councils for purposes of comprehensive substance abuse programs including without limitation prevention, treatment, education, intervention, enforcement and research with the introduction of legal recreational marijuana into the city.**

1
2 3-14-2 Imposition and Rate of Tax.

- 3 (a) Excise Tax. There is levied and shall be paid and collected an excise tax
4 of _____ percent on the average market rate of
5 unprocessed recreational marijuana that is sold or transferred from a
6 recreational marijuana cultivation facility.
- 7 (b) **Sales and Use** Tax. There is hereby levied and there shall be collected and
8 paid a sales and use tax, in addition to the sales and use tax levied in
9 chapter 3-2, "**Sales and Use Tax**," B.R.C. 1981, of _____
10 percent on the full purchase price paid or charged for tangible personal
11 property and taxable services purchased or sold at retail by every
12 recreational marijuana business exercising a taxable privilege in the city
13 by the sale or use of such property or services. The sales tax is levied on
14 all sales of tangible personal property or taxable services, except those
15 specifically exempted and is collected by the vendor and remitted to the
16 city. The use tax is levied upon the privilege of using in the city,
17 personally or as part of rendering a service, tangible personal property or
18 taxable services upon which a municipal sales and use tax has not been
19 paid and is paid by either the recreational marijuana business in the city or
20 the consumer.

21
22 3-14-3 Vendor Liable for Tax.

- 23 (a) Excise Tax. Each recreational marijuana cultivation facility shall pay the
24 tax imposed in section 3-14-2(a) on every sale or transfer of recreational
25 marijuana from the cultivation facility.
- 26 (b) Sales and Use Tax. Each recreational marijuana center shall pay the tax
27 imposed in section 3-14-2(b) on every sale or transfer of recreational
28 marijuana or a recreational marijuana product from the recreational
marijuana center.
- (c) The burden of proving that any transaction is not subject to the tax
imposed by this chapter is upon the person upon whom the duty to collect
the tax is imposed.

3-14-4 Taxes Collected are Held in Trust.

All sums of money paid by a person as the additional excise or sales and use tax
on recreational marijuana tax imposed by this chapter are public monies that are
the property of the city. The person required to collect and remit the additional
recreational marijuana excise or sales and use tax shall hold such monies in trust
for the sole use and benefit of the city until paying them to the city manager.

3-14-5 Definition.

As used in this chapter, "average market rate" means the amount determined by
the State of Colorado pursuant to § 39-28.8-101(1) C.R.S. or such alternate

1 amount as may be determined by the city manager as the average price of
 2 unprocessed recreational marijuana that is sold or transferred from a cultivation
 3 facility to a retail marijuana center or manufacturer.

4 3-14-6 Licensing and Reporting Procedure.

- 5 (a) Every person with a duty to collect the excise or the sales and use tax
 6 imposed by this chapter shall obtain the license required by section 3-2-11,
 7 "Sales and Use Tax License," B.R.C., 1981 to collect the tax and shall
 8 report such taxes collected on forms prescribed by the city manager and
 9 remit such taxes to the city on or before the twentieth day of the month for
 10 the preceding month or months under report.
- 11 (b) Each recreational business is required to obtain a license pursuant to
 12 section 3-2-11 "Sales and Use Tax License," B.R.C., 1981. Such license
 13 is valid so long as:
- 14 (1) the business remains in continuous operation, and
 - 15 (2) the sales and use tax license is not canceled by the licensee or
 16 revoked by the city, and
 - 17 (3) so long as the business holds a valid recreational marijuana
 18 business license from the city.
- 19 (c) Whenever a business entity that is required to be licensed under this
 20 chapter is sold, purchased, or transferred, so that the ownership interest of
 21 the purchaser or seller changes in any respect, the purchaser shall obtain a
 22 new sales tax license.
- 23 (d) The sales tax license may be revoked as provided in section 3-2-13,
 24 "Revocation of License," B.R.C. 1981.

25 3-14-7 Maintenance and Preservation of Tax Returns, Reports, and Records.

- 26 (a) The city manager may require any person to make such return, render such
 27 statement, or keep and furnish such records as the manager may deem
 28 sufficient and reasonable to demonstrate whether or not the person is
 liable under this chapter for payment or collection of the tax imposed
 hereby.
- (b) Any person required to make a return or file a report under this chapter
 shall preserve those reports as provided in section 3-2-18, "Taxpayer Duty
 to Keep Records, Provide Information and File Returns," B.R.C. 1981.
- (c) The city manager shall maintain all reports and returns of taxes required
 under the chapter as provided in section 3-2-20, "Preservation of Tax
 Returns and Reports," B.R.C. 1981.

3-14-8 Interest and Penalties for Failure to File Tax Return or Pay Tax.

- 1 (a) Penalties for failure of a person to collect the additional recreational
2 marijuana excise or sales and use tax or to make a return and remit the
3 correct amount of tax required by this chapter and procedures for
4 enforcing such penalties are as prescribed in section 3-2-22, "Penalties for
5 Failure to File Tax Return or Pay Tax (Applies to Entire Title)," B.R.C.
6 1981.
- 7 (b) Interest on overpayments and refunds is as prescribed in section 3-2-24,
8 "No Interest on Overpayments and Refunds (Applies to Entire Title),"
9 B.R.C. 1981.

3-14-9 Refunds.

8 Refunds of taxes paid under this chapter are as prescribed in section 3-2-23,
9 "Refunds (Applies to Entire Title)," B.R.C. 1981.

3-14-10 Enforcement of Tax Liability.

- 10 (a) The additional recreational marijuana excise and sales and use tax
11 imposed by this chapter, together with all interest and penalties pertaining
12 thereto, is a first and prior lien on tangible personal property in which the
13 person responsible to collect and remit the tax has an ownership interest,
14 subject only to valid mortgages or other liens of record at the time of and
15 prior to the recording of a notice of lien, as provided in subsection 3-2-
16 27(c), "Tax Constitutes Lien," B.R.C. 1981.
- 17 (b) The provisions of sections 3-2-27, "Tax Constitutes Lien," 3-2-29, "Sale of
18 Business Subject to Lien," 3-2-30, "Certificate of Discharge of Lien," 3-2-
19 31, "Jeopardy Assessment," 3-2-32, "Enforcing the Collection of Taxes
20 Due (Applies to Entire Title)," 3-2-33, "Recovery of Unpaid Tax by
21 Action at Law," 3-2-34, "City May be a Party Defendant," 3-2-35,
22 "Injunctive Relief," 3-2-36, "Obligations of Fiduciaries and Others," 3-2-
23 37, "Violations of Tax Chapter," and 3-2-38, "Limitations," B.R.C. 1981,
24 govern the authority of the city manager to collect the taxes, penalties and
25 interest imposed by this chapter.

3-14-11 Duties and Powers of City Manager.

21 The city manager is authorized to administer the provisions of this chapter and
22 has all other duties and powers prescribed in section 3-2-17, "Duties and Powers
23 of City Manager," B.R.C. 1981.

3-14-12 City Employee Conflicts of Interest Prohibited.

24 No deputy, agent, clerk or other officer or employee of the city engaged in any
25 activity governed by this chapter shall engage in the business or profession of tax
26 accounting or accept employment with or without compensation from any person
27 holding a sales tax license from the city for the purpose, directly or indirectly, of
28 preparing tax returns or reports required by the city, the State of Colorado, its
political subdivisions, any other state or the United States, or accept any
employment for the purpose of advising, preparing materials or data or auditing
books or records to be used in an effort to defeat or cancel any tax or part thereof

1 that has been assessed by the city, the State of Colorado, its political subdivisions,
2 any other state, its political subdivisions or the United States.

3 3-14-13 Prohibited Acts.

4 It is unlawful for any recreational marijuana business to sell or transfer retail
5 marijuana without the sales tax license required by section 3-2-11, "Sales and Use
6 Tax License," B.R.C. 1981, and the recreational marijuana business license
7 required by chapter 6-14, "Medical Marijuana," B.R.C. 1981, and any other
8 license required by law, or to willfully make any false or fraudulent return or false
9 statement on any return, or to willfully evade the payment of the tax, or any part
10 thereof, as imposed by this chapter.

11 Section 6. The election shall be conducted under the provisions of the Colorado
12 Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981, and this
13 ordinance, and all contrary provisions of the statutes of the State of Colorado are hereby
14 superseded.

15 Section 7. The officers of the City are authorized to take all action necessary or
16 appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to
17 conduct the election for the City.

18 Section 8. If any section, paragraph, clause, or provision of this ordinance shall for any
19 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining
20 provisions of this ordinance. The tax established by this measure is intended to be authorized
21 under any lawful means of taxation, including license taxation pursuant to city of Boulder
22 Charter Section 122.

23 Section 9. This ordinance is necessary to protect the public health, safety and welfare of
24 the residents of the City, and covers matters of local concern.

25 Section 10. The City Council deems it appropriate that this ordinance be published by
26 title only and orders that copies of this ordinance be made available in the office of the city clerk
27 for public inspection and acquisition.
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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

TITLE ONLY this 16th day of July 2013.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE ONLY this ____ day of _____ 2013.

Mayor

Attest:

City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: JULY 16, 2013

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only, three ordinances submitting to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday November 5, 2013, the questions of whether the City of Boulder should : 1) extend and dedicate to open space a 0.15 cent sales tax; 2) extend and dedicate to open space, transportation and general government services a 0.33 cent sales tax; and 3) the issue of whether to impose an interim new 0.25 cent sales tax to be dedicated to transportation and to funding the acquisition of a property interest in an approximately 25-acre property known as Long's Gardens and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Bob Eichem, Chief Financial Officer

EXECUTIVE SUMMARY

At the June 18, 2013 City Council meeting, council members discussed various approaches to addressing the need to fund the Open Space and Mountain Parks and Transportation Departments as well as funding general government operations. Although there was no clear consensus among council members, council discussed the following themes:

- Not to ask voters to approve a transportation fee;
- To ask voters to renew the .15 cent and .33 cent sales taxes, which are currently dedicated to open space, while considering alternatives to dedication to open space;

- To consider dedicating a portion of the revenue from those taxes to transportation funding; and
- To consider asking voters to approve an interim tax dedicated to transportation funding.

Staff members have reviewed and developed the attached ordinances pursuant to council’s direction. They are submitted here for approval on first reading. As discussed further in this memorandum, staff has recommended that the City Council consider using a portion of the interim tax to pay for the acquisition of a property interest in the Long’s Gardens property. In the absence of a clear consensus on these issues, staff members have developed a staff recommendation for the various allocations of this tax revenue. It should be clear that this is the product of staff work and not representative of a consensus of council members’ views.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only, three ordinances submitting to the registered electors of the City of Boulder at the general municipal coordinated election to be held on Tuesday November 5, 2013, the questions of whether the City of Boulder should : 1) extend and dedicate to open space a 0.15 cent sales tax; 2) extend and dedicate to open space, transportation and general government services a 0.33 cent sales tax; and 3) the issue of whether to impose an interim new 0.25 cent sales tax to be dedicated to transportation and to funding the acquisition of a property interest in an approximately 25-acre property known as Long’s Gardens.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The renewal of the .33 cent and .15 cent sales taxes will not create any incremental economic impact on any businesses or individuals since the programs the tax currently supports are already absorbed within the macro economy of the City. These taxes do not expire until 2018 and 2019, respectively. If they are not renewed by that time, there would be a reduction in open space acquisitions and operations that could have a negative effect on the local economy since open space is one of the iconic attributes of our community. Imposition of the temporary .25 cent sales tax could have some detrimental effect on the economy. However, job creation and efficiencies derived from additional funding for transportation improvements, maintenance and support of transit should significantly offset any detrimental effect.

- Environmental – The existing tax funds open space acquisition, maintenance and operations. Renewal of a portion of these taxes for open space will support land management activities such as weed and wildlife management and environmental education. Investing in transportation infrastructure and supporting transit will reduce congestion and support alternative transportation modes.
- Social – The sales taxes fund the maintenance of mountain parks and natural lands that are accessible to all members of the community, foster a sense of place and provide opportunities for recreation. Transportation improvements support the social fabric of the community.

OTHER IMPACTS

- Fiscal – The fiscal impact to the City is covered in the analysis section of this agenda item.
- Staff time – The staff time needed to complete the background work for the ballot item is included within the departmental work plans.

BOARD AND COMMISSION FEEDBACK

The Open Space Board of Trustees supported a renewal of both the .15 cent and the .33 cent open space taxes. The Transportation Advisory Board supported a transportation maintenance fee.

ANALYSIS

1. Open Space

The proposed ordinances would ask voters to renew both the .15 cent and the .33 cent sales taxes that currently are dedicated to open space. The .15 cent would remain dedicated as it is today. Staff recommends that only .05 cent of the .33 cent sales tax be dedicated to open space. This would result in a total of .20 cent dedicated to open space, which would be projected to produce approximately \$5.6 million¹ each year to fund open space operations, maintenance and acquisitions. The additional .05 cent would be more than sufficient to replace the current \$1 million per year subsidy which is provided annually by the general fund to the open space fund. Attachment D provides an analysis of funding available to OSMP based on different tax allocations. At the Council Agenda Committee, Council Member Morzel asked that staff provide an analysis of the cost of a

¹ To provide council with context, staff has estimated the potential revenue accruing from the various proposed tax measures. Staff originally used an estimate of \$2.5 million in revenue per .10 cent of tax. Currently, the city's taxes actually raise approximately \$2.8 million per .10 cent of tax. At the request of the mayor, staff has recalculated the estimated income based on actual current revenue rather than a more conservative estimate to account for economic fluctuations over the life of the tax. Council members should use caution in relying on any estimate. These projections are provided only for council members' guidance in a general way. There is no way to accurately predict tax revenue over the life of a tax.

regional trails network. It is not possible to estimate the cost of such a network at this time. A regional trails network will involve a combination of fee purchases, easement acquisitions, licenses and partnerships with other governments and private landowners. OSMP has not yet done the analysis necessary to estimate the cost.

2. Transportation

The proposed ordinance would dedicate .20 cent of the .33 cent tax renewal to transportation maintenance, expansion and mass transit.² This would be expected to produce approximately \$5.6 million each year. These dedicated funds would not be available until 2019. Accordingly, the proposed ordinance includes a proposed interim tax with .20 cent dedicated to transportation. This tax would sunset in 2019 when the funds from the .33 cent tax become available.

3. General Government Operations

There remains a need to fund general government operations. The funding gap persists and is projected to increase over time. Accordingly, staff recommends that .08 cent of the .33 cent sales tax be left undedicated so that it can be used for general government operations. As undedicated funds, future councils would be able to allocate this money through the annual budget process, including to open space if necessary. In addition, staff recommends that council express its intent to end the annual \$1 million transfer from the general fund to the open space fund. The .05 cent of the .33 cent will generate sufficient funds (estimated to be at least \$1.4 million in 2013 dollars) to replace the amount of the transfer. These two changes will increase undedicated funding annually to approximately \$3 million.

4. Long's Gardens

At the June 18, 2013 City Council meeting, council directed staff to acquire a property interest in the 25.34-acre property known as "Long's Gardens." It does not appear that the entire property fits appropriately as an open space project. Some portions of the property, such as the Growing Gardens project, would seem to be more appropriately managed by the Parks and Recreation Department. Existing budget priorities, as established by council, do not allow for the funds necessary to make a purchase of this magnitude. Staff recommends that council consider adding .05 cent to the interim sales tax that would expire in 2019 to pay for the acquisition of a property interest in Long's Gardens. Such a tax should produce approximately \$7 million over five years. Staff expects that this should be sufficient to purchase an appropriate property interest to preserve the uses that the community values at Long's Gardens. Staff recommends that council authorize but not impose the tax until the purchase price is

² Information regarding the need for additional funding for transportation can be found at http://www.bouldercolorado.gov/index.php?option=com_content&id=18115&Itemid=5479.

The April 9, 2013 Study Session Memorandum can be found at http://www.bouldercolorado.gov/files/City%20Council/Study%20Sessions/2013SS/04.09.13/040913_TMF_Item.pdf.

settled. This will allow council to impose only an amount sufficient to pay the purchase price.

The following chart sets out the options in the staff proposal:

Amount	Distribution	Term	Action	Result
.15 cent Open Space	Remain dedicated to Open Space	Expires Dec 2019	Renew to 2039	\$4.2 million per year to OSMP
.33 cent Open Space	.05 cent Open Space	Expires Dec 2018	Extend to 2038	\$1.4 million per year to OSMP
	TOTAL TO OPEN SPACE .20 cent			\$5.6 million per year to OSMP
	.20 cent Transportation	Expires Dec 2018	Extend to 2038	\$5.6 million per year to Transportation
	.08 cent Undedicated			\$2 million per year to general fund
.25 cent New Tax	.20 cent Transportation	Interim: 2014 to sunset in 2019		\$5.6 million per year to Transportation
1	.05 cent Long's Gardens			\$1.4 million per year available for Long's Gardens over five years for a total of \$7 million available

Attachments:

Attachment A 0.15 Tax Extension

Attachment B 0.33 Tax Extension

Attachment C 0.25 New Tax

Attachment D Open Space Funding Analysis

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ORDINANCE NO. _____

(Extension of .15 cent open space sales and use tax)

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE QUESTION OF, WITHOUT RAISING ADDITIONAL TAXES, SHALL THE EXISTING 0.15 CENT CITY SALES AND USE TAX FOR THE ACQUISITION AND PRESERVATION OF OPEN SPACE LAND AS DEFINED IN SECTION 170 OF THE CHARTER OF THE CITY OF BOULDER, COLORADO, APPROVED BY THE VOTERS BY ORDINANCE NO. 7301, BE EXTENDED BEYOND THE CURRENT EXPIRATION DATE OF DECEMBER 31, 2019 UNTIL DECEMBER 31, 2039, AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

A. The .15 cent sales and use tax was approved by voters on Nov. 5, 2002 pursuant to Ordinance No.7301, with an expiration date of December 31, 2019, which tax provides funds for the acquisition and preservation of open space land as defined in section 170 of the City Charter of the City of Boulder;

B. The electorate should consider authorizing City Council to continue the collection of a .15 cents on each dollar sales and use tax from its present expiration date of December 31, 2019 to December 31, 2039 and used to fund the acquisition and preservation of open space land as defined in section 170 of the City Charter of the City of Boulder;

C. It is appropriate for voters to approve the continued collection, retention and expenditure of the full tax proceeds and any related earnings from this portion of the sales and use tax; and

D. The purposes that will be served by the continued collection of the tax are critical for the continued provision of essential open space purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A general municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 5, 2013.

Section 2. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the question of authorizing the City Council, by duly passed ordinance, to amend that portion of section 3-2-5, "Rate of Tax," B.R.C. 1981, that pertains to the 0.15 cent on the dollar sales and use tax that is currently set to expire at midnight on December 31, 2019, by extending the tax beyond its current sunset date to December 31, 2039.

The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

BALLOT QUESTION NO. _____

Open Space Sales and Use Tax Extension

Without raising additional taxes, shall the existing 0.15 cent City sales and use tax for the acquisition and preservation of open space land as defined in section 170 of the Charter of the City of Boulder, Colorado, approved by the voters by Ordinance No. 7301, be extended beyond the current expiration date of December 31, 2019 until December 31, 2039?

FOR THE MEASURE _____

AGAINST THE MEASURE _____

Section 3. If the ballot measure passes, effective January 1, 2014, subsection 3-2-5(c) B.R.C. 1981, is amended to read:

(Note – the language which has been double underlined would be added and the language that has been lined out would be omitted from the section if this ordinance is approved by the electors.):

3-2-5 Rate of Tax.

...

- (c) Of said amount, 0.25 percent shall be deemed a parks and recreation tax, which tax shall expire at 12:00 midnight on December 31, 2035; 0.33 percent shall be deemed an open space tax, which tax shall expire at 12:00 midnight on December 31, 2018; 0.15 percent

shall be deemed a general sales and use tax; 0.15 percent shall be deemed an open space tax, which tax shall expire at 12:00 midnight on December 31, ~~2019-2039~~; and, beginning on January 1, 2005, 0.15 percent shall be deemed a general sales and use tax, which tax shall expire at 12:00 midnight on December 31, 2024. As each tax expires, the aggregate tax shall be reduced accordingly.

Section 4. If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed, and the City Council authorized to make amendments to the Boulder Revised Code, 1981, to implement this measure.

Section 5. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981, and this ordinance.

Section 6. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the City.

Section 7. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance. The tax established by this measure is intended to be authorized under any lawful means of taxation, including license taxation pursuant to City of Boulder Charter section 122.

Section 8. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City, and covers matters of local concern.

Section 9. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING AND ORDERED PUBLISHED BY
TITLE ONLY this 16th day of July 2013.

Attest: _____
Mayor

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
BY TITLE ONLY this ____ day of _____ 2013.

Attest: _____
Mayor

City Clerk

ORDINANCE No. _____

(Extension and dedication of .33% sales and use tax for transportation purposes, open space mountain parks purposes and general fund purposes)

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE QUESTION OF, WITHOUT RAISING ADDITIONAL TAXES, EXTENDING THE EXISTING .33 CENT CITY SALES AND USE TAX APPROVED BY THE VOTERS BY ORDINANCE NO. 7673, BEYOND THE CURRENT EXPIRATION DATE OF DECEMBER 31, 2018 UNTIL DECEMBER 31, 2038; AND BEGINNING JANUARY 1, 2019 UP TO 15 PERCENT OF THE REVENUES COLLECTED TO FUND THE ACQUISITION AND PRESERVATION OF OPEN SPACE; UP TO 60 PERCENT OF THE REVENUES COLLECTED TO FUND TRANSPORTATION CONSTRUCTION AND SERVICES SUCH AS MAINTENANCE OF PAVEMENT, CONSTRUCTION OF INFRASTRUCTURE, AND PROVISION OF TRANSIT SERVICE AND ANY REMAINING REVENUES COLLECTED TO GO TO GENERAL FUND SERVICES SUCH AS FIRE, POLICE, LIBRARIES, PARKS, RECREATION, HUMAN SERVICES AND OTHER GENERAL FUND PURPOSES; AS A VOTER APPROVED REVENUE CHANGE; AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

- A. The voters of the City have earmarked sales and use taxes for the acquisition of interests in real property for open space purposes by approval of a sales and use tax in the amount of 0.33 cents on each dollar sales, which tax expires at the end of 2018.
- B. The electorate should consider authorizing the City Council to continue the collection of a 0.33 cents on each dollar sales and use tax from its present expiration date of December 31, 2018 to December 31, 2038 and beginning January 1, 2019 designate the revenue generated to fund transportation purposes, open space purposes and other general funds purposes;
- C. It is appropriate for voters to approve of the continued collection, retention and expenditure of the full tax proceeds and any related earnings from this portion of the sales and use tax; and

D. The purposes that will be served by the continued collection of the tax are critical for the continued provision of essential general fund city services;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A general municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 5, 2013.

Section 2. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the question of authorizing the City Council, by duly passed ordinance, to amend that portion of section 3-2-5, "Rate of Tax," B.R.C. 1981, that pertains to the open space tax that is currently set to expire at midnight on December 31, 2018 by extending the tax beyond its current sunset date to December 31, 2038.

The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

BALLOT QUESTION NO. _____

SALES AND USE TAX EXTENSION

Without raising additional taxes, shall the existing 0.33 cent City sales and use tax for the acquisition and preservation of open space land, approved by the voters by Ordinance No. 7673, be extended beyond the current expiration date of December 31, 2018 until December 31, 2038, and beginning January 1, 2019 designating up to 15 percent of the revenues collected to fund the acquisition and preservation of open space land; up to 60 percent of the revenues collected to fund transportation construction and services such as maintenance of pavement, construction of transportation infrastructure, transit service and other transportation purposes and any remaining revenues collected to go to general fund services such as fire, police, libraries, parks, recreation, human services and other general fund purposes as a voter approved revenue change?

FOR THE MEASURE _____ AGAINST THE MEASURE _____

Section 3. If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed, and the City Council authorized to make amendments to the Boulder Revised Code, 1981, to implement this measure.

Section 4. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981, and this ordinance.

Section 5. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the City.

Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance. The tax established by this measure is intended to be authorized under any lawful means of taxation, including license taxation pursuant to city of Boulder Charter Section 122.

Section 7. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 8. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

TITLE ONLY this 16th day of July 2013.

Attest:

Mayor

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED

BY TITLE ONLY this ____ day of _____ 201_.

Attest:

Mayor

City Clerk

ORDINANCE NO. ____

0.25 % sales and use tax: 0.20% for transportation purposes,
0.05% for purchase of Longs Gardens)

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE QUESTION OF, SHALL CITY OF BOULDER TAXES BE INCREASED BY \$** EACH YEAR FOR THE PERIOD OF JANUARY 1, 2014 UNTIL DECEMBER 31, 2018 WITH UP TO 80 PERCENT OF THE REVENUES COLLECTED TO FUND TRANSPORTATION CONSTRUCTION AND SERVICES WITHOUT LIMITATION, SUCH AS MAINTENANCE OF PAVEMENT, CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE, TRANSIT SERVICE AND OTHER TRANSPORTATION PURPOSES; AND UP TO 20 PERCENT OF THE REVENUES COLLECTED TO FUND THE ACQUISITION OF A REAL PROPERTY INTEREST IN THE APPROXIMATELY 25-ACRE PROPERTY KNOWN AS LONG'S GARDENS AND ANY REMAINING REVENUES COLLECTED TO GO TO GENERAL FUND SERVICES SUCH AS FIRE, POLICE, LIBRARIES, PARKS, RECREATION, HUMAN SERVICES AND OTHER GENERAL FUND PURPOSES AS A VOTER APPROVED REVENUE CHANGE; AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

A. The funding challenges faced by the Transportation Department have been examined by two Blue Ribbon Commissions, the Transportation Advisory Board, and two community task forces. Additional funding is needed to maintain our transportation infrastructure and provide capital projects to meet the objectives of the community's Transportation Master Plan (TMP).

B. In 2012, operation and maintenance costs accounted for 84 percent of transportation funding and it is estimated that operation and maintenance costs will consume all of transportation funding by 2020, leaving little capacity to do capital projects due to increased

costs. The decision to continue funding capital project in the face of rising construction costs, has in a sense forced the city to defer maintenance of pavement, transportation infrastructure, and transit service. Without additional funding, routine maintenance of sidewalks, bicycle paths, medians, signage, striping, etc. will continue to be deferred at greater costs in the long term.

C. Long's Gardens is a 25-acre farm in the middle of Boulder as shown in Exhibit A, and includes a working iris farm and community garden. It is the only significant urban farm within the City limits. Funding is needed for the City to purchase a property interest in this historic land, to ensure that it is preserved for agriculture and agricultural education purposes.

D. The electorate should consider authorizing the City Council to increase the amount of tax collected on each dollar from 3.41cents to 3.66 cents with the revenue of that tax increase to fund: (1) transportation services such as maintenance of pavement, construction of transportation infrastructure, transit service and other transportation purposes; and (2) to fund the purchase of a property interest in Long's Gardens with any remaining revenue to go to general fund services such as fire, police, libraries, parks, recreation, human services and other general fund purposes.

E. The purposes that will be served by the continued collection of the tax are critical for the continued provision of essential transportation services to the residents and visitors to the city of Boulder.

F. It is appropriate for voters to approve collection, retention, and expenditure of the full amount collected from the tax proposed by the ballot issue described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A general municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 5, 2013.

Section 2. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote, the question of authorizing the City Council, by duly passed ordinance, to amend that portion of section 3-2-5, "Rate of Tax," B.R.C. 1981, that pertains to the 3.41 cents per dollar tax to increase the amount of tax levied to 3.66 cents per dollar of the purchase price of

tangible personal property or taxable services sold or purchased at retail for the period of January 1, 2014 until December 31, 2018.

The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

BALLOT ISSUE NO. _____

SALES AND USE TAX

SHALL CITY OF BOULDER TAXES BE INCREASED (\$** first full fiscal year dollar increase annually) BY INCREASING THE SALES AND USE TAX BY 0.25 CENTS FOR THE PERIOD OF JANUARY 1, 2014 to DECEMBER 31, 2018 WITH UP TO 80 PERCENT OF THE REVENUES COLLECTED USED TO FUND TRANSPORTATION CONSTRUCTION AND SERVICES SUCH AS MAINTENANCE OF PAVEMENT, CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE, TRANSIT SERVICE AND OTHER TRANSPORTATION PURPOSES; AND UP TO 20 PERCENT OF THE REVENUES COLLECTED TO FUND THE ACQUISITION OF A REAL PROPERTY INTEREST IN AN APPROXIMATELY 25-ACRE PROPERTY KNOWN AS LONGS GARDENS, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HAWTHORNE AND BROADWAY; AND WITH ANY REMAINING REVENUES COLLECTED TO GO TO GENERAL FUND SERVICES SUCH AS FIRE, POLICE, LIBRARIES, PARKS, RECREATION, HUMAN SERVICES AND OTHER GENERAL FUND?

AND IN CONNECTION THEREWITH,

SHALL THE FULL PROCEEDS OF SUCH TAXES AT SUCH RATES AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE CITY OF BOULDER UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

FOR THE MEASURE ____ AGAINST THE MEASURE ____

Section 3. If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed, and the City Council authorized to make amendments to the Boulder Revised Code, 1981, to implement the measure.

Section 4. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981, and this ordinance.

Section 5. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the City.

Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance. The tax established by this measure is intended to be authorized under any lawful means of taxation, including license taxation pursuant to city of Boulder Charter Section 122.

Section 7. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City, and covers matters of local concern.

Section 8. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING AND ORDERED PUBLISHED BY
TITLE ONLY this 16th day of July 2013.

Attest:

Mayor

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this ___ day of _____ 2013.

Attest:

Mayor

City Clerk

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City of Boulder

OSMP Funding Options

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CITY OF BOULDER
2013-2039 Fund Financial
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OSMP Funding Options

Renew .15% only and general fund transfer continues

VISION PLAN: \$90MM - RENEW .15%

	2013 Approved	2014 Projected	2015 Projected	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected	2021 Projected	2022 Projected	2023 Projected	2024 Projected	2025 Projected	2026 Projected	2027 Projected	2028 Projected	2029 Projected
Beginning Fund Balance	\$ 18,991,773	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 58,846,885	\$ 63,039,227	\$ 67,308,186	\$ 71,655,575	\$ 76,083,249	\$ 80,593,111	\$ 85,187,105	\$ 89,867,223	\$ 94,635,504	\$ 99,494,035
Sources of Funds																	
Net Sales Tax Revenue	\$ 25,406,420	\$ 26,295,672	\$ 27,176,894	\$ 28,288,010	\$ 29,000,132	\$ 29,928,588	\$ 19,266,529	\$ 14,486,503	\$ 14,921,098	\$ 15,368,731	\$ 15,829,793	\$ 16,304,687	\$ 16,793,827	\$ 17,297,642	\$ 17,816,571	\$ 18,351,068	\$ 18,901,600
Renew .15 starting in 2020								5,432,439	5,595,412	5,763,274	5,936,172	6,114,257	6,297,685	6,486,616	6,681,214	6,881,651	7,088,100
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Lease and Miscellaneous Revenue	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909	485,909
Funds from CDOT for Granite acquisition	1,300,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Fund Transfer	1,072,174	1,082,896	1,093,725	1,104,662	1,115,709	1,126,866	1,138,134	1,149,516	1,161,011	1,172,621	1,184,347	1,196,191	1,208,152	1,220,234	1,232,436	1,244,761	1,257,208
Total Sources of Funds	\$ 28,589,503	\$ 28,189,477	\$ 29,081,528	\$ 30,203,581	\$ 30,765,841	\$ 31,705,454	\$ 21,054,663	\$ 21,718,457	\$ 22,327,520	\$ 22,954,626	\$ 23,600,312	\$ 24,265,135	\$ 24,949,665	\$ 25,654,492	\$ 26,380,222	\$ 27,127,480	\$ 27,896,909
Uses of Funds																	
General Operating Expenditures	\$ 11,331,871	\$ 12,144,810	\$ 12,609,155	\$ 12,770,906	\$ 13,409,451	\$ 14,079,924	\$ 14,502,322	\$ 14,937,391	\$ 15,385,513	\$ 15,847,078	\$ 16,322,491	\$ 16,812,165	\$ 17,316,530	\$ 17,836,026	\$ 18,371,107	\$ 18,922,240	\$ 19,489,908
Increase to 2012 base	468,207	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Operating Supplemental and Carryover	260,086	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Voice & Sight Tag Program Enhancements	235,000	169,000	169,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000
Vehicle Acquisition	-	-	-	300,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Cost Allocation	1,066,954	1,120,302	1,176,317	1,235,133	1,296,889	1,361,734	1,409,394	1,458,723	1,509,779	1,562,621	1,617,312	1,673,918	1,732,506	1,793,143	1,855,903	1,920,860	1,988,090
Capital-Real Estate Acquisition CIP	3,400,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Real Estate Acquisition Carryover	5,571,422	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Water Rights Acquisition CIP	200,000	200,000	200,000	200,000	200,000	200,000	200,000	206,000	212,180	218,545	225,102	231,855	238,810	245,975	253,354	260,955	268,783
Capital-South Boulder Creek Instream Flow	100,000	100,000	150,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-North TSA	-	50,000	50,000	100,000	200,000	100,000	50,000	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Flagstaff Trail	-	120,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Green Mtn. West Ridge	-	60,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Saddle Rock Trail	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital- Reroute Ute and Range View Trails	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-West TSA	450,000	500,000	500,000	550,000	450,000	600,000	50,000	-	-	-	-	-	-	-	-	-	-
Capital-East TSA	-	-	-	-	50,000	50,000	200,000	-	-	-	-	-	-	-	-	-	-
Capital-Mineral Rights Acquisition	100,000	100,000	100,000	100,000	100,000	100,000	100,000	103,000	106,090	109,273	112,551	115,927	119,405	122,987	126,677	130,477	134,392
Capital-Mineral Acquisition Carryover	187,817	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Visitor Infrastructure CIP	400,000	350,000	300,000	250,000	200,000	200,000	500,000	800,000	824,000	848,720	874,182	900,407	927,419	955,242	983,899	1,013,416	1,043,819
Capital-VI CIP Carryover	1,853,712	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Highway 93 Underpass	1,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service - BMPA	1,597,457	1,500,969	1,110,243	996,341	395,842	169,282	68,091	-	-	-	-	-	-	-	-	-	-
Debt Service - Bonds & Notes	7,069,775	5,221,113	3,797,712	3,789,762	3,792,962	3,805,763	2,025,031	-	-	-	-	-	-	-	-	-	-
Total Uses of Funds	\$ 35,563,485	\$ 21,766,194	\$ 20,162,427	\$ 22,313,142	\$ 20,116,144	\$ 20,687,703	\$ 19,125,838	\$ 17,526,114	\$ 18,058,562	\$ 18,607,237	\$ 19,172,637	\$ 19,755,273	\$ 20,355,671	\$ 20,974,374	\$ 21,611,941	\$ 22,268,948	\$ 22,945,991
Net Operating Income	\$ (6,973,982)	\$ 6,423,283	\$ 8,919,100	\$ 7,890,439	\$ 10,649,696	\$ 11,017,751	\$ 1,928,825	\$ 4,192,343	\$ 4,268,959	\$ 4,347,389	\$ 4,427,675	\$ 4,509,861	\$ 4,593,994	\$ 4,680,118	\$ 4,768,281	\$ 4,858,531	\$ 4,950,918
Ending Fund Balance Before Reserves	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 58,846,885	\$ 63,039,227	\$ 67,308,186	\$ 71,655,575	\$ 76,083,249	\$ 80,593,111	\$ 85,187,105	\$ 89,867,223	\$ 94,635,504	\$ 99,494,035	\$ 104,444,953
Reserves																	
OSBT Contingency Reserve	\$ 5,475,000	\$ 3,500,000	\$ 2,500,000	\$ 2,400,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Revenue Bond Reserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pay Period 27 Reserve	82,740	132,740	182,740	232,740	282,740	332,740	382,740	432,740	482,740	532,740	582,740	632,740	682,740	732,740	782,740	832,740	882,740
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Arbitrage Reserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Acquisition Reserve	-	-	2,000,000	2,000,000	2,000,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-
Operating Reserve moved to 25% in 2020	-	-	-	-	-	-	4,781,460	4,381,529	4,514,640	4,651,809	4,793,159	4,938,818	5,088,918	5,243,593	5,402,985	5,567,237	5,732,489
Capital Reserve	-	-	-	-	-	-	2,000,000	2,060,000	2,121,800	2,185,454	2,251,018	2,318,548	2,388,105	2,459,748	2,533,540	2,609,546	2,687,802
South Boulder Creek Flow Reserve	1,450,000	1,750,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle Acquisition	-	150,000	300,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Facility Maintenance Reserve	-	100,000	200,000	300,000	400,000	500,000	600,000	-	-	-	-	-	-	-	-	-	-
Total Reserves	\$ 7,897,740	\$ 6,522,740	\$ 8,072,740	\$ 5,822,740	\$ 5,572,740	\$ 5,722,740	\$ 3,872,740	\$ 8,104,200	\$ 7,814,269	\$ 8,059,180	\$ 8,310,003	\$ 8,566,917	\$ 8,830,106	\$ 9,099,762	\$ 9,376,081	\$ 9,659,265	\$ 9,949,523
Ending Fund Balance After Reserves	\$ 4,120,051	\$ 11,918,334	\$ 19,287,434	\$ 29,427,873	\$ 40,327,569	\$ 51,195,320	\$ 54,974,145	\$ 54,935,028	\$ 59,493,918	\$ 63,596,394	\$ 67,773,246	\$ 72,026,194	\$ 76,356,998	\$ 80,767,460	\$ 85,259,423	\$ 89,834,770	\$ 94,495,430

CITY OF BOULDER
2013-2039 Fund Financial
Action Plan

OSMP Funding Options

Renew .15% only and general fund transfer continues

	2030 Projected	2031 Projected	2032 Projected	2033 Projected	2034 Projected	2035 Projected	2036 Projected	2037 Projected	2038 Projected	2039 Projected	Totals
Beginning Fund Balance	\$ 104,444,953	\$ 109,490,444	\$ 114,632,746	\$ 119,874,148	\$ 125,216,996	\$ 130,663,686	\$ 136,216,675	\$ 141,878,473	\$ 147,651,650	\$ 153,538,835	
Sources of Funds											
Net Sales Tax Revenue	\$ 19,468,648	\$ 20,052,708	\$ 20,654,289	\$ 21,273,918	\$ 21,912,135	\$ 22,569,499	\$ 23,246,584	\$ 23,943,982	\$ 24,662,301	\$ 25,402,170	\$ 574,620,000
Renew .15 starting in 2020	7,300,743	7,519,765	7,745,358	7,977,719	8,217,051	8,463,562	8,717,469	8,978,993	9,248,363	9,525,814	\$ 145,971,658
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 8,775,000
Lease and Miscellaneous Revenue	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 9,418,636
Funds from CDOT for Granite acquisition	-	-	-	-	-	-	-	-	-	-	\$ 1,300,000
General Fund Transfer	1,269,780	1,282,478	1,295,303	1,308,256	1,321,339	1,334,552	1,347,898	1,361,376	1,374,990	1,388,740	\$ 33,045,355
Total Sources of Funds	\$ 28,689,172	\$ 29,504,952	\$ 30,344,950	\$ 31,209,893	\$ 32,100,525	\$ 33,017,614	\$ 33,961,951	\$ 34,934,352	\$ 35,935,655	\$ 36,966,724	\$ 773,130,649
Uses of Funds											
General Operating Expenditures	\$ 20,074,605	\$ 20,676,843	\$ 21,297,148	\$ 21,936,063	\$ 22,594,145	\$ 23,271,969	\$ 23,970,128	\$ 24,689,232	\$ 25,429,909	\$ 26,192,806	\$ 492,221,736
Increase to 2012 base											\$ 468,207
Operating Supplemental and Carryover											\$ 260,086
Voice & Sight Tag Program Enhancements	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	\$ 1,077,000
Vehicle Acquisition											\$ 300,000
Cost Allocation	2,057,673	2,129,692	2,204,231	2,281,379	2,361,227	2,443,870	2,529,406	2,617,935	2,709,563	2,804,397	\$ 49,918,950
Capital-Real Estate Acquisition CIP	-	-	-	-	-	-	-	-	-	-	\$ 3,400,000
Capital-Real Estate Acquisition Carryover											\$ 5,571,422
Capital-Water Rights Acquisition CIP	276,847	285,152	293,707	302,518	311,593	320,941	330,570	340,487	350,701	361,222	\$ 6,935,297
Capital-South Boulder Creek Instream Flow	-	-	-	-	-	-	-	-	-	-	\$ 2,350,000
Capital-North TSA	-	-	-	-	-	-	-	-	-	-	\$ 550,000
Capital-Reroute Flagstaff Trail	-	-	-	-	-	-	-	-	-	-	\$ 120,000
Capital-Reroute Green Mtn. West Ridge	-	-	-	-	-	-	-	-	-	-	\$ 60,000
Capital-Reroute Saddle Rock Trail	-	-	-	-	-	-	-	-	-	-	\$ 65,000
Capital- Reroute Ute and Range View Trails	-	-	-	-	-	-	-	-	-	-	\$ 65,000
Capital-West TSA	-	-	-	-	-	-	-	-	-	-	\$ 3,100,000
Capital-East TSA	-	-	-	-	-	-	-	-	-	-	\$ 300,000
Capital-Mineral Rights Acquisition	138,423	142,576	146,853	151,259	155,797	160,471	165,285	170,243	175,351	180,611	\$ 3,467,649
Capital-Mineral Acquisition Carryover											\$ 187,817
Capital-Visitor Infrastructure CIP	1,075,133	1,107,387	1,140,609	1,174,827	1,210,072	1,246,374	1,283,765	1,322,278	1,361,946	1,402,805	\$ 23,696,300
Capital-VI CIP Carryover											\$ 1,853,712
Capital-Highway 93 Underpass											\$ 1,000,000
Debt Service - BMPA	-	-	-	-	-	-	-	-	-	-	\$ 5,838,226
Debt Service - Bonds & Notes											\$ 29,502,118
Total Uses of Funds	\$ 23,643,681	\$ 24,362,650	\$ 25,103,548	\$ 25,867,046	\$ 26,653,834	\$ 27,464,625	\$ 28,300,153	\$ 29,161,175	\$ 30,048,470	\$ 30,962,841	\$ 632,579,704
Net Operating Income	\$ 5,045,491	\$ 5,142,302	\$ 5,241,403	\$ 5,342,847	\$ 5,446,691	\$ 5,552,989	\$ 5,661,798	\$ 5,773,177	\$ 5,887,185	\$ 6,003,883	
Ending Fund Balance Before Reserves	\$ 109,490,444	\$ 114,632,746	\$ 119,874,148	\$ 125,216,996	\$ 130,663,686	\$ 136,216,675	\$ 141,878,473	\$ 147,651,650	\$ 153,538,835	\$ 159,542,718	
Reserves											
OSBT Contingency Reserve	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Revenue Bond Reserve											
Pay Period 27 Reserve	932,740	982,740	1,032,740	1,082,740	1,132,740	1,182,740	1,232,740	1,282,740	1,332,740	1,382,740	
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	
Arbitrage Reserve											
Acquisition Reserve	-	-	-	-	-	-	-	-	-	-	
Operating Reserve moved to 25% in 2020	5,736,498	5,910,920	6,090,662	6,275,887	6,466,761	6,663,458	6,866,156	7,075,038	7,290,294	7,512,117	
Capital Reserve	2,687,833	2,768,468	2,851,522	2,937,067	3,025,179	3,115,935	3,209,413	3,305,695	3,404,866	3,507,012	
South Boulder Creek Flow Reserve	-	-	-	-	-	-	-	-	-	-	
Vehicle Acquisition											
Facility Maintenance Reserve											
Total Reserves	\$ 10,247,071	\$ 10,552,128	\$ 10,864,924	\$ 11,185,694	\$ 11,514,681	\$ 11,852,133	\$ 12,198,309	\$ 12,553,474	\$ 12,917,900	\$ 13,291,870	
Ending Fund Balance After Reserves	\$ 99,243,374	\$ 104,080,618	\$ 109,009,224	\$ 114,031,301	\$ 119,149,006	\$ 124,364,542	\$ 129,680,164	\$ 135,098,176	\$ 140,620,935	\$ 146,250,848	

CITY OF BOULDER
2013-2039 Fund Financial
Action Plan

OSMP Funding Options

Renew .15% only and no general fund transfer after 2019

	VISION PLAN: \$90MM - RENEW .15%															
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
	Approved	Projected														
Beginning Fund Balance	\$ 18,991,773	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 58,846,885	\$ 61,889,712	\$ 64,997,660	\$ 68,172,427	\$ 71,415,755	\$ 74,729,426	\$ 78,115,267	\$ 81,575,151	\$ 85,110,996
Sources of Funds																
Net Sales Tax Revenue	\$ 25,406,420	\$ 26,295,672	\$ 27,176,894	\$ 28,288,010	\$ 29,000,132	\$ 29,928,588	\$ 19,266,529	\$ 14,486,503	\$ 14,921,098	\$ 15,368,731	\$ 15,829,793	\$ 16,304,687	\$ 16,793,827	\$ 17,297,642	\$ 17,816,571	\$ 18,351,068
Renew .15 starting in 2020								5,432,439	5,595,412	5,763,274	5,936,172	6,114,257	6,297,685	6,486,616	6,681,214	6,881,651
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Lease and Miscellaneous Revenue	485,909	485,909	485,909	485,909	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Funds from CDOT for Granite acquisition	1,300,000															
General Fund Transfer	1,072,174	1,082,896	1,093,725	1,104,662	1,115,709	1,126,866	1,138,134	-	-	-	-	-	-	-	-	-
Total Sources of Funds	\$ 28,589,503	\$ 28,189,477	\$ 29,081,528	\$ 30,203,581	\$ 30,765,841	\$ 31,705,454	\$ 21,054,663	\$ 20,568,941	\$ 21,166,510	\$ 21,782,005	\$ 22,415,965	\$ 23,068,944	\$ 23,741,512	\$ 24,434,258	\$ 25,147,785	\$ 25,882,719
Uses of Funds																
General Operating Expenditures	\$ 11,331,871	\$ 12,144,810	\$ 12,609,155	\$ 12,770,906	\$ 13,409,451	\$ 14,079,924	\$ 14,502,322	\$ 14,937,391	\$ 15,385,513	\$ 15,847,078	\$ 16,322,491	\$ 16,812,165	\$ 17,316,530	\$ 17,836,026	\$ 18,371,107	\$ 18,922,240
Increase to 2012 base	468,207	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Operating Supplemental and Carryover	260,086															
Voice & Sight Tag Program Enhancements	235,000	169,000	169,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000
Vehicle Acquisition				300,000												
Cost Allocation	1,066,954	1,120,302	1,176,317	1,235,133	1,296,889	1,361,734	1,409,394	1,458,723	1,509,779	1,562,621	1,617,312	1,673,918	1,732,506	1,793,143	1,855,903	1,920,860
Capital-Real Estate Acquisition CIP	3,400,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Real Estate Acquisition Carryover	5,571,422	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Water Rights Acquisition CIP	200,000	200,000	200,000	200,000	200,000	200,000	200,000	206,000	212,180	218,545	225,102	231,855	238,810	245,975	253,354	260,955
Capital-Water Acquisition Carryover	271,184	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-South Boulder Creek Instream Flow	100,000	100,000	150,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-
Capital-North TSA	-	50,000	50,000	100,000	200,000	100,000	50,000	-	-	-	-	-	-	-	-	-
Capital-Reroute Flagstaff Trail	-	120,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Green Mtn. West Ridge	-	60,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Saddle Rock Trail	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital- Reroute Ute and Range View Trails	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-West TSA	450,000	500,000	500,000	550,000	450,000	600,000	50,000	-	-	-	-	-	-	-	-	-
Capital-East TSA	-	-	-	-	50,000	50,000	200,000	-	-	-	-	-	-	-	-	-
Capital-Mineral Rights Acquisition	100,000	100,000	100,000	100,000	100,000	100,000	100,000	103,000	106,090	109,273	112,551	115,927	119,405	122,987	126,677	130,477
Capital-Mineral Acquisition Carryover	187,817	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Visitor Infrastructure CIP	400,000	350,000	300,000	250,000	200,000	200,000	500,000	800,000	824,000	848,720	874,182	900,407	927,419	955,242	983,899	1,013,416
Capital-VI CIP Carryover	1,853,712	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Highway 93 Underpass	1,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service - BMPA	1,597,457	1,500,969	1,110,243	996,341	395,842	169,282	68,091	-	-	-	-	-	-	-	-	-
Debt Service - Bonds & Notes	7,069,775	5,221,113	3,797,712	3,789,762	3,792,962	3,805,763	2,025,031	-	-	-	-	-	-	-	-	-
Total Uses of Funds	\$ 35,563,485	\$ 21,766,194	\$ 20,162,427	\$ 22,313,142	\$ 20,116,144	\$ 20,687,703	\$ 19,125,838	\$ 17,526,114	\$ 18,058,562	\$ 18,607,237	\$ 19,172,637	\$ 19,755,273	\$ 20,355,671	\$ 20,974,374	\$ 21,611,941	\$ 22,268,948
Net Operating Income	\$ (6,973,982)	\$ 6,423,283	\$ 8,919,100	\$ 7,890,439	\$ 10,649,696	\$ 11,017,751	\$ 1,928,825	\$ 3,042,827	\$ 3,107,948	\$ 3,174,768	\$ 3,243,328	\$ 3,313,671	\$ 3,385,841	\$ 3,459,884	\$ 3,535,845	\$ 3,613,771
Ending Fund Balance Before Reserves	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 58,846,885	\$ 61,889,712	\$ 64,997,660	\$ 68,172,427	\$ 71,415,755	\$ 74,729,426	\$ 78,115,267	\$ 81,575,151	\$ 85,110,996	\$ 88,724,767
Reserves																
OSBT Contingency Reserve	\$ 5,475,000	\$ 3,500,000	\$ 2,500,000	\$ 2,400,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pay Period 27 Reserve	82,740	132,740	182,740	232,740	282,740	332,740	382,740	432,740	482,740	532,740	582,740	632,740	682,740	732,740	782,740	832,740
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Acquisition Reserve	-	-	2,000,000	2,000,000	2,000,000	2,000,000	-	-	-	-	-	-	-	-	-	-
Operating Reserve moved to 25% in 2020								4,781,460	4,381,529	4,514,640	4,651,809	4,793,159	4,938,818	5,088,918	5,243,593	5,402,985
Capital Reserve								2,000,000	2,060,000	2,121,800	2,185,454	2,251,018	2,318,548	2,388,105	2,459,748	2,533,540
Vehicle Acquisition		150,000	300,000													
Facility Maintenance Reserve		100,000	200,000	300,000	400,000	500,000	600,000									
South Boulder Creek Flow Reserve	1,450,000	1,750,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Reserves	\$ 7,897,740	\$ 6,522,740	\$ 8,072,740	\$ 5,822,740	\$ 5,572,740	\$ 5,722,740	\$ 3,872,740	\$ 8,104,200	\$ 7,814,269	\$ 8,059,180	\$ 8,310,003	\$ 8,566,917	\$ 8,830,106	\$ 9,099,762	\$ 9,376,081	\$ 9,659,265
Ending Fund Balance After Reserves	\$ 4,120,051	\$ 11,918,334	\$ 19,287,434	\$ 29,427,873	\$ 40,327,569	\$ 51,195,320	\$ 54,974,145	\$ 53,785,512	\$ 57,183,391	\$ 60,113,247	\$ 63,105,752	\$ 66,162,509	\$ 69,285,161	\$ 72,475,389	\$ 75,734,915	\$ 79,065,501

**CITY OF BOULDER
2013-2039 Fund Financial
Action Plan**

OSMP Funding Options

Renew .15% only and no general fund transfer after 2019

	2029 Projected	2030 Projected	2031 Projected	2032 Projected	2033 Projected	2034 Projected	2035 Projected	2036 Projected	2037 Projected	2038 Projected	2039 Projected	Totals
Beginning Fund Balance	\$ 88,724,767	\$ 92,418,476	\$ 96,194,187	\$ 100,054,010	\$ 104,000,109	\$ 108,034,701	\$ 112,160,053	\$ 116,378,490	\$ 120,692,390	\$ 125,104,190	\$ 129,616,385	
Sources of Funds												
Net Sales Tax Revenue	\$ 18,901,600	\$ 19,468,648	\$ 20,052,708	\$ 20,654,289	\$ 21,273,918	\$ 21,912,135	\$ 22,569,499	\$ 23,246,584	\$ 23,943,982	\$ 24,662,301	\$ 25,402,170	\$ 574,620,000
Renew .15 starting in 2020	7,088,100	7,300,743	7,519,765	7,745,358	7,977,719	8,217,051	8,463,562	8,717,469	8,978,993	9,248,363	9,525,814	\$ 145,971,658
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 8,775,000
Lease and Miscellaneous Revenue	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 9,418,636
Funds from CDOT for Granite acquisition												\$ 1,300,000
General Fund Transfer												\$ 7,734,165
Total Sources of Funds	\$ 26,639,701	\$ 27,419,392	\$ 28,222,473	\$ 29,049,647	\$ 29,901,637	\$ 30,779,186	\$ 31,683,062	\$ 32,614,053	\$ 33,572,975	\$ 34,560,664	\$ 35,577,984	\$ 747,819,459
Uses of Funds												
General Operating Expenditures	\$ 19,489,908	\$ 20,074,605	\$ 20,676,843	\$ 21,297,148	\$ 21,936,063	\$ 22,594,145	\$ 23,271,969	\$ 23,970,128	\$ 24,689,232	\$ 25,429,909	\$ 26,192,806	\$ 492,221,736
Increase to 2012 base												\$ 468,207
Operating Supplemental and Carryover												\$ 260,086
Voice & Sight Tag Program Enhancements	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	\$ 1,077,000
Vehicle Acquisition												\$ 300,000
Cost Allocation	1,988,090	2,057,673	2,129,692	2,204,231	2,281,379	2,361,227	2,443,870	2,529,406	2,617,935	2,709,563	2,804,397	\$ 49,918,950
Capital-Real Estate Acquisition CIP												\$ 3,400,000
Capital-Real Estate Acquisition Carryover												\$ 5,571,422
Capital-Water Rights Acquisition CIP	268,783	276,847	285,152	293,707	302,518	311,593	320,941	330,570	340,487	350,701	361,222	\$ 6,935,297
Capital-Water Acquisition Carryover												\$ 271,184
Capital-South Boulder Creek Instream Flow												\$ 2,350,000
Capital-North TSA												\$ 550,000
Capital-Reroute Flagstaff Trail												\$ 120,000
Capital-Reroute Green Mtn. West Ridge												\$ 60,000
Capital-Reroute Saddle Rock Trail												\$ 65,000
Capital- Reroute Ute and Range View Trails												\$ 65,000
Capital-West TSA												\$ 3,100,000
Capital-East TSA												\$ 300,000
Capital-Mineral Rights Acquisition	134,392	138,423	142,576	146,853	151,259	155,797	160,471	165,285	170,243	175,351	180,611	\$ 3,467,649
Capital-Mineral Acquisition Carryover												\$ 187,817
Capital-Visitor Infrastructure CIP	1,043,819	1,075,133	1,107,387	1,140,609	1,174,827	1,210,072	1,246,374	1,283,765	1,322,278	1,361,946	1,402,805	\$ 23,696,300
Capital-VI CIP Carryover												\$ 1,853,712
Capital-Highway 93 Underpass												\$ 1,000,000
Debt Service - BMPA												\$ 5,838,226
Debt Service - Bonds & Notes												\$ 29,502,118
Total Uses of Funds	\$ 22,945,991	\$ 23,643,681	\$ 24,362,650	\$ 25,103,548	\$ 25,867,046	\$ 26,653,834	\$ 27,464,625	\$ 28,300,153	\$ 29,161,175	\$ 30,048,470	\$ 30,962,841	\$ 632,579,704
Net Operating Income	\$ 3,693,710	\$ 3,775,710	\$ 3,859,823	\$ 3,946,100	\$ 4,034,591	\$ 4,125,352	\$ 4,218,437	\$ 4,313,900	\$ 4,411,800	\$ 4,512,195	\$ 4,615,143	
Ending Fund Balance Before Reserves	\$ 92,418,476	\$ 96,194,187	\$ 100,054,010	\$ 104,000,109	\$ 108,034,701	\$ 112,160,053	\$ 116,378,490	\$ 120,692,390	\$ 125,104,190	\$ 129,616,385	\$ 134,231,528	
Reserves												
OSBT Contingency Reserve	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pay Period 27 Reserve	882,740	932,740	982,740	1,032,740	1,082,740	1,132,740	1,182,740	1,232,740	1,282,740	1,332,740	1,382,740	
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	
Acquisition Reserve												
Operating Reserve moved to 25% in 2020	5,567,237	5,736,498	5,910,920	6,090,662	6,275,887	6,466,761	6,663,458	6,866,156	7,075,038	7,290,294	7,512,117	
Capital Reserve	2,609,546	2,687,833	2,768,468	2,851,522	2,937,067	3,025,179	3,115,935	3,209,413	3,305,695	3,404,866	3,507,012	
Vehicle Acquisition												
Facility Maintenance Reserve												
South Boulder Creek Flow Reserve												
Total Reserves	\$ 9,949,523	\$ 10,247,071	\$ 10,552,128	\$ 10,864,924	\$ 11,185,694	\$ 11,514,681	\$ 11,852,133	\$ 12,198,309	\$ 12,553,474	\$ 12,917,900	\$ 13,291,870	
Ending Fund Balance After Reserves	\$ 82,468,953	\$ 85,947,116	\$ 89,501,882	\$ 93,135,185	\$ 96,849,006	\$ 100,645,372	\$ 104,526,356	\$ 108,494,081	\$ 112,550,717	\$ 116,698,485	\$ 120,939,658	

**CITY OF BOULDER
2013-2039 Fund Financial
Action Plan**

OSMP Funding Options

Renew .33% only and general fund transfer continues

VISION PLAN: \$90MM - RENEW .33% ONLY

	2013 Approved	2014 Projected	2015 Projected	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected	2021 Projected	2022 Projected	2023 Projected	2024 Projected	2025 Projected	2026 Projected	2027 Projected	2028 Projected
Beginning Fund Balance	\$ 18,991,773	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 70,406,802	\$ 81,101,550	\$ 92,097,015	\$ 103,402,664	\$ 115,028,263	\$ 126,983,893	\$ 139,279,956	\$ 151,927,186	\$ 164,936,661
Sources of Funds		3.50%	3.35%	4.09%	2.52%	3.20%										
Net Sales Tax Revenue	\$ 25,406,420	\$ 26,295,672	\$ 27,176,894	\$ 28,288,010	\$ 29,000,132	\$ 29,928,588	\$ 19,266,529	\$ 14,514,632	\$ 14,979,100	\$ 15,458,431	\$ 15,953,101	\$ 16,463,600	\$ 16,990,436	\$ 17,534,130	\$ 18,095,222	\$ 18,674,269
Renew .33 starting in 2019							11,559,917	11,906,715	12,263,916	12,631,834	13,010,789	13,401,112	13,803,146	14,217,240	14,643,757	15,083,070
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Lease and Miscellaneous Revenue	485,909	485,909	485,909	485,909	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Funds from CDOT for Granite acquisition	1,300,000															
General Fund Transfer	1,072,174	1,082,896	1,093,725	1,104,662	1,115,709	1,126,866	1,138,134	1,149,516	1,161,011	1,172,621	1,184,347	1,196,191	1,208,152	1,220,234	1,232,436	1,244,761
Total Sources of Funds	\$ 28,589,503	\$ 28,189,477	\$ 29,081,528	\$ 30,203,581	\$ 30,765,841	\$ 31,705,454	\$ 32,614,580	\$ 28,220,862	\$ 29,054,027	\$ 29,912,886	\$ 30,798,237	\$ 31,710,903	\$ 32,651,734	\$ 33,621,604	\$ 34,621,415	\$ 35,652,099
Uses of Funds																
General Operating Expenditures	\$ 11,331,871	\$ 12,144,810	\$ 12,609,155	\$ 12,770,906	\$ 13,409,451	\$ 14,079,924	\$ 14,502,322	\$ 14,937,391	\$ 15,385,513	\$ 15,847,078	\$ 16,322,491	\$ 16,812,165	\$ 17,316,530	\$ 17,836,026	\$ 18,371,107	\$ 18,922,240
Increase to 2012 base	468,207	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Operating Supplemental and Carryover	260,086															
Voice & Sight Tag Program Enhancements	235,000	169,000	169,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000
Vehicle Acquisition				300,000												
Cost Allocation	1,066,954	1,120,302	1,176,317	1,235,133	1,296,889	1,361,734	1,409,394	1,458,723	1,509,779	1,562,621	1,617,312	1,673,918	1,732,506	1,793,143	1,855,903	1,920,860
Capital-Real Estate Acquisition CIP	3,400,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Real Estate Acquisition Carryover	5,571,422	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Water Rights Acquisition CIP	200,000	200,000	200,000	200,000	200,000	200,000	200,000	206,000	212,180	218,545	225,102	231,855	238,810	245,975	253,354	260,955
Capital-Water Acquisition Carryover	271,184	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-South Boulder Creek Instream Flow	100,000	100,000	150,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-
Capital-North TSA	-	50,000	50,000	100,000	200,000	100,000	50,000	-	-	-	-	-	-	-	-	-
Capital-Reroute Flagstaff Trail	-	120,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Green Mtn. West Ridge	-	60,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Saddle Rock Trail	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital- Reroute Ute and Range View Trails	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-West TSA	450,000	500,000	500,000	550,000	450,000	600,000	50,000	-	-	-	-	-	-	-	-	-
Capital-East TSA	-	-	-	-	50,000	50,000	200,000	-	-	-	-	-	-	-	-	-
Capital-Mineral Rights Acquisition	100,000	100,000	100,000	100,000	100,000	100,000	100,000	103,000	106,090	109,273	112,551	115,927	119,405	122,987	126,677	130,477
Capital-Mineral Acquisition Carryover	187,817	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Visitor Infrastructure CIP	400,000	350,000	300,000	250,000	200,000	200,000	500,000	800,000	824,000	848,720	874,182	900,407	927,419	955,242	983,899	1,013,416
Capital-VI CIP Carryover	1,853,712	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Highway 93 Underpass	1,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service - BMPPA	1,597,457	1,500,969	1,110,243	996,341	395,842	169,282	68,091	-	-	-	-	-	-	-	-	-
Debt Service - Bonds & Notes	7,069,775	5,221,113	3,797,712	3,789,762	3,792,962	3,805,763	2,025,031	-	-	-	-	-	-	-	-	-
Total Uses of Funds	\$ 35,563,485	\$ 21,766,194	\$ 20,162,427	\$ 22,313,142	\$ 20,116,144	\$ 20,687,703	\$ 19,125,838	\$ 17,526,114	\$ 18,058,562	\$ 18,607,237	\$ 19,172,637	\$ 19,755,273	\$ 20,355,671	\$ 20,974,374	\$ 21,611,941	\$ 22,268,948
Net Operating Income	\$ (6,973,982)	\$ 6,423,283	\$ 8,919,100	\$ 7,890,439	\$ 10,649,696	\$ 11,017,751	\$ 13,488,742	\$ 10,694,748	\$ 10,995,466	\$ 11,305,649	\$ 11,625,599	\$ 11,955,630	\$ 12,296,063	\$ 12,647,230	\$ 13,009,475	\$ 13,383,151
Ending Fund Balance Before Reserves	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 70,406,802	\$ 81,101,550	\$ 92,097,015	\$ 103,402,664	\$ 115,028,263	\$ 126,983,893	\$ 139,279,956	\$ 151,927,186	\$ 164,936,661	\$ 178,319,812
Reserves																
OSBT Contingency Reserve	\$ 5,475,000	\$ 3,500,000	\$ 2,500,000	\$ 2,400,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pay Period 27 Reserve	82,740	132,740	182,740	232,740	282,740	332,740	382,740	432,740	482,740	532,740	582,740	632,740	682,740	732,740	782,740	832,740
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Acquisition Reserve	-	-	2,000,000	2,000,000	2,000,000	2,000,000	-	-	-	-	-	-	-	-	-	-
Operating Reserve moved to 25% in 2020								4,781,460	4,381,529	4,514,640	4,651,809	4,793,159	4,938,818	5,088,918	5,243,593	5,402,985
Capital Reserve								2,000,000	2,060,000	2,121,800	2,185,454	2,251,018	2,318,548	2,388,105	2,459,748	2,533,540
Vehicle Acquisition		150,000	300,000													
Facility Maintenance Reserve		100,000	200,000	300,000	400,000	500,000	600,000									
South Boulder Creek Flow Reserve	1,450,000	1,750,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Reserves	\$ 7,897,740	\$ 6,522,740	\$ 8,072,740	\$ 5,822,740	\$ 5,572,740	\$ 5,722,740	\$ 3,872,740	\$ 8,104,200	\$ 7,814,269	\$ 8,059,180	\$ 8,310,003	\$ 8,566,917	\$ 8,830,106	\$ 9,099,762	\$ 9,376,081	\$ 9,659,265
Ending Fund Balance After Reserves	\$ 4,120,051	\$ 11,918,334	\$ 19,287,434	\$ 29,427,873	\$ 40,327,569	\$ 51,195,320	\$ 66,534,062	\$ 72,997,350	\$ 84,282,747	\$ 95,343,483	\$ 106,718,260	\$ 118,416,976	\$ 130,449,850	\$ 142,827,424	\$ 155,560,579	\$ 168,660,546

CITY OF BOULDER
2013-2039 Fund Financial
Action Plan

OSMP Funding Options

Renew .33% only and general fund transfer continues

	2029 Projected	2030 Projected	2031 Projected	2032 Projected	2033 Projected	2034 Projected	2035 Projected	2036 Projected	2037 Projected	2038 Projected	2039 Projected	Totals
Beginning Fund Balance	\$ 178,319,812	\$ 192,088,436	\$ 206,254,709	\$ 220,831,193	\$ 235,830,853	\$ 251,267,069	\$ 267,153,649	\$ 283,504,842	\$ 300,335,352	\$ 317,660,354	\$ 335,495,509	
Sources of Funds												
Net Sales Tax Revenue	\$ 19,271,845	\$ 19,888,544	\$ 20,524,978	\$ 21,181,777	\$ 21,859,594	\$ 22,559,101	\$ 23,280,992	\$ 24,025,984	\$ 24,794,816	\$ 25,588,250	\$ 26,407,074	\$ 583,408,120
Renew .33 starting in 2019	15,535,562	16,001,629	16,481,678	16,976,128	17,485,412	18,009,974	18,550,273	19,106,782	19,679,985	20,270,385	20,878,496	\$ 331,497,798
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 8,775,000
Lease and Miscellaneous Revenue	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 9,418,636
Funds from CDOT for Granite acquisition												\$ 1,300,000
General Fund Transfer	1,257,208	1,269,780	1,282,478	1,295,303	1,308,256	1,321,339	1,334,552	1,347,898	1,361,376	1,374,990	1,388,740	\$ 33,045,355
Total Sources of Funds	\$ 36,714,616	\$ 37,809,954	\$ 38,939,134	\$ 40,103,208	\$ 41,303,262	\$ 42,540,414	\$ 43,815,818	\$ 45,130,663	\$ 46,486,177	\$ 47,883,624	\$ 49,324,310	\$ 967,444,909
Uses of Funds												
General Operating Expenditures	\$ 19,489,908	\$ 20,074,605	\$ 20,676,843	\$ 21,297,148	\$ 21,936,063	\$ 22,594,145	\$ 23,271,969	\$ 23,970,128	\$ 24,689,232	\$ 25,429,909	\$ 26,192,806	\$ 492,221,736
Increase to 2012 base												\$ 468,207
Operating Supplemental and Carryover												\$ 260,086
Voice & Sight Tag Program Enhancements	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	\$ 1,077,000
Vehicle Acquisition												\$ 300,000
Cost Allocation	1,988,090	2,057,673	2,129,692	2,204,231	2,281,379	2,361,227	2,443,870	2,529,406	2,617,935	2,709,563	2,804,397	\$ 49,918,950
Capital-Real Estate Acquisition CIP	-	-	-	-	-	-	-	-	-	-	-	\$ 3,400,000
Capital-Real Estate Acquisition Carryover												\$ 5,571,422
Capital-Water Rights Acquisition CIP	268,783	276,847	285,152	293,707	302,518	311,593	320,941	330,570	340,487	350,701	361,222	\$ 6,935,297
Capital-Water Acquisition Carryover												\$ 271,184
Capital-South Boulder Creek Instream Flow	-	-	-	-	-	-	-	-	-	-	-	\$ 2,350,000
Capital-North TSA	-	-	-	-	-	-	-	-	-	-	-	\$ 550,000
Capital-Reroute Flagstaff Trail	-	-	-	-	-	-	-	-	-	-	-	\$ 120,000
Capital-Reroute Green Mtn. West Ridge	-	-	-	-	-	-	-	-	-	-	-	\$ 60,000
Capital-Reroute Saddle Rock Trail	-	-	-	-	-	-	-	-	-	-	-	\$ 65,000
Capital-Reroute Ute and Range View Trails	-	-	-	-	-	-	-	-	-	-	-	\$ 65,000
Capital-West TSA	-	-	-	-	-	-	-	-	-	-	-	\$ 3,100,000
Capital-East TSA	-	-	-	-	-	-	-	-	-	-	-	\$ 300,000
Capital-Mineral Rights Acquisition	134,392	138,423	142,576	146,853	151,259	155,797	160,471	165,285	170,243	175,351	180,611	\$ 3,467,649
Capital-Mineral Acquisition Carryover												\$ 187,817
Capital-Visitor Infrastructure CIP	1,043,819	1,075,133	1,107,387	1,140,609	1,174,827	1,210,072	1,246,374	1,283,765	1,322,278	1,361,946	1,402,805	\$ 23,696,300
Capital-VI CIP Carryover												\$ 1,853,712
Capital-Highway 93 Underpass												\$ 1,000,000
Debt Service - BMTA	-	-	-	-	-	-	-	-	-	-	-	\$ 5,838,226
Debt Service - Bonds & Notes												\$ 22,432,343
Total Uses of Funds	\$ 22,945,991	\$ 23,643,681	\$ 24,362,650	\$ 25,103,548	\$ 25,867,046	\$ 26,653,834	\$ 27,464,625	\$ 28,300,153	\$ 29,161,175	\$ 30,048,470	\$ 30,962,841	\$ 632,579,704
Net Operating Income	\$ 13,768,625	\$ 14,166,272	\$ 14,576,484	\$ 14,999,660	\$ 15,436,216	\$ 15,886,580	\$ 16,351,193	\$ 16,830,510	\$ 17,325,002	\$ 17,835,155	\$ 18,361,468	
Ending Fund Balance Before Reserves	\$ 192,088,436	\$ 206,254,709	\$ 220,831,193	\$ 235,830,853	\$ 251,267,069	\$ 267,153,649	\$ 283,504,842	\$ 300,335,352	\$ 317,660,354	\$ 335,495,509	\$ 353,856,978	
Reserves												
OSBT Contingency Reserve	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pay Period 27 Reserve	882,740	932,740	982,740	1,032,740	1,082,740	1,132,740	1,182,740	1,232,740	1,282,740	1,332,740	1,382,740	
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	
Acquisition Reserve	-	-	-	-	-	-	-	-	-	-	-	
Operating Reserve moved to 25% in 2020	5,567,237	5,736,498	5,910,920	6,090,662	6,275,887	6,466,761	6,663,458	6,866,156	7,075,038	7,290,294	7,512,117	
Capital Reserve	2,609,546	2,687,833	2,768,468	2,851,522	2,937,067	3,025,179	3,115,935	3,209,413	3,305,695	3,404,866	3,507,012	
Vehicle Acquisition												
Facility Maintenance Reserve												
South Boulder Creek Flow Reserve												
Total Reserves	\$ 9,949,523	\$ 10,247,071	\$ 10,552,128	\$ 10,864,924	\$ 11,185,694	\$ 11,514,681	\$ 11,852,133	\$ 12,198,309	\$ 12,553,474	\$ 12,917,900	\$ 13,291,870	
Ending Fund Balance After Reserves	\$ 182,138,913	\$ 196,007,638	\$ 210,279,065	\$ 224,965,929	\$ 240,081,375	\$ 255,638,968	\$ 271,652,709	\$ 288,137,043	\$ 305,106,881	\$ 322,577,610	\$ 340,565,108	

**CITY OF BOULDER
2013-2039 Fund Financial
Action Plan**

OSMP Funding Options

Renew .33% only and no general fund transfer after 2018

VISION PLAN: \$90MM - RENEW .33% ONLY

	2013 Approved	2014 Projected	2015 Projected	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected	2021 Projected	2022 Projected	2023 Projected	2024 Projected	2025 Projected	2026 Projected	2027 Projected	2028 Projected
Beginning Fund Balance	\$ 18,991,773	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 69,268,668	\$ 78,813,900	\$ 88,648,354	\$ 98,781,382	\$ 109,222,634	\$ 119,982,074	\$ 131,069,984	\$ 142,496,980	\$ 154,274,018
Sources of Funds																
Net Sales Tax Revenue	\$ 25,406,420	\$ 26,295,672	\$ 27,176,894	\$ 28,288,010	\$ 29,000,132	\$ 29,928,588	\$ 19,266,529	\$ 14,514,632	\$ 14,979,100	\$ 15,458,431	\$ 15,953,101	\$ 16,463,600	\$ 16,990,436	\$ 17,534,130	\$ 18,095,222	\$ 18,674,269
Renew .33 starting in 2019		3.50%	3.35%	4.09%	2.52%	3.20%	11,559,917	11,906,715	12,263,916	12,631,834	13,010,789	13,401,112	13,803,146	14,217,240	14,643,757	15,083,070
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Lease and Miscellaneous Revenue	485,909	485,909	485,909	485,909	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Funds from CDOT for Granite acquisition	1,300,000															
General Fund Transfer	1,072,174	1,082,896	1,093,725	1,104,662	1,115,709	1,126,866	-	-	-	-	-	-	-	-	-	-
Total Sources of Funds	\$ 28,589,503	\$ 28,189,477	\$ 29,081,528	\$ 30,203,581	\$ 30,765,841	\$ 31,705,454	\$ 31,476,446	\$ 27,071,347	\$ 27,893,016	\$ 28,740,265	\$ 29,613,890	\$ 30,514,713	\$ 31,443,581	\$ 32,401,369	\$ 33,388,979	\$ 34,407,339
Uses of Funds																
General Operating Expenditures	\$ 11,331,871	\$ 12,144,810	\$ 12,609,155	\$ 12,770,906	\$ 13,409,451	\$ 14,079,924	\$ 14,502,322	\$ 14,937,391	\$ 15,385,513	\$ 15,847,078	\$ 16,322,491	\$ 16,812,165	\$ 17,316,530	\$ 17,836,026	\$ 18,371,107	\$ 18,922,240
Increase to 2012 base	468,207	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Operating Supplemental and Carryover	260,086															
Voice & Sight Tag Program Enhancements	235,000	169,000	169,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000
Vehicle Acquisition				300,000												
Cost Allocation	1,066,954	1,120,302	1,176,317	1,235,133	1,296,889	1,361,734	1,409,394	1,458,723	1,509,779	1,562,621	1,617,312	1,673,918	1,732,506	1,793,143	1,855,903	1,920,860
Capital-Real Estate Acquisition CIP	3,400,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Real Estate Acquisition Carryover	5,571,422	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Water Rights Acquisition CIP	200,000	200,000	200,000	200,000	200,000	200,000	200,000	206,000	212,180	218,545	225,102	231,855	238,810	245,975	253,354	260,955
Capital-Water Acquisition Carryover	271,184	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-South Boulder Creek Instream Flow	100,000	100,000	150,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-
Capital-North TSA	-	50,000	50,000	100,000	200,000	100,000	50,000	-	-	-	-	-	-	-	-	-
Capital-Reroute Flagstaff Trail	-	120,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Green Mtn. West Ridge	-	60,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Saddle Rock Trail	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Ute and Range View Trails	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-West TSA	450,000	500,000	500,000	550,000	450,000	600,000	50,000	-	-	-	-	-	-	-	-	-
Capital-East TSA	-	-	-	-	50,000	50,000	200,000	-	-	-	-	-	-	-	-	-
Capital-Mineral Rights Acquisition	100,000	100,000	100,000	100,000	100,000	100,000	100,000	103,000	106,090	109,273	112,551	115,927	119,405	122,987	126,677	130,477
Capital-Mineral Acquisition Carryover	187,817	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Visitor Infrastructure CIP	400,000	350,000	300,000	250,000	200,000	200,000	500,000	800,000	824,000	848,720	874,182	900,407	927,419	955,242	983,899	1,013,416
Capital-VI CIP Carryover	1,853,712	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Highway 93 Underpass	1,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service - BMPA	1,597,457	1,500,969	1,110,243	996,341	395,842	169,282	68,091	-	-	-	-	-	-	-	-	-
Debt Service - Bonds & Notes	7,069,775	5,221,113	3,797,712	3,789,762	3,792,962	3,805,763	2,025,031	-	-	-	-	-	-	-	-	-
Total Uses of Funds	\$ 35,563,485	\$ 21,766,194	\$ 20,162,427	\$ 22,313,142	\$ 20,116,144	\$ 20,687,703	\$ 19,125,838	\$ 17,526,114	\$ 18,058,562	\$ 18,607,237	\$ 19,172,637	\$ 19,755,273	\$ 20,355,671	\$ 20,974,374	\$ 21,611,941	\$ 22,268,948
Net Operating Income	\$ (6,973,982)	\$ 6,423,283	\$ 8,919,100	\$ 7,890,439	\$ 10,649,696	\$ 11,017,751	\$ 12,350,608	\$ 9,545,232	\$ 9,834,455	\$ 10,133,028	\$ 10,441,252	\$ 10,759,439	\$ 11,087,910	\$ 11,426,996	\$ 11,777,038	\$ 12,138,390
Ending Fund Balance Before Reserves	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 69,268,668	\$ 78,813,900	\$ 88,648,354	\$ 98,781,382	\$ 109,222,634	\$ 119,982,074	\$ 131,069,984	\$ 142,496,980	\$ 154,274,018	\$ 166,412,409
Reserves																
OSBT Contingency Reserve	\$ 5,475,000	\$ 3,500,000	\$ 2,500,000	\$ 2,400,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pay Period 27 Reserve	82,740	132,740	182,740	232,740	282,740	332,740	382,740	432,740	482,740	532,740	582,740	632,740	682,740	732,740	782,740	832,740
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Acquisition Reserve	-	-	2,000,000	2,000,000	2,000,000	2,000,000	-	-	-	-	-	-	-	-	-	-
Operating Reserve moved to 25% in 2020								4,781,460	4,381,529	4,514,640	4,651,809	4,793,159	4,938,818	5,088,918	5,243,593	5,402,985
Capital Reserve								2,000,000	2,060,000	2,121,800	2,185,454	2,251,018	2,318,548	2,388,105	2,459,748	2,533,540
Vehicle Acquisition		150,000	300,000													
Facility Maintenance Reserve		100,000	200,000	300,000	400,000	500,000	600,000									
South Boulder Creek Flow Reserve	1,450,000	1,750,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Reserves	\$ 7,897,740	\$ 6,522,740	\$ 8,072,740	\$ 5,822,740	\$ 5,572,740	\$ 5,722,740	\$ 3,872,740	\$ 8,104,200	\$ 7,814,269	\$ 8,059,180	\$ 8,310,003	\$ 8,566,917	\$ 8,830,106	\$ 9,099,762	\$ 9,376,081	\$ 9,659,265
Ending Fund Balance After Reserves	\$ 4,120,051	\$ 11,918,334	\$ 19,287,434	\$ 29,427,873	\$ 40,327,569	\$ 51,195,320	\$ 65,395,928	\$ 70,709,700	\$ 80,834,086	\$ 90,722,202	\$ 100,912,631	\$ 111,415,157	\$ 122,239,878	\$ 133,397,218	\$ 144,897,937	\$ 156,753,143

**CITY OF BOULDER
2013-2039 Fund Financial
Action Plan**

OSMP Funding Options

Renew .33% only and no general fund transfer after 2018

	2029 Projected	2030 Projected	2031 Projected	2032 Projected	2033 Projected	2034 Projected	2035 Projected	2036 Projected	2037 Projected	2038 Projected	2039 Projected	Totals
Beginning Fund Balance	\$ 166,412,409	\$ 178,923,825	\$ 191,820,317	\$ 205,114,323	\$ 218,818,680	\$ 232,946,640	\$ 247,511,882	\$ 262,528,522	\$ 278,011,135	\$ 293,974,761	\$ 310,434,926	
Sources of Funds												
Net Sales Tax Revenue	\$ 19,271,845	\$ 19,888,544	\$ 20,524,978	\$ 21,181,777	\$ 21,859,594	\$ 22,559,101	\$ 23,280,992	\$ 24,025,984	\$ 24,794,816	\$ 25,588,250	\$ 26,407,074	\$ 583,408,120
Renew .33 starting in 2019	15,535,562	16,001,629	16,481,678	16,976,128	17,485,412	18,009,974	18,550,273	19,106,782	19,679,985	20,270,385	20,878,496	\$ 331,497,798
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 8,775,000
Lease and Miscellaneous Revenue	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 9,418,636
Funds from CDOT for Granite acquisition												\$ 1,300,000
General Fund Transfer												\$ 6,596,031
Total Sources of Funds	\$ 35,457,407	\$ 36,540,173	\$ 37,656,656	\$ 38,807,905	\$ 39,995,006	\$ 41,219,075	\$ 42,481,266	\$ 43,782,766	\$ 45,124,801	\$ 46,508,634	\$ 47,935,570	\$ 940,995,585
Uses of Funds												
General Operating Expenditures	\$ 19,489,908	\$ 20,074,605	\$ 20,676,843	\$ 21,297,148	\$ 21,936,063	\$ 22,594,145	\$ 23,271,969	\$ 23,970,128	\$ 24,689,232	\$ 25,429,909	\$ 26,192,806	\$ 492,221,736
Increase to 2012 base												\$ 468,207
Operating Supplemental and Carryover												\$ 260,086
Voice & Sight Tag Program Enhancements	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	\$ 1,077,000
Vehicle Acquisition												\$ 300,000
Cost Allocation	1,988,090	2,057,673	2,129,692	2,204,231	2,281,379	2,361,227	2,443,870	2,529,406	2,617,935	2,709,563	2,804,397	\$ 49,918,950
Capital-Real Estate Acquisition CIP												\$ 3,400,000
Capital-Real Estate Acquisition Carryover												\$ 5,571,422
Capital-Water Rights Acquisition CIP	268,783	276,847	285,152	293,707	302,518	311,593	320,941	330,570	340,487	350,701	361,222	\$ 6,935,297
Capital-Water Acquisition Carryover												\$ 271,184
Capital-South Boulder Creek Instream Flow												\$ 2,350,000
Capital-North TSA												\$ 550,000
Capital-Reroute Flagstaff Trail												\$ 120,000
Capital-Reroute Green Mtn. West Ridge												\$ 60,000
Capital-Reroute Saddle Rock Trail												\$ 65,000
Capital- Reroute Ute and Range View Trails												\$ 65,000
Capital-West TSA												\$ 3,100,000
Capital-East TSA												\$ 300,000
Capital-Mineral Rights Acquisition	134,392	138,423	142,576	146,853	151,259	155,797	160,471	165,285	170,243	175,351	180,611	\$ 3,467,649
Capital-Mineral Acquisition Carryover												\$ 187,817
Capital-Visitor Infrastructure CIP	1,043,819	1,075,133	1,107,387	1,140,609	1,174,827	1,210,072	1,246,374	1,283,765	1,322,278	1,361,946	1,402,805	\$ 23,696,300
Capital-VI CIP Carryover												\$ 1,853,712
Capital-Highway 93 Underpass												\$ 1,000,000
Debt Service - BMPA												\$ 5,838,226
Debt Service - Bonds & Notes												\$ 29,502,118
Total Uses of Funds	\$ 22,945,991	\$ 23,643,681	\$ 24,362,650	\$ 25,103,548	\$ 25,867,046	\$ 26,653,834	\$ 27,464,625	\$ 28,300,153	\$ 29,161,175	\$ 30,048,470	\$ 30,962,841	\$ 632,579,704
Net Operating Income	\$ 12,511,416	\$ 12,896,492	\$ 13,294,006	\$ 13,704,357	\$ 14,127,960	\$ 14,565,241	\$ 15,016,641	\$ 15,482,613	\$ 15,963,626	\$ 16,460,165	\$ 16,972,728	
Ending Fund Balance Before Reserves	\$ 178,923,825	\$ 191,820,317	\$ 205,114,323	\$ 218,818,680	\$ 232,946,640	\$ 247,511,882	\$ 262,528,522	\$ 278,011,135	\$ 293,974,761	\$ 310,434,926	\$ 327,407,654	
Reserves												
OSBT Contingency Reserve	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pay Period 27 Reserve	882,740	932,740	982,740	1,032,740	1,082,740	1,132,740	1,182,740	1,232,740	1,282,740	1,332,740	1,382,740	
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	
Acquisition Reserve												
Operating Reserve moved to 25% in 2020	5,567,237	5,736,498	5,910,920	6,090,662	6,275,887	6,466,761	6,663,458	6,866,156	7,075,038	7,290,294	7,512,117	
Capital Reserve	2,609,546	2,687,833	2,768,468	2,851,522	2,937,067	3,025,179	3,115,935	3,209,413	3,305,695	3,404,866	3,507,012	
Vehicle Acquisition												
Facility Maintenance Reserve												
South Boulder Creek Flow Reserve												
Total Reserves	\$ 9,949,523	\$ 10,247,071	\$ 10,552,128	\$ 10,864,924	\$ 11,185,694	\$ 11,514,681	\$ 11,852,133	\$ 12,198,309	\$ 12,553,474	\$ 12,917,900	\$ 13,291,870	
Ending Fund Balance After Reserves	\$ 168,974,302	\$ 181,573,247	\$ 194,562,195	\$ 207,953,756	\$ 221,760,946	\$ 235,997,201	\$ 250,676,389	\$ 265,812,826	\$ 281,421,287	\$ 297,517,026	\$ 314,115,784	

**CITY OF BOULDER
2013-2039 Fund Financial
Action Plan**

OSMP Funding Options

Taxes expire and .20% of the .33% is reallocated 2020-2029 and .10% 2030-2039

VISON PLAN: \$90MM - RENEW .15% Of .33%.20% tofor 10 yrs and then .1 for 10 years

	2013 Approved	2014 Projected	2015 Projected	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected	2021 Projected	2022 Projected	2023 Projected	2024 Projected	2025 Projected	2026 Projected	2027 Projected	2028 Projected
Beginning Fund Balance	\$ 18,991,773	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 58,846,885	\$ 63,700,525	\$ 68,673,610	\$ 73,769,469	\$ 78,991,521	\$ 84,343,277	\$ 89,828,347	\$ 95,450,436	\$ 101,213,352
Sources of Funds																
Net Sales Tax Revenue	\$ 25,406,420	\$ 26,295,672	\$ 27,176,894	\$ 28,288,010	\$ 29,000,132	\$ 29,928,588	\$ 19,266,529	\$ 14,486,503	\$ 14,921,098	\$ 15,368,731	\$ 15,829,793	\$ 16,304,687	\$ 16,793,827	\$ 17,297,642	\$ 17,816,571	\$ 18,351,068
Reallocate .20 starting in 2020								7,243,251	7,460,549	7,684,365	7,914,896	8,152,343	8,396,914	8,648,821	8,908,286	9,175,534
Reallocate .10 starting in 2030																
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Lease and Miscellaneous Revenue	485,909	485,909	485,909	485,909	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Funds from CDOT for Granite acquisition	1,300,000															
General Fund Transfer	1,072,174	1,082,896	1,093,725	1,104,662	1,115,709	1,126,866	1,138,134	-	-	-	-	-	-	-	-	-
Total Sources of Funds	\$ 28,589,503	\$ 28,189,477	\$ 29,081,528	\$ 30,203,581	\$ 30,765,841	\$ 31,705,454	\$ 21,054,663	\$ 22,379,754	\$ 23,031,647	\$ 23,703,096	\$ 24,394,689	\$ 25,107,030	\$ 25,840,741	\$ 26,596,463	\$ 27,374,857	\$ 28,176,602
Uses of Funds																
General Operating Expenditures	\$ 11,331,871	\$ 12,144,810	\$ 12,609,155	\$ 12,770,906	\$ 13,409,451	\$ 14,079,924	\$ 14,502,322	\$ 14,937,391	\$ 15,385,513	\$ 15,847,078	\$ 16,322,491	\$ 16,812,165	\$ 17,316,530	\$ 17,836,026	\$ 18,371,107	\$ 18,922,240
Increase to 2012 base	468,207	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Operating Supplemental and Carryover	260,086															
Voice & Sight Tag Program Enhancements	235,000	169,000	169,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000
Vehicle Acquisition				300,000												
Cost Allocation	1,066,954	1,120,302	1,176,317	1,235,133	1,296,889	1,361,734	1,409,394	1,458,723	1,509,779	1,562,621	1,617,312	1,673,918	1,732,506	1,793,143	1,855,903	1,920,860
Capital-Real Estate Acquisition CIP	3,400,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Real Estate Acquisition Carryover	5,571,422	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Water Rights Acquisition CIP	200,000	200,000	200,000	200,000	200,000	200,000	200,000	206,000	212,180	218,545	225,102	231,855	238,810	245,975	253,354	260,955
Capital-Water Acquisition Carryover	271,184	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-South Boulder Creek Instream Flow	100,000	100,000	150,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-
Capital-North TSA	-	50,000	50,000	100,000	200,000	100,000	50,000	-	-	-	-	-	-	-	-	-
Capital-Reroute Flagstaff Trail	-	120,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Green Mtn. West Ridge	-	60,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Saddle Rock Trail	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Reroute Ute and Range View Trails	-	65,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-West TSA	450,000	500,000	500,000	550,000	450,000	600,000	50,000	-	-	-	-	-	-	-	-	-
Capital-East TSA	-	-	-	-	50,000	50,000	200,000	-	-	-	-	-	-	-	-	-
Capital-Mineral Rights Acquisition	100,000	100,000	100,000	100,000	100,000	100,000	100,000	103,000	106,090	109,273	112,551	115,927	119,405	122,987	126,677	130,477
Capital-Mineral Acquisition Carryover	187,817	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Visitor Infrastructure CIP	400,000	350,000	300,000	250,000	200,000	200,000	500,000	800,000	824,000	848,720	874,182	900,407	927,419	955,242	983,899	1,013,416
Capital-VI CIP Carryover	1,853,712	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital-Highway 93 Underpass	1,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service - BMPA	1,597,457	1,500,969	1,110,243	996,341	395,842	169,282	68,091	-	-	-	-	-	-	-	-	-
Debt Service - Bonds & Notes	7,069,775	5,221,113	3,797,712	3,789,762	3,792,962	3,805,763	2,025,031	-	-	-	-	-	-	-	-	-
Total Uses of Funds	\$ 35,563,485	\$ 21,766,194	\$ 20,162,427	\$ 22,313,142	\$ 20,116,144	\$ 20,687,703	\$ 19,125,838	\$ 17,526,114	\$ 18,058,562	\$ 18,607,237	\$ 19,172,637	\$ 19,755,273	\$ 20,355,671	\$ 20,974,374	\$ 21,611,941	\$ 22,268,948
Net Operating Income	\$ (6,973,982)	\$ 6,423,283	\$ 8,919,100	\$ 7,890,439	\$ 10,649,696	\$ 11,017,751	\$ 1,928,825	\$ 4,853,640	\$ 4,973,085	\$ 5,095,859	\$ 5,222,052	\$ 5,351,757	\$ 5,485,070	\$ 5,622,089	\$ 5,762,916	\$ 5,907,654
Ending Fund Balance Before Reserves	\$ 12,017,791	\$ 18,441,074	\$ 27,360,174	\$ 35,250,613	\$ 45,900,309	\$ 56,918,060	\$ 58,846,885	\$ 63,700,525	\$ 68,673,610	\$ 73,769,469	\$ 78,991,521	\$ 84,343,277	\$ 89,828,347	\$ 95,450,436	\$ 101,213,352	\$ 107,121,007
Reserves																
OSBT Contingency Reserve	\$ 5,475,000	\$ 3,500,000	\$ 2,500,000	\$ 2,400,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Revenue Bond Reserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pay Period 27 Reserve	82,740	132,740	182,740	232,740	282,740	332,740	382,740	432,740	482,740	532,740	582,740	632,740	682,740	732,740	782,740	832,740
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Acquisition Reserve	-	-	2,000,000	2,000,000	2,000,000	2,000,000	-	-	-	-	-	-	-	-	-	-
Operating Reserve moved to 25% in 2020								4,781,460	4,381,529	4,514,640	4,651,809	4,793,159	4,938,818	5,088,818	5,243,593	5,402,985
Capital Reserve								2,000,000	2,060,000	2,121,800	2,185,454	2,251,018	2,318,548	2,388,105	2,459,748	2,533,540
South Boulder Creek Flow Reserve	1,450,000	1,750,000	2,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle Acquisition		150,000	300,000													
Facility Maintenance Reserve		100,000	200,000	300,000	400,000	500,000	600,000									
Total Reserves	\$ 7,897,740	\$ 6,522,740	\$ 8,072,740	\$ 5,822,740	\$ 5,572,740	\$ 5,722,740	\$ 3,872,740	\$ 8,104,200	\$ 7,814,269	\$ 8,059,180	\$ 8,310,003	\$ 8,566,917	\$ 8,830,106	\$ 9,099,762	\$ 9,376,081	\$ 9,659,265
Ending Fund Balance After Reserves	\$ 4,120,051	\$ 11,918,334	\$ 19,287,434	\$ 29,427,873	\$ 40,327,569	\$ 51,195,320	\$ 54,974,145	\$ 55,596,325	\$ 60,859,341	\$ 65,710,288	\$ 70,681,517	\$ 75,776,360	\$ 80,998,240	\$ 86,350,674	\$ 91,837,271	\$ 97,461,741

CITY OF BOULDER
2013-2039 Fund Financial
Action Plan

OSMP Funding Options

Taxes expire and .20% of the .33% is reallocated 2020–2029 and .10% 2030-2039

	2029 Projected	2030 Projected	2031 Projected	2032 Projected	2033 Projected	2034 Projected	2035 Projected	2036 Projected	2037 Projected	2038 Projected	2039 Projected	Totals
Beginning Fund Balance	\$ 107,121,007	\$ 113,177,416	\$ 114,519,546	\$ 115,872,780	\$ 117,237,094	\$ 118,612,445	\$ 119,998,781	\$ 121,396,030	\$ 122,804,107	\$ 124,222,910	\$ 125,652,317	
Sources of Funds												
Net Sales Tax Revenue	\$ 18,901,600	\$ 19,468,648	\$ 20,052,708	\$ 20,654,289	\$ 21,273,918	\$ 21,912,135	\$ 22,569,499	\$ 23,246,584	\$ 23,943,982	\$ 24,662,301	\$ 25,402,170	\$ 574,620,000
Reallocate .20 starting in 2020	9,450,800											\$ 83,035,760
Reallocate .10 starting in 2030		4,867,162	5,013,177	5,163,572	5,318,479	5,478,034	5,642,375	5,811,646	5,985,995	6,165,575	6,350,543	\$ 55,796,559
Investment Income	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 8,775,000
Lease and Miscellaneous Revenue	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	\$ 9,418,636
Funds from CDOT for Granite acquisition												\$ 1,300,000
General Fund Transfer												\$ 7,734,165
Total Sources of Funds	\$ 29,002,401	\$ 24,985,810	\$ 25,715,885	\$ 26,467,861	\$ 27,242,397	\$ 28,040,169	\$ 28,861,874	\$ 29,708,230	\$ 30,579,977	\$ 31,477,877	\$ 32,402,713	\$ 740,680,119
Uses of Funds												
General Operating Expenditures	\$ 19,489,908	\$ 20,074,605	\$ 20,676,843	\$ 21,297,148	\$ 21,936,063	\$ 22,594,145	\$ 23,271,969	\$ 23,970,128	\$ 24,689,232	\$ 25,429,909	\$ 26,192,806	\$ 492,221,736
Increase to 2012 base												\$ 468,207
Operating Supplemental and Carryover												\$ 260,086
Voice & Sight Tag Program Enhancements	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	\$ 1,077,000
Vehicle Acquisition												\$ 300,000
Cost Allocation	1,988,090	2,057,673	2,129,692	2,204,231	2,281,379	2,361,227	2,443,870	2,529,406	2,617,935	2,709,563	2,804,397	\$ 49,918,950
Capital-Real Estate Acquisition CIP												\$ 3,400,000
Capital-Real Estate Acquisition Carryover												\$ 5,571,422
Capital-Water Rights Acquisition CIP	268,783	276,847	285,152	293,707	302,518	311,593	320,941	330,570	340,487	350,701	361,222	\$ 6,935,297
Capital-Water Acquisition Carryover												\$ 271,184
Capital-South Boulder Creek Instream Flow												\$ 2,350,000
Capital-North TSA												\$ 550,000
Capital-Reroute Flagstaff Trail												\$ 120,000
Capital-Reroute Green Mtn. West Ridge												\$ 60,000
Capital-Reroute Saddle Rock Trail												\$ 65,000
Capital- Reroute Ute and Range View Trails												\$ 65,000
Capital-West TSA												\$ 3,100,000
Capital-East TSA												\$ 300,000
Capital-Mineral Rights Acquisition	134,392	138,423	142,576	146,853	151,259	155,797	160,471	165,285	170,243	175,351	180,611	\$ 3,467,649
Capital-Mineral Acquisition Carryover												\$ 187,817
Capital-Visitor Infrastructure CIP	1,043,819	1,075,133	1,107,387	1,140,609	1,174,827	1,210,072	1,246,374	1,283,765	1,322,278	1,361,946	1,402,805	\$ 23,696,300
Capital-VI CIP Carryover												\$ 1,853,712
Capital-Highway 93 Underpass												\$ 1,000,000
Debt Service - BMPA												\$ 5,838,226
Debt Service - Bonds & Notes												\$ 29,502,118
Total Uses of Funds	\$ 22,945,991	\$ 23,643,681	\$ 24,362,650	\$ 25,103,548	\$ 25,867,046	\$ 26,653,834	\$ 27,464,625	\$ 28,300,153	\$ 29,161,175	\$ 30,048,470	\$ 30,962,841	\$ 632,579,704
Net Operating Income	\$ 6,056,410	\$ 1,342,129	\$ 1,353,235	\$ 1,364,313	\$ 1,375,352	\$ 1,386,335	\$ 1,397,249	\$ 1,408,077	\$ 1,418,803	\$ 1,429,407	\$ 1,439,871	
Ending Fund Balance Before Reserves	\$ 113,177,416	\$ 114,519,546	\$ 115,872,780	\$ 117,237,094	\$ 118,612,445	\$ 119,998,781	\$ 121,396,030	\$ 122,804,107	\$ 124,222,910	\$ 125,652,317	\$ 127,092,188	
Reserves												
OSBT Contingency Reserve	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Revenue Bond Reserve												
Pay Period 27 Reserve	882,740	932,740	982,740	1,032,740	1,082,740	1,132,740	1,182,740	1,232,740	1,282,740	1,332,740	1,382,740	
Sick/Vacation/Bonus Reserve	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	490,000	
Property and Casualty Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	
Acquisition Reserve												
Operating Reserve moved to 25% in 2020	5,567,237	5,736,498	5,910,920	6,090,662	6,275,887	6,466,761	6,663,458	6,866,156	7,075,038	7,290,294	7,512,117	
Capital Reserve	2,609,546	2,687,833	2,768,468	2,851,522	2,937,067	3,025,179	3,115,935	3,209,413	3,305,695	3,404,866	3,507,012	
South Boulder Creek Flow Reserve												
Vehicle Acquisition												
Facility Maintenance Reserve												
Total Reserves	\$ 9,949,523	\$ 10,247,071	\$ 10,552,128	\$ 10,864,924	\$ 11,185,694	\$ 11,514,681	\$ 11,852,133	\$ 12,198,309	\$ 12,553,474	\$ 12,917,900	\$ 13,291,870	
Ending Fund Balance After Reserves	\$ 103,227,893	\$ 104,272,475	\$ 105,320,652	\$ 106,372,169	\$ 107,426,751	\$ 108,484,100	\$ 109,543,897	\$ 110,605,798	\$ 111,669,436	\$ 112,734,417	\$ 113,800,319	



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: July 16, 2013

AGENDA TITLE Consideration of a Motion to Create and Appoint a Council Committee on Boards & Commissions

PRESENTER/S
Council Members Ageton and Plass

INTRODUCTION

On June 18, 2013, the Council received a report from the temporary Committee on Boards and Commissions (Insert link to 6/18 packet for full report). This report described the information the Committee gathered and presented some proposed recommendations to enhance the functioning and performance of the City's Boards and Commissions (B&Cs). The Committee directed several questions to the Council, with the pivotal question being whether the Council was interested in appointing a permanent committee to pursue any of the proposed recommendations.

In discussing the report, some Council members felt there was not a need for this effort, while others were concerned about being asked to take on more work, such as becoming liaisons to B&Cs. Still others felt there was value in the proposed ideas and wanted to pursue the matter further. The Mayor suggested that the Committee clarify the role of such a committee and bring the matter to a future Council meeting for a final decision.

ROLE OF THE PROPOSED COUNCIL COMMITTEE ON BOARDS AND COMMISSIONS

The proposed role or function of the Committee is as follows:

- serve as the central point of Council contact and communication for the B&Cs as well as City staff supporting the B&Cs;

- develop and support the implementation of ideas to enhance the performance and functioning of the B&Cs; and
- seek ways to ensure a rewarding and positive experience for B&C members.

The Committee would be chosen from Council members, would report on a regular basis to Council, would need Council support before implementation of any idea that required funds or staff and in all ways, would be accountable to the full Council.

RECOMMENDATION

The temporary Committee on Boards and Commissions requests Council consideration of this matter and action in the form of the following motion:

Suggested Motion Language:

Motion to create a permanent Committee on Boards and Commissions with the role as defined in the accompanying memo and to appoint Suzy Ageton and Tim Plass as the members of this committee.



TO: Members of Council
FROM: Dianne Marshall, City Clerk's Office
DATE: July 16, 2013
SUBJECT: Information Packet

1. Call Ups

- A. Vacation of a 490 square foot portion of an existing utility easement located at 1661 Elder Avenue (ADR2013-00094).
- B. Community and Environmental Assessment Process (CEAP) for the 28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project

2. Internal Information Item

None.

3. Boards and Commissions

- A. Arts Commission - May 15, 2013
- B. Arts Commission – June 19, 2013
- C. Library Commission – May 1, 2013
- D. Open Space Board of Trustees – June 12, 2013
- E. Water Resources Advisory Board - April 15, 2013

4. Declarations

- A. Terry Benjamin Day Declaration – June 26, 2013
- B. Parks and Recreation Month Declaration – June 2013



**INFORMATION PACKET
MEMORANDUM**

To: Members of City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director of Community Planning & Sustainability
Charles Ferro, Development Review Manager
Sloane Walbert, Associate Planner

Date: July 9, 2013

Subject: Call-Up Item: Vacation of a 490 square foot portion of an existing utility easement located at 1661 Elder Avenue (ADR2013-00094).

EXECUTIVE SUMMARY:

The applicant requests vacation of a 490 square foot portion of an existing fifteen-foot utility easement at 1661 Elder Avenue (refer to **Attachment D** for exact location) to allow for the construction of a new detached garage. The easement was originally dedicated on the final plat of Silver Maple Village No. 2 Addition, recorded in 1952. There is no public need for the portion of utility easement to be vacated because all private utilities will be located in the remaining westerly portion of the easement. All surrounding properties are served by public utilities located within the right-of-way on Elder Avenue and 17th Street.

The proposed vacation was approved by staff on June 17, 2013. There is one scheduled City Council meeting on July 16, 2013 within the 30 day call-up period.

CODE REQUIREMENTS:

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of a 490 square foot portion of the existing fifteen-foot utility easement. The date of final staff approval of the easement vacation was June 17, 2013 (refer to **Attachment E**, *Notice of Disposition*). This vacation does not require approval through ordinance based on the following criteria:

- It has never been open to the public; and
- It has never carried regular vehicular or pedestrian traffic.

The vacation will be effective 30 days later on July 17, 2013 unless the approval is called-up by City Council.

FISCAL IMPACTS:

None identified.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic: None identified.
- Environmental: None identified.
- Social: None identified.

BACKGROUND:

The subject property is a 7,644 square foot lot located in the Residential - Low 1 (RL-1) zone district (refer to **Attachment A**, *Vicinity Map*). The property is encumbered by a fifteen-foot utility easement running north-south along the west property line (please refer to **Attachment B**, *Site Plan*). The property owner would like to replace the existing garage with a new detached garage that would encroach into the subject easement. This request is to vacate the easterly seven-feet of the easement (490 square feet in area); the westerly eight feet of the easement will be maintained for electric services.

It appears that the subject easement was originally dedicated for electric and telephone services in 1952. Overhead power lines are currently located in the subject easement approximately eight feet from the west property line. A building permit has been issued to Public Service Company of Colorado (Xcel) to relocate these lines within the portion of utility easement that will remain along the west property line. The property owner will also grant a private utility easement to Public Service Company of Colorado for the relocated power lines. There are no public utilities or encroachments located in the easement. All surrounding properties are served by public utilities located on Elder Avenue and 17th Street. Given that there is no public need for the easement for which it was intended, failure to vacate the requested portion of easement would cause hardship to the property owner by limiting the development potential of the property. The proposed garage and any additions to the existing home will be subject to compatible development standards and the zoning regulations for the RL-1 zone district.

ANALYSIS:

Staff finds the proposed vacation of the easterly seven feet of an existing fifteen-foot utility easement consistent with the standard set forth in subsection (b) of section 8-6-10, “*Vacation of Public Easements*”, B.R.C. 1981. Specifically, staff has determined that no public need exists for the portion of easement to be vacated due to the fact that all public utilities are located within the public-right-of way and existing private utilities will be located within the remaining portion of easement.

No vacation of a public easement shall be approved unless the approving agency finds that:

- ✓ 1. Change is not contrary to the public interest.
- ✓ 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.
- ✓ 3. Consistent with the Comprehensive Plan and Land Use Regulations.

- ✓ a. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or
The portion of easement to be vacated is not necessary because all private utilities can be accommodated in the remaining portion of easement. The building site on this lot is currently unnecessarily limited by the utility easement since there is no public need for the easement.
- N/A b. Would provide a greater public benefit than retaining the property in its present status.

PUBLIC COMMENT AND PROCESS:

Notice of the vacation will be advertised in the Daily Camera within the 30 day call-up period. Staff has received no written or verbal comments adverse to the vacation.

NEXT STEPS:

If the requested vacation is not called-up by City Council then the Deed of Vacation (**Attachment C**) will be recorded. If the requested vacation is called-up, and subsequently denied, the applicant will be limited to development on the property outside of the easement area.

ATTACHMENTS:

- Attachment A: Vicinity Map
Attachment B: Site Plan
Attachment C: Deed of Vacation
Attachment D: Exhibit A
Attachment E: Notice of Disposition



For Administrative Purposes Only

Address: 1661 Elder Ave.

Case No. ADR2013-00094

DEED OF VACATION

The City of Boulder, Colorado does hereby vacate and release to the present owners of the subservient land, in a manner prescribed by Section 8-6-10(b), B.R.C. 1981, the following portion of utility easement previously dedicated to the City of Boulder as part of the Silver Maple Village No. 2 Addition plat recorded in Plat Book 5, Page 73 in the records of the Boulder County Clerk and Recorder on the 18 day of November, 1952, located at 1661 Elder Avenue and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The within easement vacation and release of said easement shall extend only to the portion and the type of easement specifically vacated. The within vacation is not to be construed as vacating any rights-of-way or easements or cross-easements lying within the description of the vacated portion of the easement.

Executed this _____ day of _____, 2013, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By: _____
Jane S. Brautigam, City Manager

Attest:

City Clerk

Approved as to form:

Hla Pa 6-5-2013
City Attorney's Office

EXHIBIT A

Page 1 of 2

The east 7 feet of the west 15 foot wide utility easement located on Lot 1, Block 4, SILVER MAPLE VILLAGE NO. 2 ADDITION, located in the southwest quarter of Section 19, Township 1 North, Range 70 West of the Sixth Principal Meridian, in the City of Boulder, County of Boulder, State of Colorado, more particularly described as follows:

Commencing at the southwest corner of Lot 1;

thence North 90 degrees 00'00" East, along the south line of Lot 1, a distance of 8.0 feet to the **Point of Beginning**;

thence continuing North 90 degrees 00'00" East, along the south line of Lot 1, a distance of 7.0 feet to a point on the east line of the existing 15 foot wide utility easement;

thence North 00 degrees 00'00" East, along the east line of the west 15 foot wide utility easement, a distance of 70.0 feet to a point on the north line of Lot 1;

thence South 90 degrees 00'00" West, along the north line of Lot 1, a distance of 7.0 feet to a point that is 8.0 feet east of the west line of Lot 1;

thence South 00 degrees 00'00" West, along a line that is parallel with and 8.0 feet from the west line of Lot 1, a distance of 70.0 feet to the **Point of Beginning**.

The portion of the easement to be vacated contains 490 square feet.

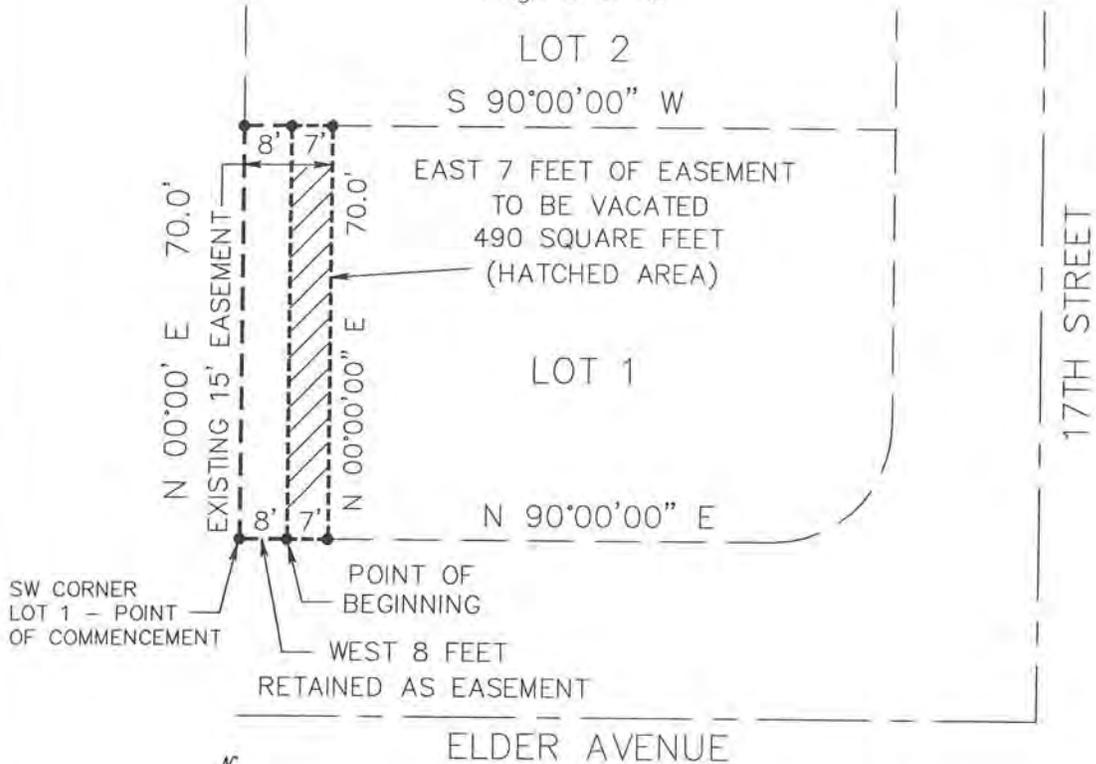
Prepared by Lee Stadele
Registered Professional Land Surveyor
Colorado License Number 26300
word doc – 16745v1



EXHIBIT A

A VACATION EXHIBIT FOR THE EAST 7 FEET OF THE WEST 15 FOOT
WIDE UTILITY EASEMENT ON LOT 1 . BLOCK 4
SILVER MAPLE VILLAGE NO. 2 ADDITION
IN THE CITY OF BOULDER . BOULDER COUNTY . COLORADO

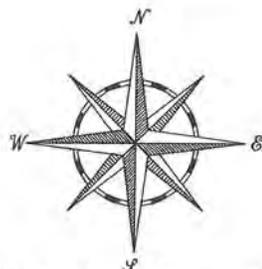
Page 2 OF 2



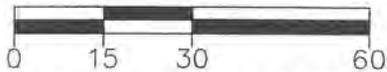
SW CORNER
LOT 1 - POINT
OF COMMENCEMENT

POINT OF
BEGINNING

WEST 8 FEET
RETAINED AS EASEMENT



SCALE : 1" = 30'



U.S. SURVEY FEET

Flagstaff Surveying Inc.

TABLE MESA SHOPPING CENTER
637 SOUTH BROADWAY . SUITE C
BOULDER . COLORADO . 80305
303.499.9737

16745a-1.dwg . 28 May 2013

PREPARED BY LEE STADELE
COLORADO PLS 26300



CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web boulderplandevlop.net

ADMINISTRATIVE REVIEW
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department:

DECISION: Approved
DATE: June 17, 2013
REQUEST TYPE: Vacation/Easement
ADDRESS: 1661 Elder Ave.
APPLICANT: Mark Taylor
CASE #: ADR2013-00094
LEGAL DESCRIPTION: Lot 1, Block 4, Silver Maple Village No. 2 Addition, City of Boulder, County of Boulder, Colorado
DESCRIPTION: UTILITY EASEMENT VACATION to vacate the easterly seven feet of a fifteen-foot utility easement on the west side of the property located at 1661 Elder Avenue. The purpose of the vacation is the construction of a detached garage in the rear yard setback.

FINAL DECISION STANDARDS:

Approved as submitted. This application is approved per the criteria for Vacation of Public Easements as set forth in section 8-6-10, B.R.C. 1981. This approval does not constitute building permit approval.

This approval is limited to the vacation of the easterly seven feet (490 square feet in area) of an existing fifteen-foot utility easement, previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder on the final plat of Silver Maple Village No. 2 Addition in Plat Book 5, Page 73 on November 18, 1952.

INFORMATIONAL COMMENTS:

Pursuant to section 8-6-10(b), B.R.C. 1981, approval of an easement vacation "is not effective until thirty days after the date of its approval. Promptly after approving the vacation, the manager will forward to the city council a written report, including a legal description of vacated portion of the easement and the reasons for approval. The manager will publish notice of the proposed vacation once in a newspaper of general circulation in the City within thirty days after the vacation is approved. Upon receiving such report and at any time before the effective date of the vacation, the council may rescind the manager's approval and call up the vacation request for its consideration at a public hearing, which constitutes a revocation of the vacation."

This decision is final and may not be appealed. A new request may be considered only as a new application.

Approved By:

Swaibert

Sloane Walbert, Planning Department



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
Maureen Rait, Executive Director of Public Works Department
Tracy Winfree, Director of Public Works for Transportation
Stephany Westhusin, Principal Transportation Projects Engineer
Debbie Ritter, Transportation Project Manager
Noreen Walsh, Senior Transportation Planner

Date: July 16, 2013

Subject: Call-up Item: Community and Environmental Assessment Process (CEAP) for the 28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project (subject to call-up through July 16, 2013).

EXECUTIVE SUMMARY

This item provides City Council the opportunity to review and call-up the Community and Environmental Assessment Process (CEAP) for the 28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project.

The 28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project includes several transportation improvements to enhance biking and walking in the northern edge of 28th Street corridor. The City of Boulder submitted and received funding for this project through the federally funded Transportation Improvements Program (TIP) in 2010. The project budget is \$2.2 million; \$1.2 million comes from federal funds and \$1 million comes from city transportation funds.

In late 2012, planning and preliminary design of this project began and a number of options have been developed for the multi-use path improvements, which will be constructed on the west side of 28th Street from Iris Avenue to Fourmile Canyon Creek. On March 7, 2013 a public meeting was held to share the conceptual options and project information with the community for their input. This project is also being reviewed through the city's Community and Environmental Assessment Process (CEAP). The purpose of the CEAP is to assess the potential impacts of conceptual alternatives to inform the selection and refinement of a preferred alternative. The CEAP process includes a review by the staff interdepartmental CEAP review team and a review

and recommendation on the CEAP and project design alternative by the relevant advisory board, which in this case is the Transportation Advisory Board (TAB).

The recommended design option meets the goals and objectives of the city's Transportation Master Plan by providing multimodal transportation options but also designs it within the context of this North Boulder residential area (discussed in the North Boulder Subcommunity Plan) and the community's preference and support for maintaining trees and landscaping. The recommended alternative can be viewed on page 14 of **Attachment A**.

Following an April 1, 2013 project briefing, TAB held a public hearing and made a recommendation for the project CEAP at their May 13 meeting. The board voted 4-0 to approve the CEAP and the staff-recommended project design. Construction is expected to begin in the fall of 2014.

FISCAL IMPACT

Budgetary: The 28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project budget is \$2.2 million. This includes city transportation funds (\$1 million) and federal transportation funds (\$1.2 million). All design options are estimated to be within the project budget.

As part of the project design, staff is also looking at improvements to the US 36 and Violet Avenue intersection to address cyclist safety concerns. Funding of these improvements has not yet been secured. Staff is pursuing several funding ideas so that the funding is secured and this improvement is constructed as part of the (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project.

Staff Time: Staff time costs are included in the current project budget.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic: The project helps achieve economic goals by improving connections and access for residents, employees, customers and visitors along 28th Street, a primary multimodal corridor in Boulder. This multimodal infrastructure contributes to the quality of life in Boulder, which can help to attract, sustain, and retain businesses and entrepreneurs.

Environmental: The project helps achieve environmental goals by providing a multimodal transportation system for property owners, residents, visitors and employees to use. Providing transportation options is an important factor to decreasing single-occupant vehicle use, which can reduce and minimize the use of non-renewable energy resources and greenhouse gas emissions.

Social: The project helps achieve social sustainability goals by expanding transportation options for all members of the community to use and improving public safety by completing a missing link in the bicycle and pedestrian network.

BACKGROUND

On-street bicycle facility improvements, a multi-use path and sidewalks have been identified in the City of Boulder's Transportation Master Plan (TMP) and North Boulder Subcommunity Plan. During the FasTracks Local Optimization (FLO) planning process, the community identified their interest and need to have a continuous pedestrian/bicycle facility and improved connectivity from North Boulder to Boulder Junction (located at 30th and Pearl Streets). As a result of the FLO planning efforts and the public input, this project was prioritized in the FLO Multi-Modal Action Plan. In 2010, following a TAB recommendation and city council approval, the City of Boulder submitted and received funding for this project through the federally funded Transportation Improvements Program (TIP). The project budget is \$2.2 million; \$1.2 million comes from federal funds and \$1 million comes from city transportation funds.

The 28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project includes the following improvements:

- Ten foot wide multi-use path along the west side of 28th Street/US 36 from Iris Avenue to Fourmile Canyon Creek;
- New bicycle/pedestrian bridge over Fourmile Canyon Creek;
- Minor roadway widening in isolated locations and widening of the 28th Street roadway bridge at Fourmile Canyon Creek to accommodate on-street bicyclists; and
- Bus stop improvements, landscaping and public art.

The completion of this 28th Street project as well as upcoming improvements along Wonderland Creek, from Winding Trail Drive to Foothills Parkway and on 28th Street, from Arapahoe to Valmont Road, will allow bicyclists and pedestrians to travel continuously from North Boulder to Boulder Junction with a number of route options along the 28th Street corridor and the Greenways system via Wonderland, Goose and/or Elmer's Twomile creeks.

As part of the project scope, staff is developing a design to address safety concerns at the 28th Street/US 36 and Violet Avenue intersection. Sadly, this need has been demonstrated by two recent cyclist fatalities at that location. The preliminary cost estimate is \$440,000. This estimate is higher than originally anticipated; staff will be pursuing additional funding and working with the Colorado Department of Transportation and Boulder County to address the safety issue at this intersection. This location is outside of the City of Boulder limits.

PUBLIC FEEDBACK

A public open house was held on March 7, 2013. Project and meeting notification was sent to approximately 2600 residents, businesses and property owners in the area bounded by 26th Street, Yarmouth Avenue, east of 28th Street and Glenwood Drive. The meeting was advertised on the project webpage and city calendar. Approximately 30 people attended the meeting to learn more about the project and give input on the multi-use path design options and other project improvements.

Residents also emailed their comments from the project webpage. There were a range of views, but in general, most people favored:

- Option 1 for Segment 1;
- Option 2 for Segment 2; and
- Option 1 for Segment 3.

The Winding Trail Village Homeowners Association (WTVHOA) sent a letter to staff, TAB and City Council expressing their interests and concerns about the design options. In review of the letter and an on-site meeting with the WTVHOA representatives, the recommended design options are in alignment with their interests and design option preferences. Any remaining concerns/interests are in the design details and the project team will be following-up with WTVHOA as the design proceeds to address concerns about minimizing tree trimming and impacts to trees, planting additional landscaping and other project design issues. Additional detail on public feedback can be found on page 15 of **Attachment A**.

As part of the CEAP review process, the project CEAP was presented to the interdepartmental staff review team on April 9, 2013 for review and discussion. The team supported the recommended project design alternative, agreed with the impact assessment and that it was ready for board review.

At the April 1, 2013 TAB meeting, the project team gave an introduction to the project. The board had a few questions about connections between the on-street facility and multi-use path and existing sidewalks to the multi-use path, driveway treatments and the improvements to the intersection of US 36 and Violet Avenue. The project design will include connections between on-street facilities and multi-use paths as well as between sidewalks and the multi-use path. The multi-use path at driveways, such as at Pendleton Square, will have a continuous grade and will likely have a treatment similar to those recently applied to the Arapahoe Avenue (Folsom-30th) multi-use path. As part of the project scope, staff is developing a design to address safety concerns at the 28th Street/US 36 and Violet Avenue intersection and working with CDOT and Boulder County to address this issue and pursue funding options.

Following the project briefing in April, the TAB held a public hearing and made a recommendation for the project CEAP at their regularly scheduled monthly meeting on May 13, 2013. The board voted 4-0 to approve the CEAP and the staff-recommended project design alternatives.

ANALYSIS

Community Environmental Assessment Process (CEAP)

The purpose of the CEAP is to assess potential impacts of conceptual project alternatives to inform the selection and refinement of a preferred alternative. The CEAP provides the opportunity to balance multiple community goals in the design of a capital project by assessing a project against the policies outlined in the Boulder Valley Comprehensive Plan and departmental master plans.

The project includes improvements to accommodate on-street bicyclists and for the majority of the project length this involves restriping to provide the width. There are two locations that require minor asphalt roadway widening as well as the roadway bridge widening at Fourmile Canyon Creek. A graphic depicting the on-street improvements can be viewed on page 12 of **Attachment A**.

The CEAP design options are focused on the multi-use path portion of the project. In order to evaluate the design options, the multi-use path portion of the project was divided into three sections:

- Segment 1 - Iris Avenue to Kalmia Avenue

- Segment 2 - Kalmia Avenue to Winding Trail Drive
- Segment 3 - Winding Trail Drive to Fourmile Canyon Creek

All design options within each segment provide a 10-foot wide multi-use path and can be combined with any of the other design options in the other segments. While all of the CEAP checklist areas were reviewed with each design option, the key factors for consideration of this project's options are tree impacts, long term maintenance risk and a useable, safe bicycle facility. There was not a significant cost difference between the various options at the conceptual design level.

No option to construct the multi-use path on the east side of 28th Street/US36 was evaluated because the eventual goal is to complete the multi-use path to Yarmouth Avenue on the west side of 28th Street to connect to the multi-use path just north of the Yarmouth intersection, which will facilitate travel between north and central Boulder.

Project Alternatives:

The following is a description of the three segments and the two alternatives evaluated in each segment. Additional information can be found in the CEAP document which is included in **Attachment A:**

Segment 1 - Iris Avenue to Kalmia Avenue

There is an existing sidewalk from Iris Avenue to the entrance of Pendleton Square Condominiums. The sidewalk is separated from the roadway with no obstructions adjacent to it. Removing the existing sidewalk and constructing the new 10-foot wide multi-use path in the same alignment will cause minimal disturbance to landscaping and adequate separation from the roadway. Just north of the entrance to Pendleton Square Condominiums, the removal of one medium sized green ash tree will be required. The health of the tree is considered good but its structure is poor according to the city forester. No other alternative was evaluated for this stretch.

From the entrance of Pendleton Square Condominiums to Kalmia there is also an existing sidewalk. However, there are many mature trees adjacent to it. The two options evaluated were removing the existing sidewalk and constructing the multi-use path in the current alignment of the sidewalk with widening to the east (Option 2) and removing the existing sidewalk and constructing the new multi-use path in the existing grassy landscape area (Option 1).

Option 1 is closer to the roadway but still maintains a minimum eight-foot wide landscape buffer from the roadway. No tree removals are required to construct this design option and since the path would be farther from the existing trees their health may possibly improve. Having the path farther from the trees may also reduce the risk of long term maintenance issues due to concrete heaving. Storm drainage conveyance in the grassy landscape area would change from an open swale to being piped.

Option 2 would provide a greater than eight-foot wide landscape buffer between the path and the roadway. This option requires the removal of six small sized green ash trees that are considered to be in good health, and whose structure is generally good according to the city forester. With the path being closer to existing trees, there may be an increased

long-term maintenance risk to the path due to concrete heaving and tree health may be affected.

A graphic of Segment 1 can be found on page 6 of **Attachment A**.

Segment 2 - Kalmia Avenue to Winding Trail Drive

There is no existing sidewalk in this segment. This segment of the 28th Street project intersects with the upcoming Wonderland Creek (Diagonal Highway to Winding Trail) project. This project will provide flood mitigation and improved trail connections within the project limits including a pedestrian and bicycle underpass at 28th Street. The Wonderland Creek project was reviewed through the CEAP process in 2012. There are trees adjacent to the Wonderland Creek project that will be removed as part of that project and this was identified during the project's CEAP review process. The project teams have been coordinating during the design processes and will continue to coordinate through the construction process to ensure that path connectivity remains in place.

The major identifying feature of this stretch is a berm with large mature trees on top that acts as a barrier between 28th Street and adjacent homes. The two options are a multi-use path between the existing berm and carports (Option 1) and a multi-use path constructed in the existing grassy area adjacent to the roadway (Option 2).

Option 1 would result in the removal of one medium sized green ash tree that is considered to be in good health, with poor structure according to the city forester. The berm would provide a large landscaped buffer between the path and the roadway which would reduce the noise experienced by path users. There may be a possible perceived safety issue due to feeling "trapped" between the carports and the berm and the limited visibility to the roadway.

Option 2 would place the path adjacent to the roadway with little or no landscape buffer between the path and the roadway. No trees would be removed with this option, but trimming of some of the trees adjacent to the path will be required. The path and roadway would be more visible to one another and the path user would experience more roadway noise compared to Option 1. Lane width narrowing and the addition of curb and gutter on the west side of 28th Street will be evaluated during final design. A narrower lane width would help to slow traffic and the addition of curb and gutter would provide additional safety to the path user. Both of these elements require CDOT approval and would be contingent on available funding.

A graphic of Segment 2 can be viewed on page 8 of **Attachment A**.

Segment 3 - Winding Trail Drive to Fourmile Canyon Creek

There is an existing sidewalk in this segment. Just north of Winding Trail Drive the path will follow the current sidewalk alignment for approximately 160 feet and then there are two options: the multi-use path is constructed in the existing grassy landscape area (Option 1) or the multi-use path continues along the alignment of the existing sidewalk (Option 2).

Option 1 places the path closer to the roadway, which results in no tree removals; however, the trimming of some trees will be required adjacent to the path. The width of the landscape buffer between the path and road varies with little to no buffer at one point to preserve an existing spruce tree. Option 1 has the path farther from the existing trees so their health may possibly improve. Sight distance is improved in this option over Option 2. Lane width narrowing and the addition of curb and gutter on the west side of 28th Street will be evaluated during final design. A narrower lane width would help to slow traffic and the addition of curb and gutter would provide additional safety to the path user. Both of these elements require CDOT approval and would be contingent on available funding.

Option 2 provides a large landscaped area between the path and the roadway. Two trees would be removed as a result of this option: one large blue spruce tree considered to be in good health with good structure; and one medium blue spruce tree considered to be in fair health with poor structure according to the city forester. The proximity of the path to the existing tree roots could negatively affect tree health. This option has more curves in its alignment, which will result in several blind corners.

At the entrance to Sunrise Homes, the path continues in the existing sidewalk alignment to Fourmile Canyon Creek. The project will install a bicycle/pedestrian bridge over Fourmile Canyon Creek connecting to the Fourmile multi-use path that runs along the southern boundary of Elks Park. The project team will be coordinating with the Parks and Recreation Department on their upcoming Elks Park construction.

A graphic of Segment 3 can be viewed on page 10 of **Attachment A**.

Staff recommendation:

The recommended alternative can be viewed on page 14 of **Attachment A**. Specifically, staff recommends:

- Option 1 for Segment 1 (Iris Avenue to Kalmia Avenue);
- Option 2 Segment 2 (Kalmia Avenue to Winding Trail Drive); and
- Option 1 for Segment 3 (Winding Trail Drive to Fourmile Canyon Creek).

These preferred design options meet the goals and objectives of the TMP of providing multimodal transportation options, but also designs it within the context of this North Boulder residential area discussed in the North Boulder Subcommunity Plan and the community's preference and support for maintaining trees and landscaping.

NEXT STEPS

If City Council chooses not to call-up this CEAP by July 16, 2013, staff will proceed with the TAB-recommended project design alternative.

Construction is expected to begin in the fall of 2014 and take approximately 8-12 months to complete. The 28th Street project team and the Wonderland Creek project team will continue to coordinate through the construction processes.

ATTACHMENTS:

Attachment A – 28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Community and Environmental Assessment Process

Attachment A
28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Community and
Environmental Assessment Process

28th Street: Iris Ave. to Yarmouth Ave. Bicycle and Pedestrian Improvements

Community and Environmental Assessment Process Report



April 2013

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EXECUTIVE SUMMARY

The 28th Street (Iris to Yarmouth) Bicycle and Pedestrian Improvements project is located along 28th Street/US 36 from Iris Avenue to Yarmouth Avenue (Figure 1). The City of Boulder applied for and received a Transportation Improvement Program (TIP) grant for \$1,224,000 and the city Transportation Division is contributing \$1,000,000 for total available funding of \$2,224,000 for this project. The project includes construction of a 10 foot wide multi-use path along the west side of 28th Street/US 36 from Iris Avenue to Fourmile Canyon Creek and a new bicycle/pedestrian bridge over Fourmile Canyon Creek. The new multi-use path will be for bi-directional use by bicyclists and pedestrians. The project will also include minor asphalt widening in isolated locations and widening of the roadway bridge at Fourmile Canyon Creek to accommodate on-street bicyclists from Iris Avenue to Yarmouth Avenue. Bicycle parking racks, transit stop enhancements, public art and landscaping will be included in the project design. The completion of this 28th Street project as well as upcoming improvements along Wonderland Creek, from Winding Trail to Foothills Parkway and on 28th Street, from Arapahoe to Valmont Road, will allow bicyclists and pedestrians to travel continuously from North Boulder to Boulder Junction with a number of route options along the 28th Street corridor and the Greenways system via Wonderland, Goose and/or Elmer's Twomile Creeks.

The Community and Environmental Assessment Process (CEAP) is a formal review process to consider the impacts of public development projects. The purpose of the CEAP is to assess potential impacts of conceptual project alternatives in order to inform the selection and refinement of a preferred alternative. The CEAP provides the opportunity to balance multiple community goals in the design of a capital project by assessing a project against the policies outlined in the BVCP and departmental master plans. This CEAP Report focuses entirely on the multi-use path portion of the project. It provides an evaluation of two options along three specific segments within the project limits. All design options within each segment provide a 10-foot wide multi-use path and can be combined with any of the other design options in the other segments.

The following is a description of the three segments and the two alternatives evaluated in each segment:

Segment 1 - Iris Avenue to Kalmia Avenue

There is an existing sidewalk from Iris Avenue to the entrance of Pendleton Square Condominiums. The sidewalk is separated from the roadway with no obstructions adjacent to it. Removing the existing sidewalk and constructing the new 10-foot wide multi-use path in the same alignment will cause minimal disturbance to landscaping and adequate separation from the roadway. No other alternative was considered for this first section of segment 1.

From the entrance of Pendleton Square Condominiums to Kalmia there is also an existing sidewalk. However, there are many mature trees adjacent to it. The two options evaluated were removing the existing sidewalk and constructing the multi-use path in the sidewalk's current alignment with widening to the east (Option 2) and removing the existing sidewalk and constructing the new multi-use path in the existing grassy landscape area (Option 1).

Segment 2 - Kalmia Avenue to Winding Trail Drive

There is no existing sidewalk in this segment. The major identifying feature of this stretch is a berm with large mature trees on top which acts as a screen between 28th St. and adjacent homes. The

two options are a multi-use path between the existing berm and carports (Option 1) and a multi-use path constructed in the existing grassy area adjacent to the roadway (Option 2).

Segment 3 - Winding Trail Drive to Fourmile Canyon Creek

There is an existing sidewalk in this segment. Just north of Winding Trail Drive the path will follow the current sidewalk alignment for approximately 160 feet and then there are two options: the multi-use path is constructed in the existing grassy landscape area (Option 1) or the multi-use path continues along the alignment of the existing sidewalk (Option 2).

While all of the CEAP checklist areas were reviewed with each design option, the key factors for consideration of this project's options are tree impacts, long term maintenance risk and a useable, safe bicycle facility. The options were also guided by the Transportation Master Plan, Boulder Valley Comprehensive Plan, and City Wetlands Protection Criteria. Public feedback was obtained through public outreach and incorporated into the project CEAP recommendations. Review of the project CEAP by the City's internal CEAPers group was completed in April. Feedback and comments received during this review have been incorporated into the revised CEAP. Concurrence was also obtained for the preferred option for this project.

The preferred option for Segment 1 Iris Avenue to Kalmia Avenue is Option 1. Option 2 is the preferred option for Segment 2 Kalmia Avenue to Winding Trail Drive and Option 1 is the preferred option for Segment 3 Winding Trail Drive to Fourmile Canyon Creek. These preferred design options meet the goals and objectives of the City of Boulder's TMP of providing multimodal transportation options but also designs it within the context of this North Boulder residential area discussed in the North Boulder Subcommunity Plan and the community's preference and support for maintaining trees and landscaping.

1.0 DESCRIPTION AND LOCATION OF THE PROJECT

The 28th Street (Iris to Yarmouth) Bicycle and Pedestrian Improvements project is located along 28th Street/US 36 from Iris Avenue to Yarmouth Avenue (Figure 1). The project includes construction of a 10 foot wide multi-use path along the west side of 28th Street/US 36 from Iris Avenue to Fourmile Canyon Creek and a new bicycle/pedestrian bridge over Fourmile Canyon Creek. The new multi-use path will be for bi-directional use by bicyclists and pedestrians. Included in the project scope is the widening of the existing roadway bridge located at Fourmile Canyon Creek and minor asphalt widening in isolated locations and restriping to allow for the addition of on-street bike facility improvements from Iris to Yarmouth avenues. Bicycle parking racks, transit stop enhancements, public art and landscaping will also be included in the project. In addition, geometric changes to realign the intersection of Violet Ave. and US 36 to improve the safety at this intersection are also being evaluated as part of the scope of work since it is within the project limits.

The completion of this 28th Street project as well as upcoming improvements along Wonderland Creek, from Winding Trail to Foothills Parkway and on 28th Street, from Arapahoe to Valmont Road, will allow bicyclists and pedestrians to travel continuously from North Boulder to Boulder Junction with a number of route options along the 28th Street corridor and the Greenways system via Wonderland, Goose and/or Elmer's Twomile Creeks.

2.0 BACKGROUND, PURPOSE AND NEED FOR THE PROJECT

On-street bicycling improvements and a multi-use path and sidewalks have been identified in the City of Boulder's Transportation Master Plan (TMP) and North Boulder Subcommunity Plan. (Figure 2). During recent planning efforts to maximize the benefits of the upcoming FasTracks regional transit improvements, the community identified their interest and need to have a continuous pedestrian/bicycle facility and improved connectivity from North Boulder to Boulder Junction located at 30th and Pearl Streets. As a result of this, and in an effort to ensure that the city and the Transportation Master Plan (TMP) fully respond to the passage of FasTracks and the coming regional transportation investments, this project was identified in the FasTracks Local Optimization (FLO) Multi-Modal Action Plan. This project will complete the multi-use path missing link that currently exists between Iris Avenue and Fourmile Canyon Creek and improve connectivity from North Boulder to Boulder Junction. The remaining missing section of multi-use path from Fourmile Canyon Creek north to Yarmouth Avenue remains unfunded but still identified on the TMP and North Boulder Subcommunity Plan.

Currently, there is a predominantly residential population in the areas west of 28th Street. Some residential and employment growth is expected to continue in this area of North Boulder for several more years, however there are no continuous sidewalks, off-street or on-street bicycle facilities on either side of 28th Street/US 36 from Iris Avenue north to Yarmouth Avenue. The proposed project would construct a 10 foot wide multi-use path from Iris Avenue to Fourmile Canyon Creek, a bicycle/pedestrian bridge over Fourmile Canyon Creek and on-street bicycling improvements from Iris Avenue to Yarmouth Avenue. The new bicycle/pedestrian bridge and the roadway bridge widening will eliminate barriers for bicyclists and pedestrians crossing Fourmile Canyon Creek. Over a mile of new bicycling and walking facilities will be created to serve local travel needs and support regional travel. The project will complete a major missing link in the bicycle and pedestrian system along this section of 28th Street/US 36 corridor and provide direct access to the Montessori School at Kalmia/28th Street as well as employment sites, residences and activity centers. There is a proposed development at the northeast corner of 28th/Kalmia which would add 41 town home units and four single family home units. The 28th St (Iris-Yarmouth) project and Wonderland Creek (Diagonal Highway to Winding Trail) project improvements will benefit this new residential development as well. In addition, all students living on the east side of 28th Street have to cross 28th Street to get to their elementary or middle schools; once they have crossed 28th St, this project will facilitate the north-south movement. The project would close a gap between existing on-street facilities (Iris Avenue bicycle lanes and Kalmia Avenue bicycle lanes) as well as the recently constructed Fourmile Canyon Creek multi-use path. The 205, BOLT, 208 and BOUND transit services stop at the 28th/Iris intersection which is the terminus of this project providing direct bicycle and pedestrian access to more than three transit services.

The project team is also working on the design, cost estimate and evaluation of safety improvements to the intersection of US 36 and Violet Avenue as part of this project's scope of work. The current alignment of the intersection has Violet Ave. intersecting US 36 at an oblique angle which encourages northbound left turning vehicles to make the left turn at high speeds reducing their ability to see and react to oncoming cyclists. There have been two cyclist fatalities at this intersection in the past three years. Funding for this improvement is not included in the project budget at this time, but the project team is pursuing several funding ideas and working with the Colorado Department of Transportation and Boulder County to address this safety issue since the intersection is outside of the city limits.

The City of Boulder applied for and received a Transportation Improvement Program (TIP) grant for \$1,224,000 and the city Transportation Division is contributing \$1,000,000 for total available funding of \$2,224,000 for this project.

The Community and Environmental Assessment Process (CEAP) is a formal review process to consider the impacts of public development projects. The purpose of the CEAP is to assess potential impacts of conceptual project alternatives in order to inform the selection and refinement of a preferred alternative. The CEAP provides the opportunity to balance multiple community goals in the design of a capital project by assessing a project against the policies outlined in the BVCP and departmental master plans.

3.0 DESCRIPTION OF PROJECT ALTERNATIVES AND SUMMARY OF MAJOR ISSUES

MULTI-USE PATH

In order to evaluate the alternatives, the multi-use path portion of the project was divided into three sections:

- Segment 1 - Iris Avenue to Kalmia Avenue
- Segment 2 - Kalmia Avenue to Winding Trail Drive
- Segment 3 - Winding Trail Drive to Fourmile Canyon Creek

All design options within each segment provide a 10-foot wide multi-use path and can be combined with any of the other design options in the other segments. While all of the CEAP checklist areas were reviewed with each design option, the key factors for consideration of this project's options are tree impacts, long term maintenance risk and a useable, safe bicycle facility. There was not a significant cost difference between the various options at the conceptual design level.

No option to construct the multi-use path on the east side of 28th Street/US36 was evaluated because the eventual goal is to complete the multi-use path to Yarmouth Avenue on the west side of 28th Street to connect to the multi-use path just north of the Yarmouth intersection which will facilitate travel between north and central Boulder.

Segment 1 - Iris Avenue to Kalmia Avenue

There is an existing sidewalk from Iris Avenue to the entrance of Pendleton Square Condominiums. The sidewalk is separated from the roadway with no obstructions adjacent to it. Removing the existing sidewalk and constructing the new 10-foot wide multi-use path in the same alignment will cause minimal disturbance to landscaping and adequate separation from the roadway. Just north of the entrance to Pendleton Square Condominiums, the removal of one medium sized green ash tree will be required. The health of the tree is considered good but its structure is poor according to the city forester. No other alternative was evaluated for this stretch.

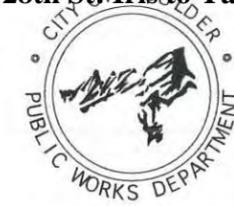
From the entrance of Pendleton Square Condominiums to Kalmia there is also an existing sidewalk. However, there are many mature trees adjacent to it. The two options evaluated were removing the existing sidewalk and constructing the multi-use path in the sidewalks current alignment with widening to the east (Option 2) and removing the existing sidewalk and constructing the new multi-use path in the existing grassy landscape area (Option 1).

Attachment A: 28th St: Iris to Yarmouth CEAP

Option 1 is closer to the roadway but still maintains a minimum eight-foot wide landscape buffer from the roadway. No tree removals are required to construct this design option and since the path would be farther from the existing trees their health may possibly improve. Having the path farther from the trees may also reduce the risk of long term maintenance issues due to concrete heaving. Storm drainage conveyance in the grassy landscape area would change from an open swale to being piped.

Option 2 would provide a greater than eight-foot wide landscape buffer between the path and the roadway. This option requires the removal of six small sized green ash trees which are considered to be in good health, and whose structure is generally good according to the city forester. With the path being closer to existing trees, there may be an increased long term maintenance risk to the path due to concrete heaving and the tree health may be affected.

A graphic of Segment 1 can be found on the following page.



28TH STREET: IRIS TO YARMOUTH

BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT

SEGMENT 1: IRIS AVENUE TO KALMIA AVENUE

BENEFITS AND TRADE OFFS

OPTION 1

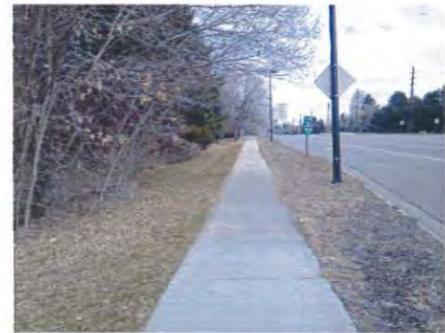
MULTI-USE PATH TO BE CONSTRUCTED IN EXISTING GRASSY LANDSCAPE AREA

- PROVIDES 10 FOOT WIDE MULTI-USE PATH
- MINIMUM 8 FOOT WIDE LANDSCAPE BUFFER FROM ROADWAY IS MAINTAINED
- NO TREE REMOVALS REQUIRED
- EXISTING STORM DRAINAGE SWALE ADJACENT TO ROADWAY TO BE PIPED
- GREATER DISTANCE FROM EXISTING TREES WILL REDUCE THE RISK OF LONG TERM MAINTENANCE ISSUES DUE TO CONCRETE HEAVING
- EXISTING SIDEWALK WILL BE REMOVED AND ALLOW FOR POSSIBLE IMPROVEMENT OF TREE HEALTH

OPTION 2

MULTI-USE PATH TO FOLLOW ALIGNMENT OF EXISTING SIDEWALK WITH WIDENING OCCURRING TO THE EAST

- PROVIDES 10 FOOT WIDE MULTI-USE PATH
- GREATER THAN 8 FOOT WIDE LANDSCAPE BUFFER FROM ROADWAY IS PROVIDED
- 6 TREE REMOVALS REQUIRED
- EXISTING STORM DRAINAGE SWALE ADJACENT TO ROADWAY TO REMAIN UNCHANGED
- CLOSE PROXIMITY TO TREES WILL CAUSE THE PATH TO BE MORE SUSCEPTIBLE TO LONG TERM MAINTENANCE ISSUES DUE TO CONCRETE HEAVING
- PROXIMITY OF MULTI-USE PATH TO TREE ROOTS COULD NEGATIVELY AFFECT TREE HEALTH



LOOKING NORTH
NEW 10 FOOT WIDE MULTI-USE PATH TO FOLLOW ALIGNMENT OF EXISTING SIDEWALK



LOOKING NORTH
NEW 10 FOOT WIDE MULTI-USE PATH TO FOLLOW ALIGNMENT OF EXISTING SIDEWALK. 2 FOOT COLORED CONCRETE BUFFER WILL BE PROVIDED ADJACENT TO EXISTING SHRUBS.



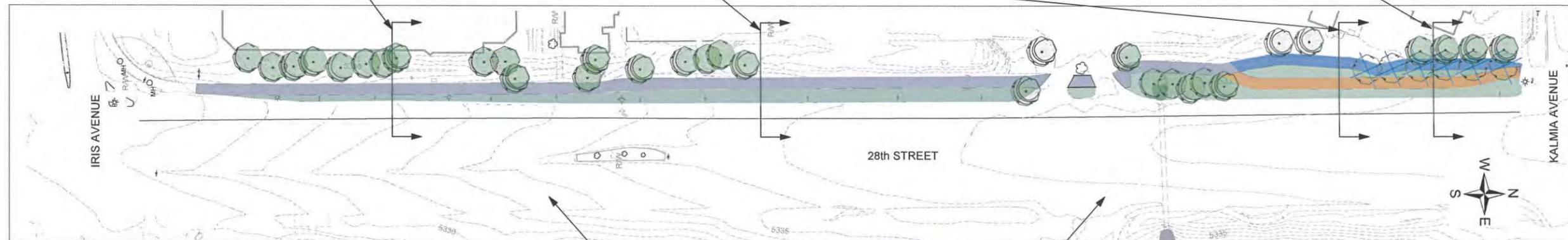
OPTION 1 (LOOKING NORTH)
NEW 10 FOOT WIDE MULTI-USE PATH TO BE CONSTRUCTED IN EXISTING GRASSY LANDSCAPE AREA. AN 8 FOOT MINIMUM LANDSCAPE BUFFER FROM ROADWAY WILL BE MAINTAINED. NO TREE REMOVAL REQUIRED.



OPTION 2 (LOOKING NORTH)
NEW 10 FOOT WIDE MULTI-USE PATH TO FOLLOW ALIGNMENT OF EXISTING SIDEWALK WITH WIDENING OCCURRING TO THE EAST. REQUIRES REMOVAL OF 6 TREES.

LEGEND

- ◉ EXISTING TREE TO REMAIN
- ◉ EXISTING TREE TO BE REMOVED OPTION 1
- ◉ EXISTING TREE TO BE REMOVED OPTION 2
- PROPOSED MULTI-USE PATH
- PROPOSED MULTI-USE PATH OPTION 1
- PROPOSED MULTI-USE PATH OPTION 2
- LANDSCAPE OPPORTUNITY



ON STREET PHOTO OF EXISTING FROM IRIS AVE. TO KALMIA (LOOKING SOUTH)

Segment 2 - Kalmia Avenue to Winding Trail Drive

There is no existing sidewalk in this segment. This segment of the 28th Street project intersects with the upcoming Wonderland Creek (Diagonal Highway to Winding Trail) project. This project will provide flood mitigation and improved trail connections within the project limits including a pedestrian and bicycle underpass at 28th Street. This project was reviewed through the CEAP process in 2012. The project teams have been coordinating during the design process and will continue to coordinate through the construction processes to ensure that path connectivity remains in place.

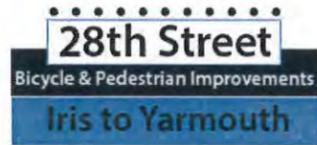
The major identifying feature of this stretch is a berm with large mature trees on top which acts as a screen between 28th St. and adjacent homes. The two options are a multi-use path between the existing berm and carports (Option 1) and a multi-use path constructed in the existing grassy area adjacent to the roadway (Option 2).

Option 1 would result in the removal of one medium sized green ash tree which is considered to be in good health, with poor structure according to the city forester. The berm would provide a large landscaped buffer between the path and the roadway which would reduce the noise experienced by the path user. There may be a possible perceived safety issue due to feeling “trapped” between the carports and the berm and the limited visibility to the roadway. If this option is chosen, the need for pedestrian scale lighting will be evaluated.

Option 2 would place the path adjacent to the roadway with little or no landscape buffer between the path and the roadway. No trees would be removed with this option, but trimming of some of the trees adjacent to the path will be required. The path and roadway would be more visible to one another and the path user would experience more roadway noise compared to Option 1. Lane width narrowing and the addition of curb and gutter on the west side of 28th St. will be evaluated during final design. A narrower lane width would help to slow traffic and the addition of curb and gutter would provide additional safety to the path user. Both of these elements require CDOT approval and would be contingent on available funding.

Please note that there are trees adjacent to the Wonderland Creek (Diagonal Highway to Winding Trail) project that will be removed as part of that project and this was identified during the project’s CEAP review process. The document and more information about this project can be found at: www.bouldercolorado.gov/public-works > Projects > Wonderland Creek (Diagonal Highway to Winding Trail) Greenways Improvement Project

A graphic of Segment 2 can be viewed on the following page.



28TH STREET: IRIS TO YARMOUTH BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT SEGMENT 2: KALMIA AVENUE TO WINDING TRAIL DRIVE



BENEFITS AND TRADE OFFS

OPTION 1

NEW MULTI-USE PATH CONSTRUCTED BETWEEN EXISTING BERM AND CARPORTS.

- PROVIDES 10 FOOT WIDE MULTI USE PATH
- LARGE LANDSCAPE BUFFER FROM ROADWAY CHARACTERIZED BY EXISTING BERM AND LARGE MATURE TREES
- 1 TREE REMOVAL REQUIRED
- BERM REDUCES ROAD NOISE EXPERIENCED BY PATH USER
- POSSIBLE PERCEIVED SAFETY ISSUE DUE TO FEELING "TRAPPED" BETWEEN THE CARPORTS AND THE BERM AND LIMITED VISIBILITY TO ROADWAY

OPTION 2

NEW MULTI-USE PATH CONSTRUCTED IN EXISTING GRASSY AREA ADJACENT TO ROADWAY.

- PROVIDES 10 FOOT WIDE MULTI USE PATH
- LANDSCAPE BUFFER FROM ROADWAY WILL VARY WITH LITTLE OR NO BUFFER POSSIBLE AS PATH APPROACHES WINDING TRAIL DR.
- NO TREE REMOVALS REQUIRED AS PART OF THIS PROJECT
- INCREASED ROAD NOISE EXPERIENCED BY PATH USER DUE TO PROXIMITY TO ROADWAY
- PATH VISIBLE TO ROADWAY

LEGEND

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED OPTION 1
- EXISTING TREE TO BE REMOVED OPTION 2
- PROPOSED MULTI-USE PATH
- PROPOSED MULTI-USE PATH OPTION 1
- PROPOSED MULTI-USE PATH OPTION 2
- LANDSCAPE OPPORTUNITY
- AREAS OF ROADWAY WIDENING TO ACCOMMODATE ON STREET BICYCLE FACILITY

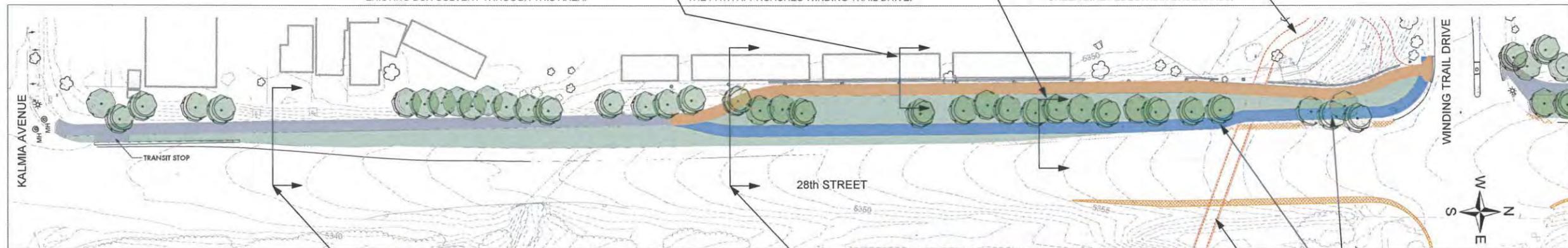


OPTION 1 (LOOKING NORTH)
NEW 10 FOOT WIDE MULTI-USE PATH TO BE CONSTRUCTED BETWEEN EXISTING BERM AND CARPORTS.
NOTE: WONDERLAND CREEK CURRENTLY RUNS IN AN EXISTING BOX CULVERT THROUGH THIS AREA.



OPTION 2 (LOOKING NORTH)
NEW 10 FOOT WIDE MULTI-USE PATH TO BE CONSTRUCTED IN EXISTING GRASSY AREA ADJACENT TO ROADWAY. WIDTH OF LANDSCAPE BUFFER FROM ROADWAY WILL VARY FROM 8 FOOT TO NO BUFFER AS THE PATH APPROACHES WINDING TRAIL DRIVE.

MULTI-USE PATH CONNECTION TO BE CONSTRUCTED AS PART OF WONDERLAND CREEK BIKE/PEDESTRIAN UNDERPASS.



SCALE: 1" = 30'-0"
30 0 15 30 FT

NOTE: TREES IN THIS AREA WILL BE REMOVED AS PART OF THE WONDERLAND CREEK BIKE/PEDESTRIAN UNDERPASS PROJECT. FOR MORE INFORMATION GO TO: www.boulder.colorado.gov/publicworks/Projects/Wonderland-Creek-Diagonal-Highway-to-Winding-Trail-Greenways-Improvement-Project OR CALL KURT BAUER AT (303) 441-3266

CONCEPTUAL ALIGNMENT WONDERLAND CREEK BIKE/PEDESTRIAN UNDERPASS CONSTRUCTION 2014/2015



LOOKING NORTH
NEW 10 FOOT WIDE MULTI-USE PATH TO BE CONSTRUCTED IN GRASSY AREA ADJACENT TO ROADWAY. MINIMUM 8 FOOT WIDE LANDSCAPE BUFFER FROM ROADWAY WILL BE MAINTAINED.



OPTION 1 (LOOKING NORTH)
PROPOSED LOCATION TO CUT THROUGH EXISTING BERM. ONE TREE REMOVAL REQUIRED.

Call Up Item

Segment 3 - Winding Trail Drive to Fourmile Canyon Creek

There is an existing sidewalk in this segment. Just north of Winding Trail Drive the path will follow the current sidewalk alignment for approximately 160 feet and then there are two options: the multi-use path is constructed in the existing grassy landscape area (Option 1) or the multi-use path continues along the alignment of the existing sidewalk (Option 2).

Option 1 has the path closer to the roadway which results in no tree removals; however the trimming of some trees will be required adjacent to the path. The width of the landscape buffer between the path and road varies with little to no buffer at one point to preserve an existing spruce tree. Option 1 has the path farther from the existing trees so their health may possibly improve. Sight distance is improved in this option over Option 2. Lane width narrowing and the addition of curb and gutter on the west side of 28th St. will be evaluated during final design. A narrower lane width would help to slow traffic and the addition of curb and gutter would provide additional safety to the path user. Both of these elements require CDOT approval and would be contingent on available funding.

Option 2 provides a large landscape area between the path and the roadway. Two trees would be removed as a result of this option; one large blue spruce tree considered to be in good health with good structure, and one medium blue spruce tree considered to be in fair health with poor structure according to the city forester. The proximity of the path to the existing tree roots could negatively affect tree health. This option has more curves in its alignment which results in several blind corners.

At the entrance to Sunrise Homes, the path continues in the existing sidewalk alignment to Fourmile Canyon Creek. The project will install a bicycle/pedestrian bridge over Fourmile Canyon Creek connecting to the Fourmile multi-use path which runs along the southern boundary of Elks Park. The project team will be coordinating with the Parks and Recreation Department on their upcoming Elks Park construction.

A low water crossing of Fourmile Canyon Creek was considered, but not included as a viable alternative because it would result in greater impact to the wetlands than the bridge alternative. In addition the low water crossing would require additional property acquisition in order to achieve ADA accessibility on the south side of Fourmile Canyon Creek.

A graphic of Segment 3 can be viewed on the following page.



28TH STREET: IRIS TO YARMOUTH

BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT

SEGMENT 3: WINDING TRAIL DRIVE TO FOURMILE CREEK

BENEFITS AND TRADE OFFS

OPTION 1

MULTI-USE PATH TO BE CONSTRUCTED IN EXISTING GRASSY LANDSCAPE AREA

- PROVIDES 10 FOOT WIDE MULTI USE PATH
- LANDSCAPE BUFFER FROM ROADWAY VARIES WITH LITTLE TO NO BUFFER PROVIDED AT ONE POINT TO PRESERVE AN EXISTING MATURE TREE
- NO TREE REMOVALS REQUIRED
- EXISTING SIDEWALK WILL BE REMOVED AND ALLOW FOR POSSIBLE IMPROVEMENT TO THE HEALTH OF ADJACENT TREES
- IMPROVED SIGHT DISTANCE

OPTION 2

MULTI-USE PATH TO FOLLOW ALIGNMENT OF EXISTING SIDEWALK

- PROVIDES 10 FOOT WIDE MULTI USE PATH
- GREATER THAN 8 FOOT WIDE LANDSCAPE BUFFER FROM ROADWAY
- 2 TREE REMOVALS REQUIRED
- PROXIMITY OF MULTI-USE PATH TO EXISTING TREE ROOTS COULD NEGATIVELY AFFECT TREE HEALTH
- LIMITED SIGHT DISTANCE AT SEVERAL BLIND CORNERS



LOOKING NORTH
NEW 10 FOOT MULTI-USE PATH TO FOLLOW ALIGNMENT OF EXISTING SIDEWALK



OPTION 1 (LOOKING NORTH)
NEW 10 FOOT WIDE MULTI-USE PATH TO BE CONSTRUCTED IN EXISTING GRASSY LANDSCAPE AREA. NO TREE REMOVALS REQUIRED. LANDSCAPE BUFFER FROM ROADWAY WILL VARY WITH LITTLE TO NO BUFFER PROVIDED AT ONE POINT TO PRESERVE AN EXISTING MATURE TREE.



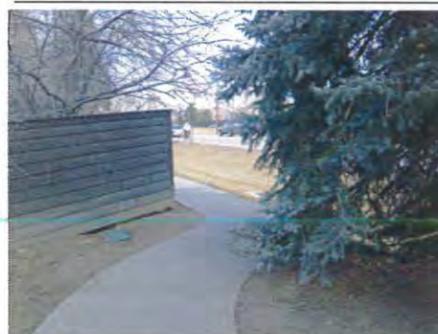
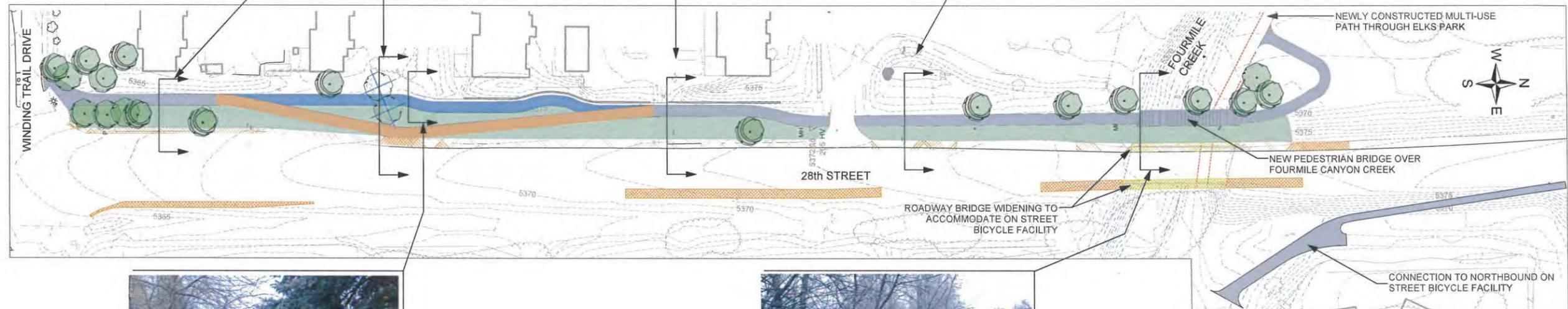
LOOKING NORTH
NEW 10 FOOT MULTI-USE PATH TO FOLLOW ALIGNMENT OF EXISTING SIDEWALK



LOOKING NORTH
NEW 10 FOOT MULTI-USE PATH TO FOLLOW ALIGNMENT OF EXISTING SIDEWALK

LEGEND

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED OPTION 1
- EXISTING TREE TO BE REMOVED OPTION 2
- PROPOSED MULTI-USE PATH
- PROPOSED MULTI-USE PATH OPTION 1
- PROPOSED MULTI-USE PATH OPTION 2
- LANDSCAPE OPPORTUNITY
- AREAS OF ROADWAY WIDENING TO ACCOMMODATE ON STREET BICYCLE FACILITY



OPTION 2 (LOOKING NORTH)
NEW 10 FOOT WIDE MULTI-USE PATH TO FOLLOW ALIGNMENT OF EXISTING SIDEWALK. TREE REMOVALS REQUIRED. EXISTING SITE DISTANCE ISSUES WOULD REMAIN.



LOOKING NORTH
NEW 10 FOOT WIDE BICYCLE/PEDESTRIAN BRIDGE TO BE CONSTRUCTED OVER FOURMILE CANYON CREEK

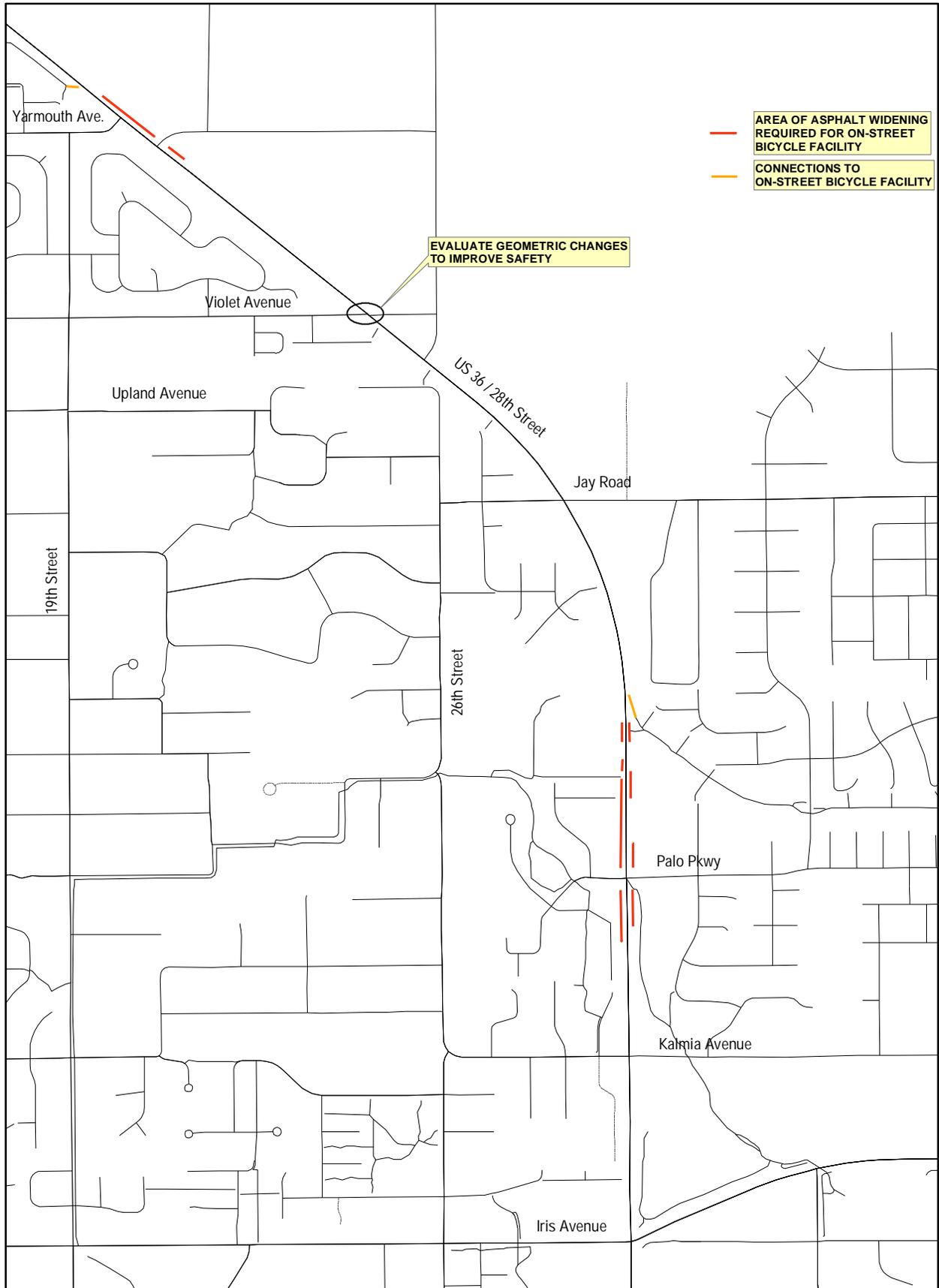
ON-STREET BICYCLE FACILITY IMPROVEMENTS

The project scope also includes necessary improvements to accommodate on-street bicyclists from Iris to Yarmouth avenues to meet both existing travel demand as well as encourage additional bicycling activity. Having both on-street and off-street bicycle facility types available best meets the wide ranging needs and ability levels of the community from ages 8-80. The majority of the length of the approximately two mile improvement involves restriping of the existing street section to provide the width for the on-street bicycle improvements. There are two locations that require minor roadway widening to accommodate on-street bicyclists:

- From south of Palo Parkway/Winding Trail Drive to just north of Fourmile Canyon Creek, including widening the existing roadway bridge over Fourmile Canyon Creek. The widening will occur on both sides of the road.
- For approximately 800 feet southeast of Yarmouth Avenue. The widening will occur only on the northeast side of the road.

The on-street improvements do not preclude the future multi-use path construction on the west side of 28th Street from Fourmile Canyon Creek to Yarmouth Avenue.

A graphic of the on-street bicycle facility improvements can be viewed on the following page.



4.0 PERMITS, WETLANDS PROTECTION AND HABITAT ENCROACHMENT

Construction of the project components may require the following permits:

Colorado Department of Public Health and Environment Colorado Stormwater Discharge Permit (Construction Activity General Permit and Stormwater Management Plan)

City of Boulder Floodplain Development Permit

United State Army Corps of Engineers 404 Permit

Colorado Department of Public Health and Environment Colorado Construction Dewatering Permit
City Boulder construction dewatering discharge agreement.

City of Boulder Standard Wetlands Permit – There will be impacts to the Fourmile Canyon Creek wetlands buffer area and this will be mitigated. Please note that the Wonderland Creek wetlands impacts will be covered in the permit for the Wonderland Creek (Diagonal Highway to Winding Trail) greenways project.

5.0 PREFERRED PROJECT ALTERNATIVE

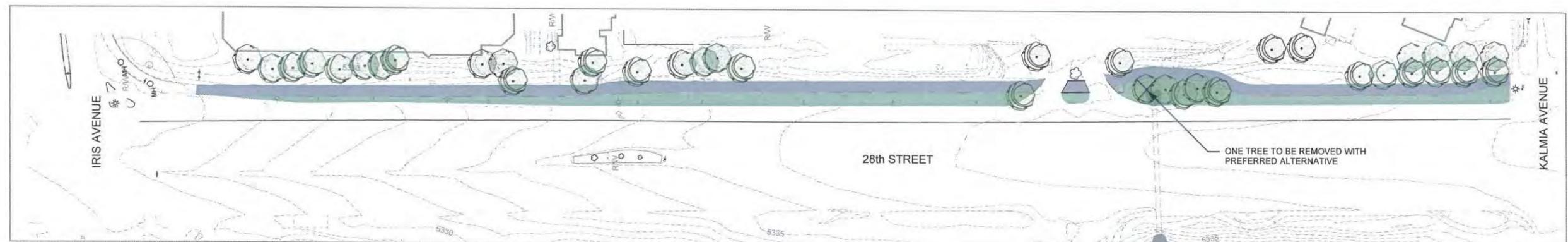
The preferred option for Segment 1 Iris Avenue to Kalmia Avenue is Option 1. Option 1 is able to provide the 10-foot wide multi-use path requiring no tree removals and placing the multi-use path furthest from the existing trees which may improve the future health of the trees. A buffer between the path and the adjacent residences as well as a buffer between the multi-use path and roadway is established.

Option 2 is the preferred option for Segment 2 Kalmia Avenue to Winding Trail Drive because no trees would be removed with this option and the path and roadway would be more visible to one another.

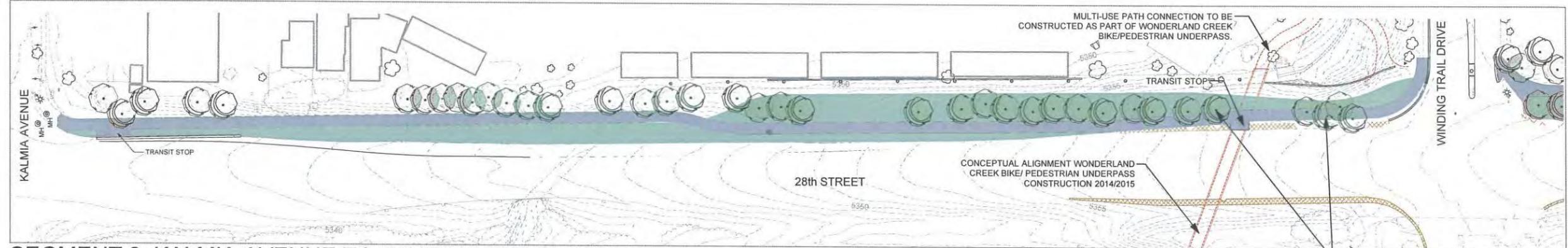
Option 1 is the preferred option for Segment 3 Winding Trail Drive to Fourmile Canyon Creek because this option results in no tree removals and keeps the path farthest away from the existing trees so their health may possibly improve and there is better visibility and sightlines for the path users.

These preferred design options meet the goals and objectives of the City of Boulder's TMP of providing multimodal transportation options but also designs it within the context of this North Boulder residential area discussed in the North Boulder Subcommunity Plan and the community's preference and support for maintaining trees and landscaping.

28TH STREET: IRIS TO YARMOUTH BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT MULTI-USE PATH PREFERRED OPTION

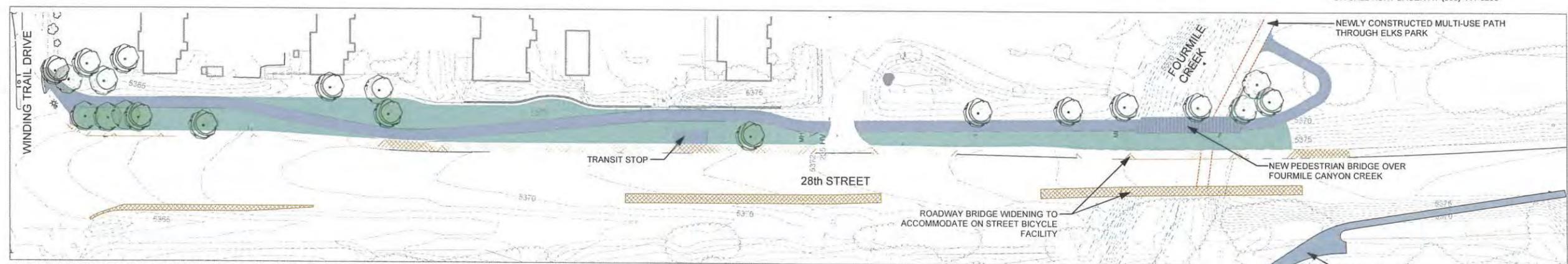


SEGMENT 1: IRIS AVENUE TO KALMIA AVENUE



SEGMENT 2: KALMIA AVENUE TO WINDING TRAIL DRIVE

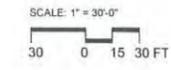
NOTE: TREES IN THIS AREA WILL BE REMOVED AS PART OF THE WONDERLAND CREEK BIKE/PEDESTRIAN UNDERPASS PROJECT. FOR MORE INFORMATION GO TO: [www.bouldercolorado.gov/publicworks/Projects/Wonderland Creek \(Diagonal Highway to Winding Trail\) Greenways Improvement Project](http://www.bouldercolorado.gov/publicworks/Projects/Wonderland%20Creek%20(Diagonal%20Highway%20to%20Winding%20Trail)%20Greenways%20Improvement%20Project) OR CALL KURT BAUER AT (303) 441-3266



SEGMENT 3: WINDING TRAIL DRIVE TO FOURMILE CREEK

LEGEND

	EXISTING TREE TO BE REMOVED PREFERRED OPTION		PREFERRED ALTERNATIVE MULTI-USE PATH
	EXISTING TREE TO REMAIN		LANDSCAPE OPPORTUNITY
	AREAS OF ROADWAY WIDENING TO ACCOMMODATE ON STREET BICYCLE FACILITY		



6.0 PUBLIC INPUT TO DATE

A public open-house meeting was held on March 7, 2013. Project and meeting notification was sent to approximately 2600 residents, businesses and property owners in the area generally bounded by 26th St, Yarmouth Ave, east of 28th St and Glenwood Dr. The meeting was advertised on the project webpage and city calendar. Approximately 30 people attended the meeting to learn more about the project and give input on the multi-use path design options and other project improvements. The following provides a summary of the comments received on each segment of the project and overall themes for the project improvements:

Segment 1 Iris Avenue to Kalmia Avenue: Thirteen attendees who completed the comment forms indicated a preference for Option 1, four preferred Option 2 and one indicated “no opinion”. For those preferring Option 1, the themes of support for this included no tree removals, a straighter path alignment, less icing in the winter, and not as close to the adjacent residences. For those indicating a preference for Option 2, the themes of support for this included a maximum buffer between the path and the roadway and the path would be closer to the trees.

Segment 2 Kalmia Avenue to Winding Trail Drive: Six attendees who completed the comment forms indicated a preference for Option 1, eleven preferred Option 2 and one indicated “no opinion”. For those preferring Option 1, the themes of support for this option included a better alignment with future access to the underpass, better aesthetics, closer to the existing trees, and maximum buffer between the path and roadway. Of those preferring Option 2, the themes of support included path users improved visibility to the street as well as improved visibility of path users from the roadway, farther from residences, concerns about icing, shading, graffiti and user safety for Option 1, no tree removals and maintaining space for Winding Trail Village to construct noise walls in the future.

Segment 3 Winding Trail Drive to Fourmile Canyon Creek: Eleven attendees who completed the comment forms indicated a preference for Option 1 and seven attendees preferred Option 2. Of those preferring Option 1 the themes of support included visibility to street, straighter path alignment, no tree removals and not adjacent to the neighborhood wall. Of those preferring Option 2 the themes of support included increased buffer between path and roadway, possible need for space for future roadway widening and maintaining as much of the grassy landscape area as possible.

Other project input included considering a curb type barrier or short wall between path and roadway when there is no or little buffer, improvements to the Violet/US 36 and Jay Rd/US 36 intersections, bus stop improvements (concrete pads, benches, shelters) for bus stop in the project area, treatments for path/roadway intersections to alert bicyclists of crossing, sound walls, lower speed limit and a question about path easements adjacent to the Winding Trail Village and support for the project improvements and the Wonderland Creek Underpass improvements.

The project team is coordinating with other city departments and work groups including Public Works-Utilities, Forestry, Parks and Recreation, GO Boulder and Transportation and Utilities Maintenance. As part of the CEAP review process, the project CEAP was presented to the interdepartmental staff review team on April 9, 2013 for review and discussion of the

documentation. Feedback and comments received during this review have been incorporated into the revised CEAP. Concurrence was also obtained for the preferred option for this project.

At the May 13, 2013 Transportation Advisory Board (TAB) meeting, the Board will hold a public hearing and consider a recommendation on the 28th St (Iris-Yarmouth) Bicycle and Pedestrian Improvements CEAP. **Remaining paragraph to be completed following the meeting.** Following the TAB review and recommendation, the CEAP will be forwarded to the City Council for call-up action by July 16, 2013.

7.0 STAFF PROJECT MANAGEMENT

This project is being managed by the City's Public Works Department – Transportation Division. Debbie Ritter is the Project Manager for this project. Noreen Walsh provides assistance with the public process and CEAP.

8.0 OTHER CONSULTANTS OR RELEVANT CONTACTS

Centennial Engineering, Inc., a current on-call Civil and Structural Engineering consultant with the City of Boulder, is the prime consultant on the project, providing support in the public process, CEAP, alternatives analysis and final design. Subconsultants are included in the project team for environmental, landscape design, geotechnical, flood consulting and surveying. Local Agency project staff with CDOT Region 4 are also involved with supporting the federal aid and NEPA review aspects of the project.

GOALS ASSESSMENT

1. Using the Boulder Valley Comprehensive Plan (BVCP) and department master plans, describe the primary city goals and benefits that the project will help to achieve:
 - a. Community Sustainability Goals – How does the project improve the quality of economic, environmental and social health with future generations in mind?

28th Street/US 36 is a Principal Arterial and the lack of adequate bicycle and pedestrian facilities are a system deficiency. The Boulder Valley Comprehensive Plan (BVCP), Transportation Master Plan (TMP) and North Boulder Subcommunity Plan emphasize a multimodal transportation system to make getting around without a car easy and accessible for everyone. On-street bicycling improvements, a multi-use path and sidewalks along 28th Street are included in the City of Boulder's TMP and North Boulder Subcommunity Plan. This project will improve the transportation network and provide these bicycle and pedestrian facilities for all in the community to use.

*The project helps the city achieve its **economic** goals by improving connections and access for residents, employees, customers and visitors along 28th Street, a primary multimodal corridor in Boulder. This multimodal infrastructure contributes to the quality of life in Boulder, which can help to attract, sustain, and retain businesses and entrepreneurs.*

*The project helps the city achieve its **environmental** goals by providing a facility for the*

multimodal transportation system for property owners, residents, visitors and employees to use. This could result in a decrease in single-occupant vehicle use which would reduce and minimize the use of non-renewable energy resources and greenhouse gas emissions.

*The project helps the city achieve its **social** sustainability goals by expanding transportation options for all members of the community to use and improving public safety by completing a missing link in the bicycle and pedestrian network.*

b. BVCP Goals related to:

- Community Design/Built Environment
- Urban Services/Facilities and Services
- Environment
- Economy
- Transportation
- Housing
- Social Concerns and Human Services

Community Design/Built Environment – *The city’s goal is to evolve toward an urban form that supports sustainability. Boulder’s compact, interconnected urban form helps ensure the community’s environmental health, social equity and economic vitality. It also supports cost-effective infrastructure and facility investments, a high level of multimodal mobility, and easy access to employment, recreation, shopping and other amenities, as well as a strong image of Boulder as a distinct community. The 28th St (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project helps to fulfill the BVCP’s sustainable urban design form by providing a bicycle and pedestrian facility for the city’s multimodal system improving access to and through North Boulder. The conceptual design options also attempted to minimize tree removals which supports Policy 2.34 Importance of Street Trees and Streetscape and 3.11 Urban Forests. The completion of this 28th Street project as well as upcoming improvements along Wonderland Creek, from Winding Trail to Foothills Parkway and on 28th Street, from Arapahoe to Valmont Road, will allow bicyclists and pedestrians to travel continuously from North Boulder to Boulder Junction with a number of route options along the 28th Street corridor and the Greenways system via Wonderland, Goose and/or Elmer’s Twomile Creeks. The North Boulder Subcommunity Plan’s goals and principles have guided the development of the options and selection as well. To view this section of the BVCP, please go to: http://bouldercolorado.gov/index.php?option=com_content&view=article&id=15375&Itemid=5188*

Urban Services - *The proposed project helps to implement the goals and objectives of the TMP by completing a missing link in the bicycle and pedestrian system. This path will be maintained by the City of Boulder Streets and Bikeways Maintenance. To view this section of the BVCP, please go to: http://www.bouldercolorado.gov/index.php?option=com_content&view=article&id=15410&Itemid=5169*

Environment – The policies in this section of the BVCP support the following city and county goals related to the conservation and preservation of land, water, air resources and pollution prevention:

- [Biodiversity and Native Ecosystems](#)
- [Urban Environmental Quality](#)
- [Geologic Resources and Natural Hazards](#)
- [Water and Air Quality](#)

In the Urban Environmental Quality section there is an emphasis on environmentally sensitive urban design which calls for accessible facilities, coordinated transportation facilities and that ‘the city and county will work to ensure that new capital projects and transportation facilities are visually attractive and contribute positively to the desired community character’. This project is intending to provide accessible facilities and connections to other pedestrian, bicycle and transit facilities and services and will be guided by the North Boulder Subcommunity Plan on retaining its community character.

There is also a Water Conservation section that promotes the conservation of water. Installation of some new street landscaping is anticipated with this project, providing significant enhancements to urban forestry and street frontage aesthetics with a low water water conservation approach in mind.

This CEAP analysis of the project alternatives provides information on the various design options and their potential impacts on the adjacent natural resources and these factors have been considered in the selection of the preferred alternative. To view this section of the BVCP, please go to:

http://bouldercolorado.gov/index.php?option=com_content&view=article&id=15376&Itemid=5199

Economy – The policies in this section of the BVCP support the following goals related to maintaining a sustainable economy:

- [Strategic Redevelopment and Sustainable Employment](#)
- [Diverse Economic Base](#)
- [Quality of Life](#)
- [Sustainable Business Practices](#)
- [Job Opportunities, Education and Training](#)

The Diagonal Plaza is noted as an example Strategic Redevelopment revitalization area and the 28th St (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project connects to the Diagonal Plaza at the southeast corner of 28th Street/Iris Avenue intersection. The project can provide access and connectivity to residents, visitors and employees in North Boulder to the Diagonal Plaza. The project also connects to shopping and employment south on 28th Street and facilitates travel to Boulder Junction. The BVCP also states that a strong and complete transportation system is essential to a thriving economy, helps attract and retain key businesses and employers and provides regional access to global markets and this project helps to complete a major missing link in the transportation system of the 28th Street corridor

and North Boulder. To view this section of the BVCP, please go to:

http://bouldercolorado.gov/index.php?option=com_content&view=article&id=15378&Itemid=5212

Transportation – The BVCP, TMP and North Boulder Subcommunity Plan support the maintenance and development of a balanced transportation system that supports all modes of travel, making the system more efficient in carrying travelers while maintaining a safe system and shifting trips away from the single-occupant vehicle. The 28th St (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project will help to implement this goal by providing additional travel options for people working, living or traveling to and through the area.

To view this section of the BVCP, please go to:

http://bouldercolorado.gov/index.php?option=com_content&view=article&id=15379&Itemid=5218

To view the TMP please go to:

http://www.bouldercolorado.gov/index.php?option=com_content&view=article&id=331&Itemid=1616

To view the North Boulder Subcommunity Plan please go to:

<http://www.bouldercolorado.gov/files/PDS/planning%20and%20zoning/NorthBoulderSubPlan.pdf>

Housing – The North Boulder Subcommunity Plan recommends keeping the residential character in this area of North Boulder as it exists currently and this was kept in mind when the conceptual path design options were being developed. The path improvement itself improves the character of the adjacent residential area by providing an off-street bicycle/pedestrian facility. To view this section of the BVCP, please go to:

http://bouldercolorado.gov/index.php?option=com_content&view=article&id=15380&Itemid=5223

- c. Describe any regional goals (potential benefits or impacts to regional systems or plans?)

The 28th Street (Iris-Yarmouth) Bicycle and Pedestrian Improvements Project provides improvements for on-street bicycling which facilitates regional bicycle travel to the north of this project. The on-street and off-street improvements will connect to regional and local bus service on Diagonal Highway and 28th Street/US 36. The completion of this 28th Street project as well as upcoming improvements along Wonderland Creek, from Winding Trail to Foothills Parkway and on 28th Street, from Arapahoe to Valmont Road, will allow bicyclists and pedestrians to travel continuously from North Boulder to Boulder Junction and the new RTD bus transit facility which will include regional and local bus services there. This project will also connect to the Fourmile Canyon Creek and the Wonderland Creek Greenways and to the County bike shoulder facility on Jay Road.

2. Is this project referenced in a master plan, subcommunity or area plan? If so, what is the context in terms of goals, objectives, larger system plans, etc.? If not, why not?

These improvements have been identified in the North Boulder Subcommunity Plan and

TMP as they are intended to create a successful bicycle and pedestrian environment as well as to ensure complete and safe multimodal functions. Most recently, this project was identified as a priority improvement in the Complete Streets Action Plan developed through the city's FasTracks Local Optimization (FLO) Process which was intended to optimize the benefits of FasTracks by improving connections to and through the Boulder Junction area. The completion of this 28th Street project as well as upcoming improvements along Wonderland Creek, from Winding Trail to Foothills Parkway and on 28th Street, from Arapahoe to Valmont Road, will allow bicyclists and pedestrians to travel continuously from North Boulder to Boulder Junction with a number of route options along the 28th Street corridor and the Greenways system via Wonderland, Goose and/or Elmer's Twomile Creeks.

3. Will this project be in conflict with the goals or policies in any departmental master plan and what are the trade-offs among city policies and goals in the proposed project alternative? (e.g. higher financial investment to gain better long-term services or fewer environmental impacts)

This project will not be in conflict with the goals or policies or any other departmental master plan.

4. List other city projects in the project area that are listed in a departmental master plan or the CIP.

There are several city projects in the CIP that are in the project area including:

- Diagonal Hwy (28-30 streets) Reconstruction Project including bicycle lanes, multi-use path and sidewalk improvements*
- 28th Street (Arapahoe-Valmont) Transportation Improvements Project including a shared bus-bike-right turning vehicle lane from Pearl to Valmont, multi-use path on the west side of 28th St from Arapahoe to Valmont Rd and completing the missing sections of multi-use path on the east side of 28th St from Pearl to Valmont Rd.*
- Wonderland Creek (Diagonal Hwy-Winding Trail) Greenways Improvements Project*
- The Parks and Recreation Department is developing Elks Park in 2013 which is adjacent to the northern terminus of the multi-use path project. Connection and access to the park can be made from this project via the Fourmile Canyon Creek multi-use path connection.*

5. What are the major city, state, and federal standards that will apply to the proposed project? How will the project exceed city, state, or federal standards and regulations (e.g. environmental, health, safety, or transportation standards)?

The project will be designed to meet or exceed the Americans with Disabilities Act (ADA) design guideline standards, meet or exceed city and national standards (AASHTO) for the development of bikeway facilities and roadway improvements, and comply with all required city, state and federal permits.

6. Are there cumulative impacts to any resources from this and other projects that need to be recognized and mitigated?

Attachment A: 28th St: Iris to Yarmouth CEAP

This project is being coordinated with the Public Works Utilities Division and their Wonderland Creek Greenways Improvements Project which includes floodplain improvements.

There will not be any impacts to threatened and endangered species. Most of the project will be in mowed roadside habitat. No prairie dogs were observed during previous site visits.

IMPACT ASSESSMENT

The following checklists table identifies potential short and long-term impacts from the project alternatives.

++ indicates a high positive effect or improved condition

+ indicates a positive effect or improved condition

O indicates no effect

- indicates a negative effect or impact

-- indicates a high negative effect or impact

Checklist questions are answered following the table for all categories identified as having a potential + or - impact. The preferred alternative components are highlighted in yellow.

Project Title: 28th Street: Iris to Yarmouth Bicycle and Pedestrian Improvements	Multi-Use Path					
	Segment 1		Segment 2		Segment 3	
	Iris Ave. to Kalmia Ave.		Kalmia Ave. to Winding Trail Dr.		Winding Trail Dr. to Fourmile Canyon	
	Option 1-in existing grassy landscape area	Option 2-in existing sidewalk alignment	Option 1-between berm and carpots	Option 2-in existing grassy landscape area	Option 1-in existing grassy landscape area	Option 2-in existing sidewalk alignment
A. Natural Areas or Features						
1. Disturbance to species, communities, habitat or ecosystems due to:						
a. Construction activities	O	O	O	O	O	O
b. Native vegetation removal	O	O	O	O	O	O
c. Human or domestic animal encroachment	O	O	O	O	O	O
d. Chemicals (including petroleum products, fertilizers, pesticides, herbicides)	O	O	O	O	O	O
e. Behavioral displacement of wildlife species (due to noise from use activities)	O	O	O	O	O	O
f. Habitat removal	O	O	O	O	O	O
g. Introduction of non-native plant species in the site landscaping	O	O	O	O	O	O
h. Changes to groundwater or surface runoff	O	O	O	O	O	O
i. Wind Erosion	O	O	O	O	O	O
2. Loss of mature trees or significant plants?	+	-	-	O	O	-
B. Riparian Areas/Floodplain						
1. Encroachment upon the 100-year conveyance or high hazard flood zones?	O	O	O	O	O	O
2. Disturbance to or fragmentation of a riparian corridor?	O	O	O	O	O	O
C. Wetlands						
1. Disturbance to or loss of a wetland on site?	O	O	-	-	-	-
D. Geology and Soils						
1. a. Impacts	O	O	O	O	O	O
b. Geological development constraints?	O	O	O	O	O	O
c. Substantial changes in topography?	O	O	O	O	O	O
d. Changes in soil or fill materials on the site?	O	O	O	O	O	O
e. Phasing of earth work?	O	O	O	O	O	O

Attachment A: 28th St: Iris to Yarmouth CEAP

Project Title: 28th Street: Iris to Yarmouth Bicycle and Pedestrian Improvements	Multi-Use Path					
	Segment 1		Segment 2		Segment 3	
	Iris Ave. to Kalmia Ave.		Kalmia Ave. to Winding Trail Dr.		Winding Trail Dr. to Fourmile Canyon	
	Option 1-in existing grassy landscape area	Option 2-in existing sidewalk alignment	Option 1-between berm and carpots	Option 2-in existing grassy landscape area	Option 1-in existing grassy landscape area	Option 2-in existing sidewalk alignment
E. Water Quality						
1. Impacts to water quality from any of the following?						
a. Clearing, excavation, grading or other construction activities	○	○	○	○	○	○
b. Change in hardscape	-	-	-	-	-	-
c. Change in site ground features	○	○	○	○	○	○
d. Change in storm drainage	○	○	○	○	○	○
e. Change in vegetation	○	○	○	○	○	○
f. Change in pedestrian and vehicle traffic	○	○	○	○	○	○
g. pollutants	○	○	○	○	○	○
2. Exposure of ground contamination from excavation or pumping?	○	○	○	○	○	○
F. Air Quality						
a. From mobile sources?	+	+	+	+	+	+
b. From stationary sources?	○	○	○	○	○	○
G. Resource Conservation						
1. Changes in water use?	+	+	+	+	+	+
2. Increases or decreases in energy use?	+	+	+	+	+	+
3. Generation of excess waste?	○	○	○	○	○	○
H. Cultural/Historic Resources						
1. a. Impacts to a prehistoric or archaeological site?	○	○	○	○	○	○
b. Impacts to a building or structure over fifty years of age?	○	○	○	○	○	○
c. Impacts to a historic feature of the site?	○	○	○	○	○	○
d. Impacts to a significant agricultural land?	○	○	○	○	○	○
I. Visual Quality						
1. a. Effects on scenic vistas or public views?	○	○	○	○	○	○
b. Effects on the aesthetics of a site open to public view?	○	○	○	○	○	○
c. Effects on views to unique geological or physical features?	○	○	○	○	○	○
d. Changes in lighting?	○	○	-	○	○	○
J. Safety						
1. Health hazards, odors or radon?	○	○	○	○	○	○
2. Disposal of hazardous materials?	○	○	○	○	○	○
3. Site hazards?	○	○	○	○	○	○

Attachment A: 28th St: Iris to Yarmouth CEAP

Project Title: 28th Street: Iris to Yarmouth Bicycle and Pedestrian Improvements	Multi-Use Path					
	Segment 1		Segment 2		Segment 3	
	Iris Ave. to Kalmia Ave.		Kalmia Ave. to Winding Trail Dr.		Winding Trail Dr. to Fourmile Canyon	
	Option 1-in existing grassy landscape area	Option 2-in existing sidewalk alignment	Option 1-between berm and carpots	Option 2-in existing grassy landscape area	Option 1-in existing grassy landscape area	Option 2-in existing sidewalk alignment
K. Physiological Well-Being						
1. Exposure to excessive noise?	○	○	○	○	○	○
2. Excessive light or glare?	○	○	○	○	○	○
3. Increase in vibrations?	○	○	○	○	○	○
L. Services						
1. Additional need for:						
a. Water or sanitary sewer services?	○	○	○	○	○	○
b. Storm sewer/flood control features?	-	○	○	○	○	○
c. Maintenance of pipes, culverts and manholes?	-	○	○	○	○	○
d. Police services?	○	○	○	○	○	○
e. Fire protection services?	○	○	○	○	○	○
f. Recreation or park facilities?	○	○	○	○	○	○
g. Library Services?	○	○	○	○	○	○
h. Transportation improvements/traffic mitigation?	○	○	○	○	○	○
i. Parking?	○	○	○	○	○	○
j. Affordable housing?	○	○	○	○	○	○
k. Open Space/urban open land?	○	○	○	○	○	○
l. Power or energy use?	○	○	-	○	○	○
m. Telecommunications?	○	○	○	○	○	○
n. Health care/social services?	○	○	○	○	○	○
o. Trash removal or recycling services?	○	○	○	○	○	○
M. Special Populations						
1. Effects on:						
a. Persons with disabilities?	+	+	+	+	+	+
b. Senior population?	+	+	+	+	+	+
c. Children or youth?	+	+	+	+	+	+
d. Restricted income persons?	+	+	+	+	+	+
e. People of diverse backgrounds (including Latino and other immigrants)?	+	+	+	+	+	+
f. Neighborhoods?	+	+	+	+	+	+
g. Sensitive populations located near the project (e.g. schools, hospitals and nursing homes)?	+	+	+	+	+	+
N. Economy						
1. Utilization of existing infrastructure?	○	○	○	○	○	○
2. Effect on operating expenses?	-	-	-	-	-	-
3. Effect on economic activity?	○	○	○	○	○	○
4. Impacts to businesses, employment, retail sales or city revenue?	○	○	○	○	○	○

**City of Boulder
Community and Environmental Assessment Process**

Checklist Questions

Note: The following questions are a supplement to the CEAP checklist. Only those questions indicated on the checklist are to be answered in full.

A. Natural Areas and Features

1. Describe the potential for disturbance to or loss of significant: species, plant communities, wildlife habitats, or ecosystems via any of the activities listed below. (Significant species include any species listed or proposed to be listed as rare, threatened or endangered on federal, state, county lists.)
 - a. Construction activities
 - b. Native Vegetation removal
 - c. Human or domestic animal encroachment
 - d. Chemicals to be stored or used on the site (including petroleum products, fertilizers, pesticides, herbicides)
 - e. Behavioral displacement of wildlife species (due to noise from use activities)
 - f. Introduction of non-native plant species in the site landscaping
 - g. Changes to groundwater (including installation of sump pumps) or surface runoff (storm drainage, natural stream) on the site
 - h. Potential for discharge of sediment to any body of water either short term (construction-related) or long term
 - i. Potential for wind erosion and transport of dust and sediment from the site

2. Describe the potential for disturbance to or loss of mature trees or significant plants.

If potential impacts have been identified, please provide any of the following information that is relevant to the project:

 - A description of how the proposed project would avoid, minimize, or mitigate identified impacts.
 - A habitat assessment of the site, including: 1. a list of plant and animal species and plant communities of special concern found on the site; 2. a wildlife habitat evaluation of the site.
 - Maps of the site showing the location of any Boulder Valley Natural Ecosystem, Boulder County Environmental Conservation Area, or critical wildlife habitat.

The impacts and proposed mitigation for each of the multi-use path options are described below by segment.

Segment 1: Iris Avenue to Kalmia Avenue

Option 1 proposes that the multi-use path be constructed in the existing grass landscape area resulting in no tree removals. Additionally, the location of this path option will be farther from the existing trees which will allow for possibility improvement of tree health.

Option 2 proposes that the multi-use path continue in the existing sidewalk alignment with widening to the east to allow for the 10-foot path width. The multi-use path option would result in the removal of six small sized green ash trees which are considered to be in good health, and whose structure is generally poor according to the city forester. There could also be damage to the tree roots of the other adjacent trees that would remain which could negatively affect their health. The proposed mitigation for the removal of the six trees would be to plant at least six new trees in the project area with the locations determined during the final design in consultation with the city forester and adjacent property owners.

Segment 2 Kalmia Avenue to Winding Trail Drive

Option 1 proposes that the multi-use path be constructed between the existing berm and the adjacent carports. This option results in the removal of one medium sized green ash tree which is considered to be in good health, with poor structure according to the city forester. The proposed mitigation for this tree removal would be to plant at least one new tree in the project area with the location determined during the final design in consultation with the city forester and adjacent property owners.

Option 2 proposes that the multi-use path be constructed in the existing grassy landscape area adjacent to the roadway. No tree removals are required as a result of this project. At the northern end of this segment, the Wonderland Creek at 28th Street Bicycle/Pedestrian Underpass Project will result in the removal of trees which was included in that projects' CEAP analysis and consideration of a preferred alternative.

Segment 3 Winding Trail Drive to Fourmile Canyon Creek

Option 1 proposes that the multi-use path be constructed in the existing grassy landscape area which results in no tree removals. Additionally, the location of this path option will be farther from the existing trees which will allow for possibility improvement of tree health.

Option 2 proposes that the multi-use path follow the existing sidewalk alignment. Two trees would be removed as a result of this option; one large blue spruce tree considered to be in good health with good structure, and one medium blue spruce tree considered to be in fair health with poor structure according to the city forester. There could also be damage to the tree roots of the other adjacent trees that would remain which could negatively affect their health. The proposed mitigation for this tree removal would be to plant at least one new tree in the project area with the location determined during the final design in consultation with the city forester and adjacent property owners.

B. Riparian Areas and Floodplains

1. Describe the extent to which the project will encroach upon the 100-year, conveyance or high hazard flood zones.

Segment 2 Kalmia Avenue to Winding Trail Drive

Both Options 1 and 2 are in the Wonderland Creek Floodplain. The multi-use path will be generally at existing grade with the exception of where the multi-use path would cut through the existing berm in Option1. Neither option would create a negative effect on the existing floodplain and a City of Boulder Floodplain Development Permit will be obtained for either option prior to construction.

Segment 3 Winding Trail Drive to Fourmile Canyon Creek

The widening of the roadway bridge, the pedestrian bridge crossing and the multi-use path connection to the recently constructed multi-use path through the Elks Park are within the Fourmile Canyon Creek Floodplain. None of these elements of the project will create a negative effect on the existing Floodplain and a City of Boulder Floodplain Development Permit will be obtained prior to construction.

2. Describe the extent to which the project will encroach upon, disturb, or fragment a riparian corridor: (This includes impacts to the existing channel of flow, streambanks, adjacent riparian zone extending 50 ft. out from each bank, and any existing drainage from the site to a creek or stream.)

If potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts to habitat, vegetation, aquatic life, or water quality.
- A map showing the location of any streams, ditches and other water bodies on or near the project site.
- A map showing the location of the 100-year flood, conveyance, and high hazard flood zones relative to the project site.

C. Wetlands

1. Describe any disturbance to or loss of a wetland on site that may result from the project.

If potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.
- A map showing the location of any wetlands on or near the site. Identify both those wetlands and buffer areas which are jurisdictional under city code (on the wetlands map in our ordinance) and other wetlands pursuant to federal criteria (definitional).

Segment 2 Kalmia Avenue to Winding Trail Drive

The path as it approaches Winding Trail Drive will result in some minor wetland buffer zone impacts. There will be no direct wetlands impacts. A City of Boulder Wetlands Permit will be obtained prior to construction which will address the mitigation of the impact.

Segment 3 Winding Trail Drive to Fourmile Canyon Creek

The widening of the roadway bridge, the pedestrian bridge crossing and the multi-use path connection to the recently constructed multi-use path through the Elks Park will result in minor wetland buffer zone impacts. There will be no direct wetlands impacts. A City of Boulder Wetlands Permit will be obtained prior to construction which will address the mitigation of the impact.

D. Geology and Soils

1. Describe any:

- a. impacts to unique geologic or physical features;
- b. geologic development constraints or effects to earth conditions or landslide, erosion, or subsidence;
- c. substantial changes in topography; or
- d. changes in soil or fill material on the site that may result from the project.

If potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.
- A map showing the location of any unique geologic or physical features, or hazardous soil or geologic conditions on the site.

E. Water Quality

1. Describe any impacts to water quality that may result from any of the following:

- a. Clearing, excavation, grading or other construction activities that will be involved with the project;
- b. Changes in the amount of hardscape (paving, cement, brick, or buildings) in the project area;

For all options in all segments, there will be a slight increase in the amount of impervious surface due to the additional concrete for the 10-foot wide multi-use path. In the areas where there is an existing sidewalk, this increase will be even smaller due to the removal of the existing sidewalk.

- c. Permanent changes in site ground features such as paved areas or changes in topography;
- d. Changes in the storm drainage from the site after project completion;
- e. Change in vegetation;
- f. Change in pedestrian and vehicle traffic;
- g. Potential pollution sources during and after construction (may include temporary or permanent use or storage of petroleum products, fertilizers, pesticides, or herbicides).

2. Describe any pumping of groundwater that may be anticipated either during construction or as a result of the project. If excavation or pumping is planned, what is known about groundwater contamination in the surrounding area (1/4 mile in all directions from the project) and the direction of groundwater flow?

If potential impacts have been identified, please provide any of the following that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate impacts to water quality.

- Information from city water quality files and other sources (state oil inspector or the CDPHE) on sites with soil and groundwater impacts within 1/4 mile radius of project or site.
- If impacts to site are possible, either from past activities at site or from adjacent sites, perform a Phase I Environmental Impact Assessment prior to further design of the project.
- Groundwater levels from borings or temporary peizometers prior to proposed dewatering or installation of drainage structures.

F. Air Quality

1. Describe potential short or long term impacts to air quality resulting from this project. Distinguish between impacts from mobile sources (VMT/trips) and stationary sources (APEN, HAPS).

For all options in all segments, the emissions from construction equipment would have a short term effect on air quality during construction. The effects of the emissions would be negligible because of the small number of short term emission sources. The manufacture and use of resources for the construction can provide some short-term impacts to air quality at the manufacture site or construction site. The general types of construction and construction elements are similar for all options in all segments.

The long term impacts to mobile source air quality for all options in all segments is expected to positive one with an increase in the use of bicycling and walking.

G. Resource Conservation

1. Describe potential changes in water use that may result from the project.
 - a. Estimate the indoor, outdoor (irrigation) and total daily water use for the facility.
 - b. Describe plans for minimizing water use on the site (Xeriscape landscaping, efficient irrigation system).

For all options in all segments, there will be a slightly smaller area to irrigate. In areas requiring landscape restoration, the City will work in consultation with the adjacent property owners and CDOT to come up with landscape options to reduce water usage

2. Describe potential increases or decreases in energy use that may result from the project.
 - a. Describe plans for minimizing energy use on the project or how energy conservation measures will be incorporated into the building design.
 - b. Describe plans for using renewable energy sources on the project or how renewable energy sources will be incorporated into the building design?
 - c. Describe how the project will be built to LEED standards.

During construction there will be a temporary increase in energy use related to construction activities from any option chosen in any of the project segments. The long term effect on energy use is anticipated to be a positive one due to the increase in bicycling and pedestrian travel.

3. Describe the potential for excess waste generation resulting from the project. If potential impacts to waste generation have been identified, please describe plans for recycling and waste minimization (deconstruction, reuse, recycling, green points).

H. Cultural/Historic Resources

1. Describe any impacts to:
 - a. a prehistoric or historic archaeological site;
 - b. a building or structure over fifty years of age;
 - c. a historic feature of the site such as an irrigation ditch; or
 - d. significant agricultural landsthat may result from the project.

If potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.

I. Visual Quality

1. Describe any effects on:
 - a. scenic vistas or views open to the public;
 - b. the aesthetics of a site open to public view; or
 - c. view corridors from the site to unique geologic or physical features that may result from the project.
 - d. lighting?

Segment 2 Kalmia Ave to Winding Trail Drive

Option 1 The need for pedestrian scale lighting will be evaluated during final design if this option is chosen.

J. Safety

1. Describe any additional health hazards, odors, or exposure of people to radon that may result from the project.
2. Describe measures for the disposal of hazardous materials.
3. Describe any additional hazards that may result from the project. (Including risk of explosion or the release of hazardous substances such as oil, pesticides, chemicals or radiation)

If potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts during or after site construction through management of hazardous materials or application of safety precautions.

K. Physiological Well-being

1. Describe the potential for exposure of people to excessive noise, light or glare caused by any phase of the project (construction or operations).
2. Describe any increase in vibrations or odor that may result from the project.

If potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.

Segment 2 Kalmia Avenue to Winding Trail Drive

Option 2 Selection of this option will result in the path user being exposed to increased roadway noise due to the proximity of the multi-use path to 28th Street. The width of the physical separation between the multi-use path and 28th Street will vary from 8 feet to no separation as the path approaches Winding Trail Drive.

L. Services

1. Describe any increased need for the following services as a result of the project:
 - a. Water or sanitary sewer services
 - b. Storm sewer / Flood control features
 - c. Maintenance of pipes, culverts and manholes
 - d. Police services
 - e. Fire protection
 - f. Recreation or parks facilities
 - g. Libraries
 - h. Transportation improvements/traffic mitigation
 - i. Parking
 - j. Affordable housing
 - k. Open space/urban open land
 - l. Power or energy use
 - m. Telecommunications
 - n. Health care/social services
 - o. Trash removal or recycling service
2. Describe any impacts to any of the above existing or planned city services or department master plans as a result of this project. (e.g. budget, available parking, planned use of the site, public access, automobile/pedestrian conflicts, views)

Segment 1 Iris Avenue to Kalmia Avenue – Option 1 would result in the installation of a pipe to transport storm water which would add to the city utilities maintenance responsibilities. Option 2 would not add or subtract a responsibility for the city utilities maintenance responsibilities.

Segment 2 Kalmia Avenue to Winding Trail Drive –If Option 1 is chosen, the need for pedestrian scale lighting will be evaluated during final design due to path's location between berm and carports. If determined to be required, it will result in an increase of electricity use.

All options result in a new multi-use path which would add to the city maintenance responsibilities including snow removal, repair and general maintenance. This path is identified in both the City of Boulder's Transportation Master Plan and

M. Special Populations

1. Describe any effects the project may have on the following special populations:
 - a. Persons with disabilities
 - b. Senior population
 - c. Children or Youth
 - d. Restricted income persons
 - e. People of diverse backgrounds (including Latino and other immigrants)
 - f. Sensitive Populations located near the project (e.g. adjacent neighborhoods or property owners, schools, hospitals, nursing homes)

If potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impact.
- A description of how the proposed project would benefit special populations.

This project will benefit all of the above populations by providing access and connections for pedestrians and bicyclists. The path will be designed to comply with the Americans with Disabilities (ADA) and AASHTO multi-use path design guidelines.

N. Economic Vitality

1. Describe how the project will enhance economic activity in the city or region or generate economic opportunities?
2. Describe any potential impacts to:
 - a. businesses in the vicinity of the project (ROW, access or parking),
 - b. employment,
 - c. retail sales or city revenueand how they might be mitigated.

All options result in a new multi-use path which would improve multi-modal transportation access and connectivity between North and Central Boulder/Boulder Junction area which could enhance economic opportunities and activity for the community.

This project would also add to the city maintenance responsibilities including snow removal, repair and general maintenance.

FIGURE 1
 Attachment A: 28th St: Iris to Yarmouth CEAP
28TH STREET: IRIS AVE. TO YARMOUTH
Bicycle and Pedestrian Improvements

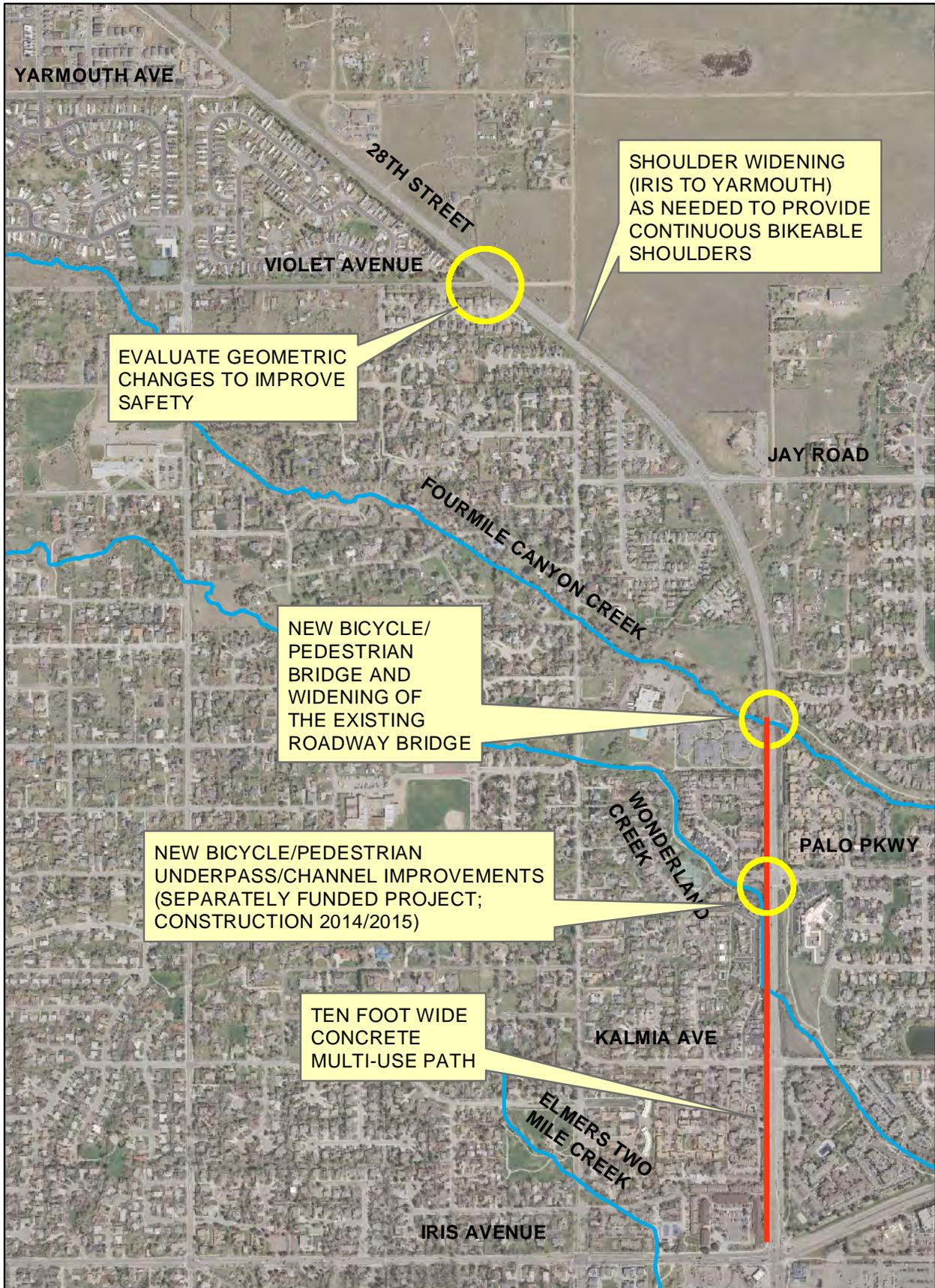
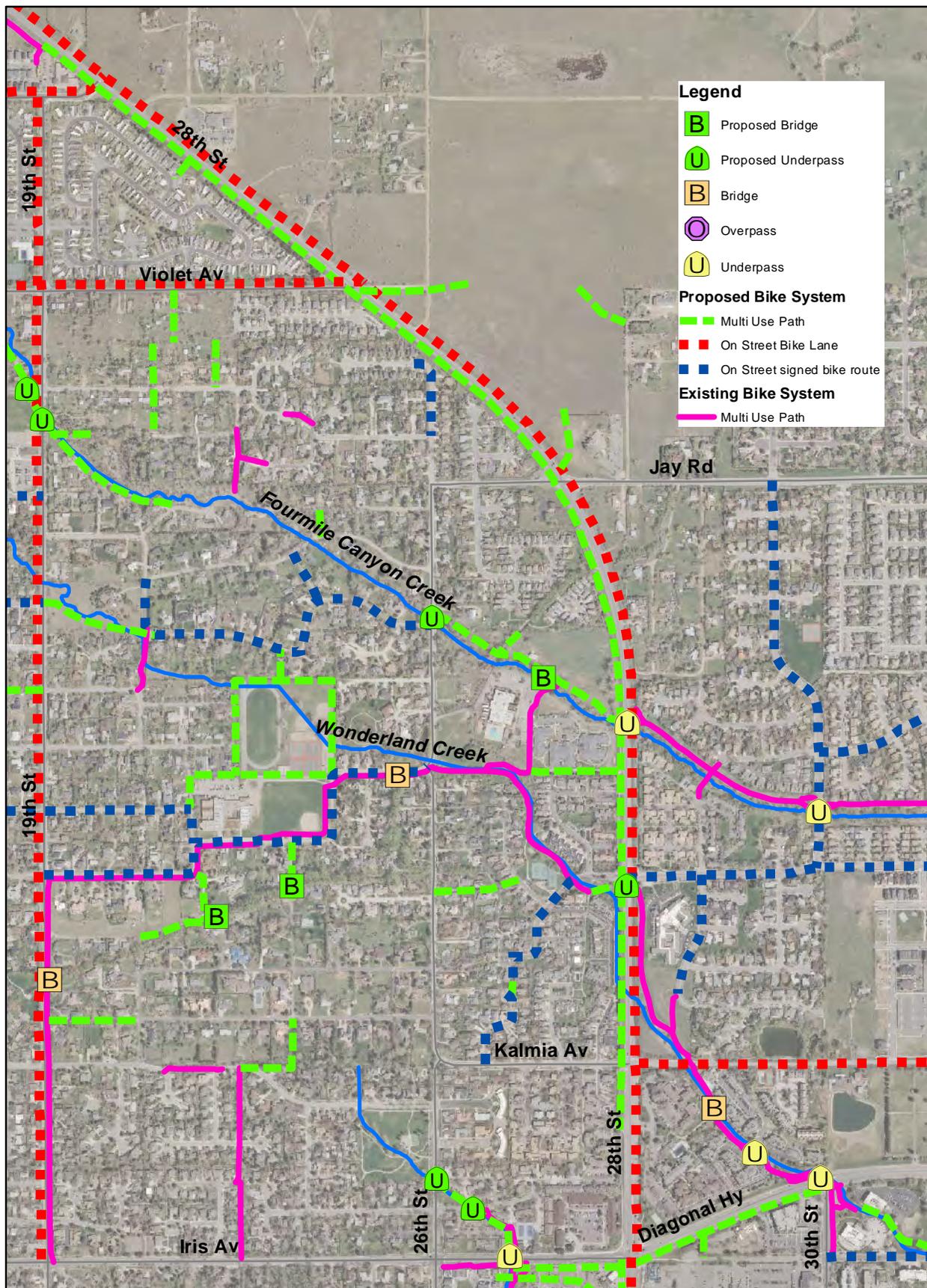


Figure 2 Existing and Proposed Connections





CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Boulder Arts Commission
DATE OF MEETING: May 15, 2013
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Gregory Ravenwood (x4113)
MEMBERS: Linda Haertling, Richard Turbiak, Anna Salim, Ann Moss, Felicia Furman STAFF: Greg Ravenwood, Valerie Maginnis, Mary Wohl Haan, Mary Fowler, Sam Assefa, Lesli Ellis COMMUNITY MEMBERS: Amy Tremper, Kari Koplal, Sally Eckert-Tone, Dianela Acosta, Jim Walker, Buffy Andrews
TYPE OF MEETING: REGULAR
Call to Order & Approval of Minutes: The meeting was called to order at 5:30 p.m. The April 17 minutes were approved. Introduction of New Commissioner and Elections of Officers: Felicia Furman was introduced as the new commissioner replacing Brandy LeMae. Turbiak was re-elected as chair and Salim was elected to vice-chair. Civic Area Plan Presentation: Assefa and Ellis narrated a presentation outlining the current status of the Civic Area Plan with focus on the arts, and then took feedback from them to provide to City Council. Creative Districts: The commissioners reviewed and discussed draft guidelines and processes for designation of Boulder creative districts, coming to agreement on the document. Boulder Arts Resource Survey: Fowler presented details of a survey completed for the Boulder Arts Resource and reviewed the statistics learned through the process. Grant Budget Reports: The reports for Lisa Bell (2013 Major Grant – MmmmBoulder!); The Catamounts (2012 Major Grant – Jon); Kutandara Marimba Ensemble (2013 Major Grant – The Metamorphosis Project); Blythe Massey (2012 Major Grant – Soul Story: Women of Boulder County); and New Horizons Preschool (2013 Mini-Grant – Cool Moves) were reviewed and approved. Adjournment: The meeting was adjourned at 8:38 p.m.
ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS: Various members of North Boulder community added to the commentart on the Creative District discussion. Walker asked questions during a grant Q&A session.
TIME AND LOCATION OF ANY NEXT MEETINGS: 5:30 p.m., Wednesday, June 19, 2013 in the North Meeting Room, Boulder Public Library, 1001 Arapahoe Avenue.



CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Boulder Arts Commission
DATE OF MEETING: June 19, 2013
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Gregory Ravenwood (x4113)
MEMBERS: Linda Haertling, Richard Turbiak, Anna Salim, Ann Moss STAFF: Greg Ravenwood, Valerie Maginnis, Mary Wohl Haan, Marni Ratzel COMMUNITY MEMBERS: David Dadone, Amanda Berg Wilson, Rachel Brand, Amy Tremper, Zach Johnson, Cheyne Keith, Mike Aisner, Kimmerjae Johnson, Debbie Huttner, Marda Kirn, Sally Eckert-Tone, Buffy Andrews, Dianela Acosta, Christy Vaughan
TYPE OF MEETING: REGULAR
<p>Call to Order & Approval of Minutes: The meeting was called to order at 5:30 p.m. The May 15 minutes were approved.</p> <p>Public Art: The Paint the Pavement Project for 45th and Hanover Street was approved. The U.S. Cycling Monument was re-approved</p> <p>Arts and Business Collaborative Grant Interim Status Reports: Reports for Boulder Museum of Contemporary Art's and Denver Botanic Garden's project: Community-Supported Art Colorado, and for The Catamounts', Alive Brewing's, Agnes & Hoss Design Studio's and 63rd Street Farm's project: FEED Integration and Expansion, were presented.</p> <p>Information and Discussion Item: Maginnis proposed that the Commission should host a meeting to help facilitate agreement among the factions of the NoBo Art District Ravenwood provided an update on Local Artist Series. A memorandum with status update from the Dairy Center for the Arts, regarding a 2012 Arts in Education Grant was reviewed and accepted.</p> <p>Arts in Education Grant Proposals: Funding was granted to EcoArts Connections (\$3000), New Horizons Preschool (\$3000), Boulder History Museum (\$3000), Colorado Film Society (\$3000) and Leah Venae (\$1481).</p> <p>Mini-Grant Proposals: Funding was granted to Motus Theater(\$1000), Mary Wohl Haan (\$1000), Interweave Dance Theatre (\$1000), Boulder International Fringe Festival (\$1000), Goddess Here Productions (\$1000), Bradley Spann (\$1000), Dianela Acosta (\$1000), Shoshana Bass (\$1000) and Jim Walker (\$1000).</p> <p>Theater Rental/Marketing Assistance Proposals: Funding was granted to Shoshana Bass (\$624), Goddess Here Productions ((\$3000) and The Catamounts (\$3000). Haertling motioned to approve this; Moss seconded and the motion carried unanimously.</p> <p>Grant Budget Reports: Grant budget reports for Angie Burnham – 2013 Mini-Grant – Heart of Gold Hill; Colorado Chautauqua Association – 2013 Major Grant – The Lomax Project: A Celebration of Alan Lomax; Colorado Film Society – 2013 Major Grant -- Boulder International Film Festival; Downtown Boulder, Inc. -- 2012 Arts in Education Grant -- Downtown Boulder Banner Project; Frequent Flyers Productions, Inc. – 2013 Arts in Education Grant – There's an App for That; Local Theater Company – 2013 Arts in Education Grant – Our Town: Debunking the Boulder Myth; Local Theater Company -- 2013 Major Grant -- Lab New Play Festival; Historic Boulder -- 2013 Mini-Grant -- Outdoor Fiber Installation at Hannah Barker House; Boulder History Museum -- 2012 Arts in Education – Sister Cities in a Trunk; Boulder Bach Festival – 2013 Major Grant -- St. John Passion; Square Product Theater, Mini-Grant and Theater Rental Grant -- The Ding Dongs; and Rebecca Stumpf – 2013 Mini-Grant – Giving Youth a (Photo) Voice: Strengthening the Voice of Latino Youth, were reviewed and approved.</p> <p>Adjournment: The meeting was adjourned at 8:45 p.m.</p>
ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS: Amy Tremper announced details of the North Boulder Festival. Debbie Huttner gave details of a Mini-Grant proposal submitted by herself and husband Michael Huttner.
TIME AND LOCATION OF ANY NEXT MEETINGS: 5:30 p.m., Wednesday, July 24, 2013 in the North Meeting Room, Boulder Public Library, 1001 Arapahoe Avenue.

**Approved Minutes
Boulder Public Library Commission meeting
May 1, 2013 at the Reynolds Branch Library**

COMMISSION MEMBERS PRESENT

Anne Sawyer
Celeste Landry
Donna O'Brien
Dan King
Anna Lull

COMMISSION MEMBERS ABSENT

None

LIBRARY STAFF MEMBERS PRESENT

Valerie Maginnis, Library & Arts Director
Jennifer Miles, Deputy Library Director
Kathleen Janosko, Administrative Specialist (Finance)
Leanne Slater, Administrative Specialist
Antonia Gaona, Access Services Manager
Aimee Schumm, eServices Manager
Wendy Hall, Carnegie Branch Librarian
MJ Holland, Children and Teen Library Manager

CITY STAFF MEMBERS PRESENT

Glenn Magee, Facilities Design and Construction Manager
Maureen Rait, Executive Director of Public Works
David Mallett, Budget Analyst
Jennifer Bray, Communication Specialist III
Peggy Bunzli, Budget Manager

PUBLIC PRESENT

Sarah Knotts
Jacqueline Reid, Organizational Development Consultant (on contract with the city)

BOULDER TEEN ADVISORY BOARD MEMBER PRESENT (BTAB)

Nick Bozik

REPRESENTATIVES FROM STUDIOTROPE

Brigitte Kerr, Designer

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

APPROVAL OF AGENDA

There were no changes made to the agenda.

PUBLIC PARTICIPATION

None

CONSENT AGENDA

A. APPROVAL OF APRIL 3, 2013 MINUTES:

The Library Commission voted unanimously in favor of approving the April 3, 2013 minutes as amended.

B. COMMISSION UPDATE (FROM MEMO):

There were no items that needed to be discussed from this memo.

C. LIBRARY UPDATE (FROM MEMO):

OTHER: Commissioner Landry thanked Commissioner Sawyer for the time that she dedicated to World Book Night and the commission offered applause.

COMMISSION PRIORITY DISCUSSION AND INPUT

A. MAIN LIBRARY RENOVATION PROJECT UPDATE- STUDIOTROPE PRESENTED A SUMMARY OF RESULTS FROM THE COMMUNITY CHECK-IN PUBLIC MEETING (1 HOUR 5 MINUTES)-

Kerr presented a summary of results from the community Check-in meeting and a preview of the upcoming In-Reach meetings and the May 29 Agree public meeting.

Imagery and words (word clouds) are the format that studiotrope used to present the information gathered from the community meetings, and these graphics were shared with the commission. The topics covered at these meetings were: Children's area, Café, Gathering spaces, and Teen space.

Some of the ideas that surfaced from the community on the following library areas

Children's area-

- Secure, ease of access, flexible and always changing (look and feel)
- Guided paths with enticements, cozy nooks for kids
- 2 bathrooms, nursing space
- Engaged literacy, lower bookshelves, enhanced browsing
- Technology in remote location (books in more featured location than computers)

Café-

- Variety and flexible seating, comfortable, family-friendly, safe
- Connection to the outdoors and creek, roof gardens
- Community hub, 2nd public meeting space (place for random or planned meetings)
- Zoned seating (allow for bringing own snacks)
- Food: great, hot, farm fresh, grown on-site

Gathering spaces-

- Multipurpose meeting rooms, quiet individual study or tutoring areas, Maker Spaces
- Layered effect (clues of what's going on behind the scenes)
- Smart signs, message boards, graphics on the walls
- Flexible, stackable, movable tables and chairs
- Technology and Equipment- audio and visual capability, white boards and computer connections for patron equipment

Teen space-

- Space to do a dry run performance, flexible spaces, visual connectivity from the teen space into the library but privacy as well
- Unique and tiered seating
- Other organizations or groups can share space (when not in use by teens)
- Customize and rearrange furniture, ability to improvise as needed
- Kitchenette and or vending machines

The upcoming Agree community meeting is on May 29, from 6.30-8 p.m. in the Canyon Theater and Gallery.

More information on the project, its schedule, photos, and designs can be found at <http://news.boulderlibrary.org/>. The Design Advisory Group (DAG) is overseeing the renovation design process. The members of DAG are library staff Valerie Maginnis, Jennifer Miles, Mary Jane Holland, Antonia Gaona, Laura Hankins and Aimee Schumm; city staff Glenn Magee and Jennifer Bray; and studiotrope Design Collective's Joseph Montelbano and Brigitte Kerr.

The commission discussed security concerns and plans to have a security kiosk/station on the north side of the library near the Canyon Gallery. There was also discussion around moving the service desks and ensuring there was staff to welcome patrons.

It was reported to the commission that City Council would be receiving information on flood concerns and recommendations for the library at their meeting on June 4, 2013.

The commission suggested creating oversized posters of some of the draft diagram drawings in the Main Library ahead of the Agree meeting, for additional public awareness and input. **Please note, later:** these posters were on display beginning Friday, May 10.

B. 2013 BUDGET IMPLEMENTATION AND 2014 PLANNING (24 MINUTES)-

David Mallett explained that the priorities with "no funding source identified" may get funded. The money may come from reallocating money from other projects or come from money set aside for general budget needs. For some priorities there is one-time money available, but there is still a process to go through to allocate the money. A third source is requesting and receiving money through the annual budget process.

Landry noted that restoration of library branch hours was not included as a priority. Maginnis suggested that this topic be included in a patron survey. Landry suggested that waiting for the patron survey would mean that the library would miss the deadline for adding restoration of library branch hours to the 2014 planned budget, and Maginnis agreed. Sawyer suggested that the library try to conduct the patron survey sooner rather than later. O'Brien and King agreed.

There was also a request to include the Virtual Branch discussion as a future agenda item. The Library Commission requested information regarding the costs associated with upgrading the equipment in the Canyon Theater. Commission also requested that improving the website calendar software be included in the Technology's website redesign priority.

King believes that the chart in the packet showing Priority Based Budgeting Results and Definitions is key to the budget process and suggested that having commissioners look carefully at it would be a good exercise. The Library Commission supported and agreed with the high priority items recommended by staff. David Mallett explained that the library outlet in north Boulder is being listed as a budget issue (i.e., request) because it is above the expected baseline budget. (Money for the revising the Master Plan would come from savings and from negotiations with the city's Central Finance Office and the City Manager's Office). King motioned in favor of exploring a funding mechanism for the library outlet in north Boulder and for the library department to add this to its budget request. The Library Commission supported this motion unanimously.

C. FOLLOW-UP RESPONSE TO ARTS AND CULTURAL PROGRAM ASSESSMENT QUESTIONS (10 MINUTES)-

Some of the answers to the Library Commission's questions asked at the April 3 meeting were provided in the May packet (which can be found online at <http://boulderlibrary.org/pdfs/commission/2013/packet/MayCompletePacket.pdf>). The other responses will be provided at the June meeting.

King suggested that Chautauqua's Shared Use Agreement be obtained in order to assist with the discussion regarding the library's rental policy of the Canyon Theater. There was a discussion about the possibility of including flexibility and a built-in cost structure within this policy. Commissioners also suggested creating a "philosophy" for use and maintenance of the Canyon Theater. In response to a question from Lull, Maginnis said that the Arts Commission feels that the use of the Canyon Theater is not within their direct purview.

It was suggested that information regarding how the Library and Arts divisions are distinct and similar and information on the policy issues over which each board has purview, be included in next year's version of the Library Commission Handbook. In response to a question, Maginnis said she definitely wants Library Commission input before a library patron survey is finalized.

Sawyer announced that the Library Foundation was to meet with Maginnis and others the following day to discuss the Arts and Cultural Program Assessment.

Maginnis announced that the Arts and Cultural Services Manager job description had been approved by Human Resources. [Note: Commission received a link to the posted job description via email on May 21.]

MATTERS FROM THE COMMISSION

A. PROPOSAL FOR DEMOGRAPHIC STUDY OF NORTH BOULDER

The demographic study was declined by one professor but is still being pursued.

B. REVIEW ANNUAL PRIORITIES SENT TO CITY COUNCIL AND RELATED SUBCOMMITTEES

The annual priorities of the Library Commission have been updated and related subcommittees or teams have been reassigned. The updated document will be included in the June packet (and will be posted online at <http://boulderlibrary.org/about/agenda.html>).

C. LIBRARY PROGRAM PRIORITIES AND LONG RANGE PLANNING SUBCOMMITTEE REPORT

Landry and Sawyer met with Mallett and Miles to develop a new format for the Library Program Priorities and Long Range Planning memo that reduced the size of the document and made it easier to read.

MATTERS FROM THE DEPARTMENT

A. UPDATE ON NORTH BOULDER LIBRARY STATION PROPOSAL

Maginnis said that the next steps included submitting a budget and policy issue request and researching the services that this type of station/outlet may provide. Commissioners requested a proposed timeline for the next steps.

B. RESULTS OF THE WEBSITE REDESIGN CARD SORT ACTIVITY

Schumm shared some of the results of the website redesign card sort activity that will be used to help plan the library's new website. For instance, they found some library-language barriers for patrons. The launch-date goal for the library's new website is around the end of the calendar year. It was requested that the beta form of the library's website be shared with the commission before it goes live.

C. CIVIC AREA UPDATE ON CHOICES, ANALYSIS AND IMPLEMENTATION APPROACHES (8 MINUTES)

Rait informed the commission that the dates that were included in the memo for this agenda item (<http://boulderlibrary.org/pdfs/commission/2013/packet/MayCompletePacket.pdf>) are evolving due to the spring snowstorms. It is likely that City Council will be considering this plan in September. There is an opportunity for the Library Commission to offer feedback at the May 6 Open House at the Boulder High School cafeteria as well as on the city's website (which can be found here: http://www.bouldercolorado.gov/index.php?option=com_content&view=article&id=16209&Itemid=5445).

There will be a written update to the Library Commission on this item in June and it may be on the agenda for the July 10 meeting. Any questions from the commission, and specifically Attachments B, C and D, may be sent via email to Rait and will be shared with Sam Assefa and Lesli Ellis.

The link to City Council's packet, including the information about the flood study for council's June 4 meeting, will be made available to the commission.

D. 2013 LIBRARY COMMISSION AND STAFF RETREAT – SCHEDULING, PURPOSE AND PLAN

Sawyer and O'Brien will come back to commission with proposed dates and a recommended agenda for the Library Commission and staff retreat.

ITEMS FOR INCLUSION IN THE ACTION SUMMARY

Commission discussed items for the Action Summary.

NEXT COMMISSION MEETING (ROLLOVER ITEMS AND DATE)

The next Library Commission meeting will be held at 6 p.m. on Wednesday, June 5 in the North Meeting Room at the Main Library and will include the following agenda items: Presentation from Douglas County Library Director Jamie LaRue regarding library districts, Main Library renovation project update on public meetings and the proposed renovation designs, priority discussion on outreach, an update and possible timeline on the north Boulder library station/outlet, patron survey update, and an update on the summer reading program.

Meeting adjourned at 8:29 p.m.

Approved By _____ Date _____

Please note: Commissioner Sawyer approved these minutes on 6/26/13.



CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees				
DATE OF MEETING: June 12, 2013				
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025				
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:				
MEMBERS: Allyn Feinberg, Tom Isaacson, Shelley Dunbar, Molly Davis				
STAFF: Mike Patton	Jim Reeder	Eric Stone	Laurie Deiter	Eric Fairlee
Kacey French	Mike Orosel	Don D'Amico	Leah Case	Michele Gonzales
GUESTS: Susan Richstone, Glenn Magee				
TYPE OF MEETING:	<u>REGULAR</u>	CONTINUATION	SPECIAL	
SUMMATION:				
AGENDA ITEM 1- Approval of the Minutes				
Tom Isaacson moved to approve the minutes from May 8, 2013 as amended. Shelley Dunbar seconded. The motion passed unanimously. Frances Hartogh was not present.				
AGENDA ITEM 2- Public Participation				
None				
AGENDA ITEM 3- Director's Updates				
Laurie Deiter and Eric Fairlee, Natural Resource Specialists, gave an update on the 2012 Integrative Pest Management (IPM) Annual Report. This presentation is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013.				
Kacey French, Environmental Planner, gave an update on slacklining, Highlining, Ziplining and Tyrolean Traverses.				
Glenn Magee, Facilities and Asset Management Architect and Construction Design Manager, Susan Richstone, Deputy Director of Community Planning & Sustainability and Mike Patton, Open Space and Mountain Parks (OSMP) Director, gave an update on possibilities for adding accessible restrooms near the Chautauqua auditorium. A slide showing the potential locations is saved in				

AGENDA ITEM 4- Matters from the Board

Tom suggested separating topic of HCA designation in all future conversations. Should not be tied into other topics.

The Board briefly discussed the 2014 ProCycle Challenge Race. This will be discussed in length at the OSBT meeting in July.

AGENDA ITEM 5 – 2014-2019 Greenways Capital Improvement Program

The Board had a brief discussion. No motion was made.

AGENDA ITEM 6 – Consideration of a recommendation to City Council for Open Space and Mountain Parks funding

Mike Orosel, Financial Services Manager, and Mike Patton, gave a presentation regarding OSMP funding.

This item spurred two motions:

Tom Isaacson moved the Open Space Board of Trustees recommend that City Council place on the November 2013 ballot a vote for a dedicated 20-year tax extension for the Open Space and Mountain Parks Department. Shelley Dunbar seconded. This motion passed unanimously.

Tom Isaacson moved the Open Space Board of Trustees inform City Council that two members present support extension of the .33 percent tax; two members present support extension of the .15 percent tax; and one member who was absent supports the .33 percent tax extension. Shelley Dunbar seconded. This motion passed unanimously. Frances Hartogh was not present.

ADJOURNMENT: The meeting adjourned at 9:09 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:

Several members of the public spoke, all in favor of extending the .33% tax and/or the .15% tax.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:

The next OSBT meeting will be at 1777 Broadway in the Council Chambers July 10, 2013 at 6:00 p.m.

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES**

Name of Board / Commission: Water Resources Advisory Board	
Date of Meeting: 15 April 2013	
Contact Information of Person Preparing Minutes: Kaaren Davis; 303-441-3233	
Board Members Present: Chuck Howe, Dan Johnson, Vicki Scharnhorst, Mark Squillace, Ed Clancy Board Members Absent: None	
Staff Present: Jeff Arthur, Director of Public Works for Utilities Bob Harberg, Engineering Project Management Coordinator Bret Linenfelser, Water Quality and Environmental Services Coordinator Joe Taddeucci, Water Resources Coordinator Craig Skeie, Water Resources Facilities Manager Russ Sands, Water Conservation Manager Eric Johnson, Water Source Operations Manager Kim Hutton, Water Resources Specialist Ken Baird, Financial Manager Kaaren Davis, Board Secretary	
Meeting Type: Regular	
Agenda Item 1 – Call to Order	[7:05 p.m.]
This meeting was called to order at 7:05 p.m.	
Agenda Item 2 – Approval of the 18 March 2013 Meeting Minutes:	[7:06 p.m.]
Motion to approve the 18 March minutes with requested corrections by: Scharnhorst; Seconded by: Johnson Motion Passes; 3:0	
Agenda Item 3 – Public Participation and Comment	[7:09 p.m.]
Public Comment: None	
Agenda Item 4 – Swearing in of new WRAB members:	[7:10 p.m.]
Ed Clancy and Mark Squillace were sworn in.	
Agenda Item 5 – Election of Officers:	[7:12 p.m.]
Chair: Howe nominated by Squillace; Seconded by Clancy Vote: 5-0, Howe elected Chair	
Vice Chair: Scharnhorst nominated by Johnson; Seconded by Howe Vote: 4-0-1 (Scharnhorst abstains). Scharnhorst elected Chair	
Secretary: Johnson nominated by Scharnhorst; Seconded by Squillace Vote: 4-0-1 (Johnson abstains) Johnson elected Secretary.	
Agenda Item 6 – Information Item – 2014 Budget Process Overview.	[7:17p.m.]
Ken Baird and Bob Harberg presented the item.	
Executive Summary from Packet Materials:	
As part of the city’s annual budget process, Utilities develops a six-year planning budget, this year for the time period of 2014 through 2019. Within this process, funds are appropriated for the first year, 2014. The Water Resources Advisory Board (WRAB) role in this process is defined in the Boulder Revised Code; “. . . to review all environmental assessments and capital improvements conducted or proposed by the utilities division.” This agenda item is intended to initiate this process by providing:	
❖ Background information	

- ❖ Fund updates
- ❖ Budget Outlook
- ❖ Update on Bonds
- ❖ Schedule of key milestones

This packet contains information concerning the updated 2013 Utilities Budget and the 2013-2018 Utilities Capital Improvement Program (CIP). The attached fund financials and CIP spreadsheets (**Attachment A – Water Utility, Attachment B – Wastewater Utility and Attachment C -Stormwater / Flood Management Utility**) reflect actual revenues and expenditures for 2012.

Staff will return to the May 20, 2013 meeting with the updated 2014 proposed budget incorporating personnel and other costs based on the budget guidelines. The CIP for each fund will also be updated to reflect recommended changes, and recommended revenue increases may be adjusted to assure fund sustainability.

No formal action by the WRAB is requested at this time. WRAB action will be scheduled for the June 18 meeting. A public hearing will be scheduled for both the May 20 and June 18 budget discussions.

WRAB Discussion Included:

- Clarifying questions regarding sources of revenue and how that revenue is distributed to Utilities expenditures.
- Potential upcoming infrastructure/hydro projects.
- Status of negotiations with Xcel on hydro plant power generation rates.
- Clarifying questions on Capital Projects projected expenditures.
- Clarifying questions on the process for approving projects.

This item was an information item only. No board action requested at this time.

Agenda Item 7 – Information item – Drought Response Overview and Water Supply Update.

[8:16 p.m.]

Joe Taddeucci, Craig Skeie, Russ Sands, Bret Linenfelser, Kim Hutton, Eric Johnson and Jeff Arthur presented item to the board.

Executive Summary from Packet Materials:

During the January 28, 2013 Water Resources Advisory Board meeting, staff provided a summary of the 2012 water year (Attachment 1) with emphasis on how the city managed water supply during dry conditions. During the associated discussion, WRAB expressed interest in discussing the drought plan in more detail at a subsequent meeting. This memo provides an update on 2013 water supply conditions and the city’s drought stage determination procedures as set forth in the Drought Plan (Attachment 2).

WRAB Discussion Included:

- Questions about water allotments varying by year and drought conditions.
- Status of snowpack and water storage to date.
- Requests from nearby water districts for supply assistance in the upcoming year.
- The relation between water supply and the water budget program.

This agenda item was an informational item only. No board action requested at this time.

Agenda Item 8 – Matters

[9:03 p.m.]

From the Board: (8:39 p.m.)

- Johnson: Storage rights are junior. Any opportunity to purchase other rights? Staff: The City’s Exchange arrangement covers needs well. Anything we change is going to be subordinate to what we already have.
- Clancy: Open space land leasing to organic farms. Is there any effort to teach them how to save water? Staff : Council recently identified local food production as a priority issue for next year. That larger discussion will encompass these opportunities.

From Staff:

[9:18 p.m.]

- **Thunderbird Lake:** Council heard from Parks & Recreation, which proposes a lake level they

feel they can sustain without regularly adding potable water. Council approved the suggestion with guidelines regarding frequency of potable water use and lake level to be maintained. If water additions become necessary regularly, Council would like to take another look at the issue.

- **South Boulder Creek:** Pushing the time frame for this item out a bit to do some additional work. Update in July. Action in August. CDOT's work on US 36 required some re-evaluation of the floodplain modeling.
- **Wastewater Treatment Upgrades:** Staff is still working to get things wrapped up. Ribbon cutting possibly in May.
- **Randy Crittenden** is planning to retire in June. Hiring for a replacement should take place in May.

Agenda Item 9 – Discussion on Future Schedule

[9:21 p.m.]

- May- Part II of the CIP
- May- Civic Area Plan update
- May -E. Coli TMDL Update (information item)
- June- Final CIP recommendation
- June- Water Conservation future study.
- June- Flood mapping for Two Mile Canyon Creek and Upper goose
- November (?)- Priorities discussion for Council
- TBD (December?) – Retreat (perhaps move to later in the year ?)

Agenda Item 10 – Adjournment

[9:24 p.m.]

There being no further business to come before the Board at this time, by motion regularly adopted, the meeting was adjourned at 9:32 p.m.

Motion to adjourn by: Scharnhorst; Seconded by: Squillace

Motion Passes 5:0

Date, Time, and Location of Next Meeting:

The next WRAB meeting will be May 20, 2013 at 7:00 p.m., in the 1777 West Conference Room of the city Municipal Building located at 1777 Broadway, unless otherwise decided by staff and the Board.

APPROVED BY:

C. Howe
Board Chair

6/17/13
Date

ATTESTED BY:

Karen Davis
Board Secretary

6/17/13
Date

An audio recording of the full meeting for which these minutes are a summary, is available on the Water Resources Advisory Board web page.

Terry Benjamin Day
June 26, 2013

Whereas, Terry Benjamin has served Emergency Family Assistance Association for 33 years as Executive Director; and

Whereas, Terry Benjamin is the longest serving Executive Director of a non-profit in Boulder County; and

Whereas, Terry Benjamin, under his leadership, the shelter program has expanded from 7 units in just Boulder to 56 units in Boulder, Longmont, Louisville and Lafayette; and

Whereas, Terry Benjamin, under his guidance, EFAA increased financial support for food, housing and transportation from \$2,500 in 1974 to nearly \$700,000 in financial assistance to countless families and individuals in 2012; and

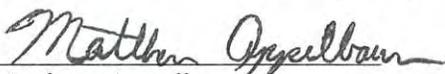
Whereas, Terry Benjamin, has facilitated the distribution of nearly 700,000 pounds of food to feed families, seniors and individuals with disabilities each year; and

Whereas, Terry Benjamin, worked to educate the community on issues related to poverty and low-income people and build programs to meet those needs; and

Whereas, Terry Benjamin, has inspired and motivated over 10,000 volunteers and board members to engage in the work of meeting basic needs and promoting financial stability and self-sufficiency, primarily for families with children, whose needs cannot be adequately met by other means.

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that June 26 be declared

Terry Benjamin Day


Matthew Appelbaum
Mayor



Parks and Recreation Month
July 2013

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Boulder, Colorado; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development and produce habitat for wildlife; and

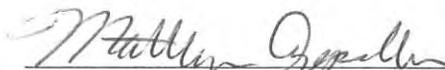
WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, Boulder, Colorado recognizes the benefits derived from parks and recreation resources

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Boulder, Colorado, that July 2013 is recognized as

Parks and Recreation Month


Matthew Appelbaum, Mayor



Council Working Agreements

Council Process:

- The Council will work on general discipline in being prepared to ask questions and make comments.
- The Council asks the Mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The Mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.

Council Communication:

- Council members agree to keep quasi-judicial roles scrupulously clean between members of boards and members of council, like expressing ideas to board members on things coming before the Board, and carefully disclose or recuse themselves when they're involved with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, the a hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The Council will find ways to support majority council decisions and adequately inform the public, through response letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

Council Committees

- Council goal committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each goal committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.

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**2013
Study Session Calendar**

Date	Status	Topic	Time	Televised	Location	Contacts	Materials Due
	Key	Tentative Item					
	Key	Event Before 5 PM					
	Key	Dinner					
07/23/13		Boulder's Energy Future	6-9 PM	YES	Chambers	Heather Bailey Heidi Joyce	07/18/13
07/30/13		Civic Area Plan	6-7:30 PM	NO	Chambers	Leslie Ellis Sam Assefa	07/18/13
07/30/13		Boulder's Climate Commitment	7:30-9:00 PM	NO	Chambers		
08/13/13		CIP	6-9 PM	YES	Chambers	Bob Eichem	08/01/13
08/27/13		TMP Update Check-In: Complete Streets Focus Area and Transit State of the System report	6-7:30 PM	NO	Chambers	Randall Rutsch Laurel Olsen-Horen	08/15/13
08/27/13		Parks and Recreation Master Plan	7:30-9 PM	NO	Chambers	Kirk Kincannon Sally Dieterich	08/15/13
09/10/13		Recommended Budget #1	6-9 PM	YES	Chambers	Bob Eichem	08/29/13
09/24/13		Recommended Budget #2	6-8 PM	NO	Chambers	Bob Eichem Mark Gershman Cecil Fenio	09/12/13
09/24/13		Economic Sustainability Strategy	8-9 PM	NO	Chambers	Melinda Melton/Susan Richstone	09/12/13
10/08/13							09/26/13
10/08/13							09/26/13
10/22/13		TMP Update on Focus Areas	6-7:30 PM	NO	Chambers	Randall Rutsch Laurel Olsen-Horen	10/10/13
10/22/13		Zero Waste Management Update	7:30-9 PM	NO	Chambers	Kara Mertz Melinda Melton	10/10/13
10/29/13		AMPS Update	6-7:30 PM	NO	Chambers	Ruth Weiss/Molly Winter	10/17/13
10/29/13		Tentative: Comprehensive Housing Strategy	7:30-9 PM			Eric Ameigh/Alyssa Ostrander	10/17/13
11/12/13		Human Services Overview	6-8 PM	NO	Chambers	Karen Rahn Randall Roberts	10/31/13
11/26/13		No Meeting					
12/10/13		Hold for CMO					11/29/13
12/10/13		Hold for CMO					11/29/13
12/24/13		No Meeting					

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July 23, 2013 Preliminary: 7/10 :: Final 7/17	Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact
CONSENT:					
An Ordinance authorizing the acquisition of property interests owned by Xcel Energy, Inc. d/b/a Public Service Company of Colorado by negotiation and purchase or through the power of eminent domain	10 Min.	Yes	No	Final Reading August 20	Christy Hardin/Kathy Haddock
PUBLIC HEARINGS:					

August 5, 2013 Preliminary: 7/23 :: Final 7/30	Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact
Public Hearing - 5 hours					
2nd Reading Transportation Tax Ballot Measure		No		1 Hearing all Ballot Items	Tracy Winfree, Chris Hagelin, Kathleen Bracke, Bob Eiche
2nd Reading Recreational Marijuana Tax and Ballot Measure		Yes			Kathy Haddock, Tom Carr, Mishawn Cook
Tentative: 2nd Reading Blue Line Changes Charter Amendment Ballot Measure					David Gehr, Leslie Ellis
2nd Reading Open Space .33% Renewal Ballot Measure				1 Hearing all Ballot Items	Mike Patton, Bob Eiche
2nd Reading Human Relations Commission Proposal Charter Amendment Ballot Measure				1 Hearing all Ballot Items	Karen Rahn
2nd reading Negotiated Bond Sales Charter Amendment Ballot Measure				1 Hearing all Ballot Items	Bob Eiche, Heather Bailey, Kathy Haddock, Cheryl Pattelli
August 6, 2013 Preliminary: 7/24 :: Final 7/31	Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact
Consent					
US 36 Right-of-Way Disposal and Land Exchange		No			Doug Newcomb
Disposal of OSMP land for Xcel valve set					Jim Schmidt/Cecil Fenio
Appointing BKD, LLP for the 2013 Annual Audit - Resolution		No			Elena Lazarevska/Cheryl Pattelli
Accepting the 2012 CAFR and Independent Auditor's Reports					Elena Lazarevska/Cheryl Pattelli
Public Hearing					
Boulder's Energy Future	2 Hours	No	No	Time Sensitive	Heidi Joyce
Review of Historic Preservation Plan	1 Hour	No	No	Need Council Feedback by August 15	Marcy Cameron/David Driskell
MATTERS FROM CITY MANAGER:					
MATTERS FROM CITY ATTORNEY:					
MATTERS FROM MAYOR AND MEMBERS:					
Board and Commission Appointments (EAB)	15 Minutes	No	No	CAC Approved	Ali Darrow/Alisa Lewis
CALL-UPS:					
August 20, 2013 Preliminary: 8/7 :: Final 8/14	Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact
CONSENT:					
Study Session Summary for Transit System Design					Angie Reese ext.3266
Tentative: 3rd Reading Recreational Marijuana Tax and Ballot Measure		Yes			Kathy Haddock, Tom Carr, Mishawn Cook
1st Reading 2012 ICC Building/Energy Codes (& Smart Regs changes)		Yes			David Thacker
1st Reading Critical Facilities and Lodging Facilities Ordinance		Yes			Angie Reese/Annie Noble/Bob Harberg
1st Reading Landmark designation for 3015 Kalmia Ave					James Hewat/Melinda Melton
First Reading BLA Structural Changes		Yes			Mishawn Cook/Elena Lazarevska
PUBLIC HEARINGS:					
Tentative: Boulder Police Department Master Plan	1 Hour	No	10 Min.		Mark Beckner/Laurie Ogden
MATTERS FROM CITY MANAGER:					
Council Chamber Upgrade Update	1 Hour				Moe Rait/Joe Castro
MATTERS FROM CITY ATTORNEY:					
MATTERS FROM MAYOR AND MEMBERS:					
Council Employee Evaluation Committee Presentation	30 Min	No	No		Diane Marshall/Tammye Burnette
CALL-UPS:					

September 3, 2013 Preliminary: 8/21 :: Final 8/28	Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact
Consent					
Title 4 - Pearl Street Mall - Code Update		Yes	No	No	Lane Landrith/Ruth Weiss
2nd Reading ICC 2012 Building/Energy Code (& SmartRegs changes)		Yes			David Thacker
1st Reading - Adding a new chapter 6-16 Recreational Marijuana, and adding a new section 4-20-67 Recreational Marijuana Businesses		Yes	No		Kathy Haddock/Christy Hardin
PUBLIC HEARINGS:					
Civic Area Plan Adoption	1.5 Hrs	No	Yes	necessary for adoption of the plan according to schedule	Lesli Ellis
2nd Reading BLA Structural Changes	45 Min.		Yes		Mishawn Cook/Elena Lazarevska
2nd Reading Landmark Designation 3015 Kalmia Avenue	15 Min.	No	Yes		James Hewat/Melinda Melton
Consideration of the Boulder County Eco Pass study results	45 min.		10 min.	Consultant finished 3rd quarter	Randall Rutsch
MATTERS FROM CITY MANAGER:					
MATTERS FROM CITY ATTORNEY:					
MATTERS FROM MAYOR AND MEMBERS:					
CALL-UPS:					
September 17, 2013 Preliminary: 9/4 :: Final 9/11					
Est. time					
CAO to Prepare Ord.?					
Power Point					
Timing Issues/ Comments					
Contact					
CONSENT:					
ERTL Acquisition, 1st Reading					Jim Schmidt, Cecil Fenio
500 Foot Rule & use Definitions/ BLA Structural Changes		Yes			Joanna Crean
Study Session Summary for TMP Update					Randall Rutsch/Angie Reese
PUBLIC HEARINGS:					
Parks and Recreation Master Plan	1 hour		10 min.		Kirk Kincannon
2nd Reading - Adding a new chapter 6-16 Recreational Marijuana, and adding a new section 4-20-67 Recreational Marijuana Businesses		Yes	No		Kathy Haddock/Christy Hardin
Tentative: Public Hearing on Analysis and Recommendations regarding panhandling on street corners	30 Minutes	No	No	Workplan goal 3rd Quarter	Karen Rahn
2nd Reading Critical Facilities and Lodging Facilities Ordinance	45 Minutes	Yes	10 Mins.		Angie Reese/Annie Noble/Bob Harberg
MATTERS FROM CITY MANAGER:					
MATTERS FROM CITY ATTORNEY:					
MATTERS FROM MAYOR AND MEMBERS:					
CALL-UPS:					

October 1, 2013 Preliminary: 9/18 :: Final 9/25	Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact
Consent					
Public Hearing					
Pearl Street Mall Code Update - Second Reading	15 Min	Yes			Lane Landrith, Ruth Weiss
ERTL Acquisition, 2nd Reading	30 Min.	No	10 Min.		Jim Schmidt, Cecil Fenio
2nd reading Alcohol: 500 Foot Rule & use Definitions/ BLA Structural Changes	45 mins.	yes			Joana Crean ext 3038
MATTERS FROM CITY MANAGER:					
MATTERS FROM CITY ATTORNEY:					
MATTERS FROM MAYOR AND MEMBERS:					
CALL-UPS:					
October 15, 2013 Preliminary: 10/2 :: Final 10/9					
Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact	
CONSENT:					
PUBLIC HEARINGS:					
MATTERS FROM CITY MANAGER:					
Economic Sustainability Strategy	30 Min.	No	10 Min.	None	Melinda Melton/David Driskoll
MATTERS FROM CITY ATTORNEY:					
MATTERS FROM MAYOR AND MEMBERS:					
CALL-UPS:					

City Council Goals – 2013

Top Priorities:

1. Boulder's Energy Future

The top priority for the City in 2013 is the development of a framework for planning the energy future for the city of Boulder. This framework will focus on the idea of localization, the overarching goal of which is:

To ensure that Boulder residents, businesses and institutions have access to energy that is increasingly clean, reliable and competitively priced.

2. Climate Action Plan

Outline the next generation of climate action efforts in Boulder

Consider extension of CAP tax

3. Affordable Housing

Receive report of the Task force created in 2010 to evaluate goals and the approach to affordable housing and Based on Council review and discussion of these recommendations, develop an action plan to improve the availability of affordable housing in the city

Consider policies regarding inclusionary housing for rental units

4. Civic Center Master Plan

Study and develop a master plan for the area between 15th and 9th Streets, with a focus on Farmer's Market and area between Broadway and 15th Street.

Next Tier Priorities:

1. University Hill Revitalization

Continue work of Ownership Group to develop comprehensive revitalization strategy

Investigate formation of a general improvement district, including the commercial area and part of the residential area to control trash and other problems

Change boundaries of BMS land use to coincide with UHGID through BVCP process

Support private development and investment in Hill area

Partner with CU to consider opportunities for properties in the Hill area

Provide an opportunity to explore big ideas

2. Homelessness

Participate in Ten Year Plan to Address Homelessness

Balance long term and short term approaches to address needs

Invest new resources in Housing First model

Work with partners, such as BOHO, to address approaches to immediate needs

3. Boulder Junction Implementation

Work with RTD and selected developer of site to maximize mixed use urban center

Invest in planned infrastructure

Achieve goals of plan while ensuring flexibility in working with developers

Prioritize city actions to facilitate private investment

Focus additional planning work on reconsidering use for Pollard site



**City Council
2013 Work Plan by Council Goal**

TOP PRIORITIES

GOAL: Boulder's Energy Future			
1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
<ul style="list-style-type: none"> ▪ Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables ▪ Recommended strategies to achieve community's energy goals - Study Session and Public Hearing 	<ul style="list-style-type: none"> ▪ Boulder's Energy Future – based on the strategies approved by Council in 1st Quarter, ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables ▪ Municipalization Exploration Project Work Plan Phase 2 – Study Session 	<ul style="list-style-type: none"> ▪ Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables ▪ Study Session 	<ul style="list-style-type: none"> ▪ Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables ▪ Study Session

GOAL: Climate Action Plan			
1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
<ul style="list-style-type: none"> ▪ Boulder Canyon Hydroelectric Project ▪ Climate Commitment – RFQ for consulting assistance for targets and goal setting, development of new GHG inventory, and tracking and reporting tools ▪ Energy Efficiency: <ul style="list-style-type: none"> ○ Launch of 2013 program priorities ○ Upgrades in City Buildings – employee education and outreach project (IP) ▪ Disposable Bag Fee – implementation plan and revised budget (IP) ▪ Transportation Master Plan (TMP) – 	<ul style="list-style-type: none"> ▪ Commercial Energy Efficiency Strategy (CEES) - feedback on options (Study Session) ▪ Climate Commitment – Study Session to review program annual targets, short/ long term goals, tracking and reporting systems ▪ Electric/ Hybrid vehicles – project closeout ▪ Energy Efficiency – finalize Market Innovations approach (Study Session) ▪ Solar/ Wind Generation Facility Code Changes ▪ SmartRegs – code changes 	<ul style="list-style-type: none"> ▪ CEES – adopt Energy Rating and Reporting Ordinance ▪ Climate Commitment – policy integration with TMP and ZWMP ▪ Energy Efficiency – launch Market Innovations competition ▪ Zero Waste Master Plan (ZWMP) – draft 	<ul style="list-style-type: none"> ▪ Climate Commitment – policy integration with TMP and ZWMP ▪ Energy Efficiency <ul style="list-style-type: none"> ○ Upgrades in City Buildings – results of employee education and outreach (IP) ▪ SmartRegs – options for quality control of rental housing inspections



initial results of Transportation Funding Task Force (Study Session)			
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GOAL: Affordable Housing

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
<ul style="list-style-type: none"> ▪ ADU/ OAU – study results (IP) ▪ Comprehensive Housing Strategy issues - stakeholder engagement process ▪ Density and Distribution of affordable and special needs housing - report ▪ Inclusionary Housing Rental Policy – consideration of ordinance changes following stakeholder engagement process ▪ Mobile Homes Parks – legislative agenda 	<ul style="list-style-type: none"> ▪ Comprehensive Housing Strategy <ul style="list-style-type: none"> ○ Stakeholder engagement process ○ Study Session 	<ul style="list-style-type: none"> ▪ Comprehensive Housing Strategy issues - stakeholder engagement process 	<ul style="list-style-type: none"> ▪ Comprehensive Housing Strategy issues - stakeholder engagement process

GOAL: Civic Area Plan

1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
<ul style="list-style-type: none"> ▪ Board and community input ▪ Council participation in Ideas Competition 	<ul style="list-style-type: none"> ▪ Council direction on preferred option(s) and strategies ▪ Draft plan <ul style="list-style-type: none"> ○ Development ○ Community input ○ Study Session ▪ Municipal Space Study Final Report 	<ul style="list-style-type: none"> ▪ Boulder Civic Area vision and plan <ul style="list-style-type: none"> ○ Study session ○ Public hearings on adoption 	



NEXT TIER PRIORITIES

GOAL: University Hill Revitalization			
1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
<ul style="list-style-type: none"> ▪ 2013 action priorities confirmed by Council at January retreat ▪ Hill Residential Service District – update ▪ Innovation District - update 	<ul style="list-style-type: none"> ▪ Action on other priorities ▪ Hill Residential Service District – 1st reading of petition 	<ul style="list-style-type: none"> ▪ Capital infrastructure improvements for the residential and commercial areas – consider during CIP process 	

GOAL: Addressing Homelessness			
1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
<ul style="list-style-type: none"> ▪ City and Community Efforts – Denver sleeping ordinance (IP) ▪ Housing First (1175 Lee Hill Road) – Statement of Operations (IP) ▪ Work plan check in and priority – Council retreat 	<ul style="list-style-type: none"> ▪ Analysis of funding for homeless services and alignment with the Ten Year Plan and unmet needs ▪ Ten Year Plan to Address Homelessness – progress update (IP) 	<ul style="list-style-type: none"> ▪ Analysis and recommendations regarding banning panhandling on street corners 	<ul style="list-style-type: none"> ▪ Ten Year Plan to Address Homelessness – progress update (IP)

GOAL: Boulder Junction Implementation			
1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
<ul style="list-style-type: none"> ▪ Depot Square implementation – update ▪ MU-4 zone change - consideration ▪ TDM District Implementation Update (IP) ▪ Update on potential policy issues related to key public improvements and city owned site (as needed) 	<ul style="list-style-type: none"> ▪ Update on potential policy issues related to key public improvements and city owned site (as needed) 	<ul style="list-style-type: none"> ▪ Boulder Junction Access District Parking – update ▪ TDM Access District implementation - IP 	



OTHER

GOAL: Other City Goals and Work Plan Items			
1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
<ul style="list-style-type: none"> ▪ 13th Street Plaza - IP ▪ 28th Street Multi-use Path and Bikeable Shoulders Iris to Yarmouth CEAP – potential call up ▪ Acquisition Plan Update - OSMP ▪ Alcohol/ Land Use Code Changes – options and recommendations ▪ Boating on Barker Reservoir ▪ Burke Park/ Thunderbird Lake – recommendations on lake water levels and enhancing park facilities ▪ BVCP Area III Planning Reserve Amendments (if approved by County) ▪ Chautauqua Guiding Principles, Next Steps –update on progress ▪ Civic Use Task Force – update from Council members ▪ Cultural Master Plan ▪ Design and Construction Standards Update – consideration of minor updates ▪ Development Review Projects: <ul style="list-style-type: none"> ○ Hogan Pancost – annexation and site review ○ Wonderland Creek Townhouses – potential call up ○ 28th and Canyon (Eads/ Golden Buff) – potential call up ○ Landmark Lofts II (970 28th Street) – potential call up ▪ East Arapahoe Study – potential action on limited zoning changes ▪ Economic Sustainable Strategies – 	<ul style="list-style-type: none"> ▪ Access and Parking Management Strategies – study session ▪ Alcohol Land Use Code Changes - action ▪ Baseline Underpass East of Broadway CEAP – Call up ▪ Bike Parking Ordinance Updates ▪ Capital Improvement Bond Projects status update - IP ▪ Capital Projects – carry over and first supplemental ▪ Critical Facilities Ordinance – public hearing and motion ▪ Education Excise Tax – consideration of City Manager funding recommendations ▪ Floodplain Management including Boulder Creek Mapping, South Boulder Creek Mitigation, and Critical Facilities ▪ Human Rights Ordinance – proposed changes regarding age discrimination ▪ Integrated Pest Management Program Changes - IP ▪ International Building and Energy Codes – public hearing ▪ North Boulder Subcommunity Plan - IP ▪ Old Hire Fire and Police Pension Plans – Study Session 	<ul style="list-style-type: none"> ▪ 2014 Budget Process ▪ Access and Parking Management strategies (update) ▪ Boulder Reservoir Site Management Plan – status of planning efforts and outcomes of community engagement (IP) ▪ Capital Improvement Program – study session ▪ Carter Lake Pipeline – thru CIP process ▪ Contractor Licensing – proposed changes (IP) ▪ Development Review Projects: <ul style="list-style-type: none"> ○ Blue Spruce Auto (4403 Broadway) – potential call up ○ Boulder Outlook Hotel Redevelopment (800 28th Street) – potential call up ○ Colorado Building Parking Lot (1301 Walnut) - ordinances ○ 1000 Alpine – potential call up ○ 3085 Bluff – potential call up ○ 3390 Valmont (Former Sutherlands Site) – potential call up ▪ Eco Pass- report on results of Joint Study with Boulder County on community-wide Eco Pass Feasibility ▪ FAM Master Plan – study session ▪ Harbeck-Bergheim House – Future Use Options (IP) ▪ North Trail Study Area – study 	<ul style="list-style-type: none"> ▪ Access and Parking Management Strategies – update ▪ Agriculture Plan (OSMP) – public hearing ▪ Capital Improvement Program – adoption of CIP; 2nd budget supplemental ▪ Contractor Licensing – consideration of proposed changes ▪ Design and Construction Standards Update – consideration of additional changes ▪ Development Review Projects: <ul style="list-style-type: none"> ○ Village Shopping Center Hotel (26th and Canyon) – potential call up ▪ East Arapahoe Study – check in on project scope and work plan (3/4Q) ▪ Energy Efficiency Upgrades in City Buildings – results of employee education and outreach project (IP) ▪ FAM Master Plan – consideration of acceptance ▪ Fourmile Canyon Creek Violet Avenue to Broadway CEAP – potential call up ▪ Human Relations Commission Work Plan update - IP ▪ Human Services Fund allocations - IP ▪ Light Response Vehicle Pilot Program - IP ▪ OSMP Natural Resources Overarching Issues – Study session



<p>study session</p> <ul style="list-style-type: none"> ▪ Education Excise Tax Allocation of Funds – refine RFP criteria ▪ Energy Efficiency Upgrades in City Buildings – employee education and outreach project (IP) ▪ Floodplain Management including Boulder Creek Mapping, South Boulder Creek Mitigation, and Critical Facilities ▪ Hazardous Materials Management IGA ▪ Hydroelectric operations and opportunities - IP ▪ Keep It Clean IGA ▪ Mobile Food Vending – options for ordinance changes ▪ Multi-hazard mitigation plan – possible consent item ▪ Nuisance Mosquito Control Pilot Project Evaluation - IP ▪ OSMP Overarching Issues – discussion and possible action on Voice and Sight Tag Program, Commercial Use Program, Pilot Parking Permit Program; IP on timeline and process for evaluation of remaining topics ▪ Police Department Master Plan – Study Session ▪ State of the Court Presentation ▪ Sustainable Streets & Centers – update on proposed scope options, next steps and integration with TMP, East Arapahoe Area Plan and proposed Economic Sustainability Strategy ▪ Transportation Funding (SS) ▪ TMP Update – additional direction 	<ul style="list-style-type: none"> ▪ OSMP natural resources – overarching policy issues <ul style="list-style-type: none"> ○ Temporal Regulations ○ Penalties for violations ○ Multi-modal access and parking opportunities ○ Analysis of trail network and distribution of activities ▪ Parks and Recreation Master Plan ▪ Pearl Street Mall Code Changes ▪ Police Department Master Plan ▪ Randolph Center Condominium Declaration ▪ Recirculation of wastewater – CU Williams Village North (IP if necessary) ▪ Skunk Creek, Bluebell Creek and King’s Gulch Flood Mapping Update – public hearing and motion ▪ Smoking Ban on Pearl Street Mall - IP ▪ Snow and Ice Control Evaluation – study session ▪ Transportation Funding – study session ▪ TMP Update – additional direction ▪ Twomile and Upper Goose Creek Flood Mapping Update – public hearing and motion ▪ Water budgets – commercial, industrial and institutional – Council direction ▪ Water supply status – IP 	<p>session or dinner discussion</p> <ul style="list-style-type: none"> ▪ Old Hire Fire and Police Pension Plans – possible discussion during budget process ▪ Parks and Recreation Master Plan ▪ Regional Trail Connections (OSMP) – IP ▪ South Boulder Creek Flood Mitigation Study – public hearing and motion ▪ Transportation Demand Management Toolkit - IP ▪ Valmont Butte Future Use Discussions – study session ▪ Water Conservation Futures Study ▪ Youth Opportunities Funding allocations - IP 	<p>on remaining topics</p> <ul style="list-style-type: none"> ▪ Urban Wildlife – Consideration of Wildlife Protection Ordinance ▪ Water budgets – commercial, industrial and institutional – consideration of changes
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<ul style="list-style-type: none"> ▪ US36 Bikeway Maintenance – Enhancements IGA (tentative based on if extra community investments are desired) ▪ Urban Wildlife – Black Bear Education and Enforcement pilot program update ▪ Woodland Creek Diagonal to Winding Trail CEAP – potential call up ▪ Zero Waste Master Plan Update 			
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KEY

ADU	Accessory Dwelling Units
BVCP	Boulder Valley Comprehensive Plan
CEAP	Community and Environmental Assessment Process
CIP	Capital Improvement Program
CU	University of Colorado
DUHMD/PS	Downtown and University Hill Management District/ Parking Services (City Division)
FAM	Facility and Asset Management
ICC	International Code Council
IGA	Intergovernmental Agreement
IP	Information Packet
OAU	Owner Accessory Units
OSMP	Open Space/Mountain Parks Department
RFQ	Request for Qualifications
RFP	Request for Proposals
TDM	Transportation Demand Management
TMP	Transportation Master Plan
ZWMP	Zero Waste Master Plan



**CITY COUNCIL
ACCOMPLISHMENTS – 1ST AND 2ND QUARTER 2012**

TOP PRIORITIES:

GOAL: BOULDER’S ENERGY FUTURE

**FIRST AND SECOND QUARTER
2012 ACCOMPLISHMENTS**

- Hiring of Executive Director for Energy Strategy and Electric Utility Development
- Retention of FERC and acquisition legal counsel
- Initial work in developing appraisal of distribution system and preparing legal strategy
- Initial work on Phase 1 of a new Energy Action Plan, including demand side programs and renewables modeling
- Active participation at the PUC to advance Boulder’s energy goals and protect community interests
- Boulder Canyon Hydroelectric Facility Agreement: City Council authorized the dedication of easements to Public Service Company of Colorado to facilitate upgrades to the city’s Boulder Canyon Hydroelectric Facility.

GOAL: CLIMATE ACTION PLAN

**FIRST AND SECOND QUARTER
2012 ACCOMPLISHMENTS**

- Third party review and evaluation of CAP tax funded programs to date
- Preparation of November 2012 CAP tax ballot options for Council consideration
- Initial steps to develop and refine a new Climate Action Framework consisting a renewed climate action commitment, five-year goals, annual targets, integration with appropriate master plans and city operations, and new reporting tools
- Initial work to identify priorities for the next generation of energy efficiency programs (as part of Phase 1 of the Energy Action Plan)
- Development of Commercial Energy Efficiency Strategy approach and stakeholder process (to be integrated as part of Phase 1 of the Energy Action Plan)
- Continued delivery of CAP programs and services to achieve annual targets (EnergySmart, Ten for Change, SmartRegs compliance, etc.)
- Energy Efficiency Upgrades in City Facilities - (a) Energy Performance Contract (EPC) – Phase III; (b) Lease purchase financing for energy conservation measures; and (c) Energy improvements, lease amendments, and payments. - Implemented the third phase of Energy Performance Contracts (EPC) for city facilities, including the installation of another 347 kilowatts of solar photovoltaic



at the Municipal Service Center buildings, Fleet Services, OSMP Annex and The Dairy Center for the Arts.

- Energy Efficiency Upgrades in City Facilities – Employee Education and Outreach Project (Information Packet) - A staff team participated in three workshops with McKinstry, the city’s Energy Performance Contractor, to help develop a new PowerED energy education and outreach program for employees. Program development will continue with other city staff focus groups through the end of December 2012.

GOAL: AFFORDABLE HOUSING

**FIRST AND SECOND QUARTER
2012 ACCOMPLISHMENTS**

- Added 12 new permanently affordable homes to inventory
- Affordable housing agreement for Gunbarrel Town Center
- Affordable Housing Program Work plan - Council Consideration and Direction; new initiatives identified
- Analysis completed of affordable housing distribution
- Completed funding of major renovations to improve housing quality and economic sustainability of three BHP properties
- Development of voluntary affordable housing agreement for Depot Square project
- Inclusionary Housing Rental Policies – Council Consideration and Direction
- Thistle Community Housing completing fire sprinklers in all of its properties

GOAL: CIVIC CENTER MASTER PLAN

**FIRST AND SECOND QUARTER
2012 ACCOMPLISHMENTS**

- Development of interdepartmental project team and approach; project goals and objectives; and public engagement strategy (reviewed at joint Planning Board / City Council study session in April)
- Detailed design of community visioning process and articulation of key project assumptions (reviewed with Council at June 12 study session)
- Preparation of baseline materials and launch of public engagement in July.
- The Municipal Space Study contract was awarded to StudioTerra on March 23. FAM and the consultants are interviewing city departments and conducting research on industry trends and standards for office space. Preliminary results of the space study, as it relates to the Civic Center Master Plan, will be presented at the July 31 study session.



NEXT TIER PRIORITIES:

GOAL: UNIVERSITY HILL REVITALIZATION

FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS

- Zoning change: Business Main Street (BMS) boundary to coincide with the University Hill General Improvement District boundary; rezoning of UHGID lots to BMS zoning (approved by Planning Board; scheduled for Council consideration in August)
- Continued work of the Hill Ownership Group to develop a comprehensive revitalization strategy.
- In coordination with a volunteer, stakeholder committee completed a proposal for a Residential Service District which includes: boundaries, scope of services, proposed budget, proposed governance structure, agreements for financial participation by tax-exempt sororities and fraternities, and a timeline for a 2013 Petition and Election process.
- Landmarking of Flatirons Theater building (and associated building renovation)
- 955 Broadway (Acacia Fraternity site redevelopment)

GOAL: ADDRESSING HOMELESSNESS

FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS

- Council Consideration and Direction on: 1175 Lee Hill Project; added 31 permanent housing units for chronically homeless, disabled adults
- Continued Homeless Service Provider Coordination Project to develop action plans for case management, outreach and service coordination
- Continued implementation of Ten year Plan to Address Homelessness

GOAL: BOULDER JUNCTION IMPLEMENTATION

FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS

- Developed and implemented a funding strategy to finance the acquisition of 100 parking spaces by the Boulder Junction Access District – Parking (BJAD-P) in the Depot Square parking garage including a Lease/Purchase Agreement between BJAD-P and the developer, and a City of Boulder/BJAD-P Cooperation Agreement
- Developed a strategy to manage parking in the parking structure through technology and a management agreement among the



users. The arrangement provides for parking spaces to be paid, unbundled, and shared in a manner to meet the needs of the various users of Depot Square (hotel, residential, RTD) and general parking in BJAD-P spaces. Agreement was reached with RTD regarding short term and long term parking management strategies given their current legislative mandate.

- Finalized the ownership structure for five different owners to coordinate management of their units and common areas through a Condominium Declaration for the Depot Square project
- Finalized a renovation agreement and lease consistent with guiding principles with Pedersen Development Corporation for the Depot
- Finalized legal agreements for joint public/private development of Depot Square (RTD facility, shared parking, affordable housing, hotel, public space and rehabilitation of historic depot
- Approved changes to the Transportation Network Plan in support of the Transit Village Area Plan (TVAP)
- Revised Street Design for Pearl Parkway and Connections Plan Revisions (adopted by Council January 17)
- Consistent with the TVAP connections plan and along with private redevelopment, a number of capital improvements are underway, including the installation of underground power lines, preparations for installing a traffic signal at Junction Place and Pearl Parkway, and portions of the Pearl Parkway multi-way boulevard
- Consistent with the TVAP connections plan, design work continues for the bridge over Goose Creek and the multi-use path on the north side of Pearl Parkway between 30th Street and Foothills Parkway
- Received a Federal Hazard Elimination Program grant award through the Colorado Department of Transportation (CDOT) that will allow installation of a traffic signal at 29th Street and Valmont Road, improving safety and implementing improvements identified in the Transit Village Area Plan (TVAP) (project will begin in 2014)
- Completion of engineering and building construction plan review for a 319 unit residential development at 3100 Pearl and the RTD Depot Square transit-oriented development



GOAL: OTHER CITY GOALS AND WORK PLAN ITEMS

FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS

CAPITAL ITEMS

- Anemone Trails (new) – design work completed
- Arapahoe Avenue (Folsom to 30th) - Multimodal Improvements Project Completed construction on the Arapahoe Avenue multi-use path project. The remaining street resurfacing and landscaping work will be completed in 2012.
- Boulder Creek and South Boulder Creek – restoration of grassland and riparian areas continued
- Broadway (Euclid to 18th) - Transportation Improvements Project - Made progress on the Broadway (Euclid to 18th) Transportation Improvements Project. 16th Street opened the first week of May and the Broadway underpass and the four lanes on Broadway (two in each direction) are scheduled for completion by early July.
- Broke ground in January for a new multi-use path on the south side of Baseline, connecting U.S. 36 and the Bear Creek Underpass, including a pedestrian crossing for Baseline Road at Canyon Creek. Completion of the multi-use path on the west end is underway through a redevelopment project.
- Completed a new sidewalk along Gillaspie Drive, connecting Greenbriar Boulevard and Juilliard Street connecting to Fairview High School
- Completed the course bunker renovation/playability project at Flatirons Golf Course by installing 19 new sand bunkers
- Continued work at Valmont City Park, including additional construction at Valmont Bike Park; outreach and design for Valmont Dog Park; and design and construction of the interim disc golf course
- Facility ADA Compliance - An Americans with Disabilities Act (ADA) consultant completed comprehensive ADA assessments for the Park Central and Municipal buildings. Costs for the recommendations are being identified and prioritized, with other buildings planned for assessment.
- Green Bear Trail Re-route – work in progress with one section completed and opened to public
- Gregory Canyon Trailhead Site Plan – initial site plan design work began
- Homestead Trail Re-route – work in progress with one section completed and opened to public
- Library Facility Upgrades and Enhancements (New Children’s Library and New Teen Space): The selection of a design firm is underway
- Linden Avenue Sidewalk Project (Safe Routes to School) - Completed a Safe Routes to School Project, providing a sidewalk on the north side of Linden Avenue between Fourth Street and Broadway.
- New Wildland Fire Facilities - Responses to the request for qualifications (RFQ) for facility designs were received on May 11. Requests for proposals (RFP) to be sent in early June
- Organic farming – agricultural contract written for 47 acres



- Replaced traffic signal incandescent lamps with sustainable, energy-saving light-emitting diode (LED) lamps
- Sanitas Stone Hut Repair – hut was reinforced and stonework repaired
- South Boulder Creek West Trailhead – Parking areas for cars and horse trailers completed and open to public; working through permit process for outhouse and kiosk installations; interpretive signs in production
- South Boulder Recreation Center - The contaminated sub floors from the gymnasium, racquetball court, and Pilates room have been removed and are expected to be replaced with new wood floors by early June 2012.
- Street repair expanded efforts – began the first of three years

OTHER SIGNIFICANT ACTIONS¹

- Boulder B-cycle station at the North Boulder Recreation Center sponsored
- Boulder Community Hospital Expansion Rezoning
- BVCP: Area II study results and potential next steps (IP to City Council in July)
- BVCP Comprehensive Rezoning (scheduled for council consideration in August)
- BVCP 2010 Major Update: planning reserve policy changes (study session discussion with Council on May 29; Council and County Commissioner dinner discussion on June 14)
- Boulder Reservoir Master Plan completed
- Boulder Valley School District Faculty and Staff Eco Pass Program Expansion - Continued partnership with the Boulder Valley School District (BVSD) to expand the BVSD faculty and staff Eco Pass program.
- Chautauqua Stewardship Framework: Draft and Next Steps
- City Website Redesign Kickoff - Kicked off redesign with Vision Internet and the City of Arvada. Gathered a list of key stakeholders and surveyed them regarding elements the new website should contain.
- Code enforcement - reallocation of resources to the Boulder Police Department was fully implemented to ensure efficient and effective service delivery
- Community and Environmental Assessment Process (CEAP) for flood mitigation and transportation improvements along Fourmile Canyon Creek, near Crest View Elementary School completed, including a City Council call-up opportunity.
- Compatible Development implementation - annual report to Council
- Congregate Care code changes (pending further consideration based on Council direction)
- Constituent Relationship Management (CRM) procurement effort - Designed and implemented a staff engagement and procurement initiative to implement a new CRM application resulting in the unanimous selection of Government Outreach. Vendor contract negotiations are currently underway. This initiative is designed to significantly improve our customers' ability to request, track and ultimately receive more timely and effective services while providing staff with automated tools to better



manage these requests.

- Disposable Bag Reduction Ordinance: research and options presented to Council on May 15; work on nexus study underway
- Draft Fire-Rescue Master Plan completed and approved by Planning Board.
- Economic Sustainability Strategy: phase one study of primary employer space needs underway; presentation of results to Council scheduled for August
- Elks neighborhood park planning, outreach and design continued with construction and completion in 2013
- Family Resource Center opened at Manhattan Middle School in partnership with Boulder County Housing and Human Services
- FasTracks' Northwest Rail Plan - Approved guiding principles for developing and designing a hybrid approach to FasTracks' Northwest Rail Plan.
- Fire Master Plan – Council feedback on strategies (April 3, 2012); Planning Board recommendation for acceptance (May 17, 2012); Scheduled for Council consideration (June 19, 2012)
- Heather wood Trail Intergovernmental Agreement (IGA) - City Council authorized the signing of an intergovernmental agreement (IGA) with Boulder County related to the maintenance of a trail that crosses the Wastewater Treatment Facility property.
- Integrated Pest Management Policy Revision and Program Direction (Council provided direction on May 1)
- Landmarking of First Christian Church building (950 28th Street)
- Locomotive #30 narrow gauge historic cosmetic restoration completed
- Mesa Memorial Park design and development initiated
- Mosquito control annual report (Completed report on the IPM web site – link will be provided to council with first weekly mosquito report in June)
- Named number 3 on list of best cities for bicycling by *Bicycling Magazine*, in part due to the Valmont Bike Park and new path connections made possible by the capital improvement bond
- New Transportation Safety Ordinances - Approved ordinance changes to improve transportation safety in the city and initiated education and enforcement efforts to support the ordinance changes
- Organic turf and landscape bed program at six park locations launched
- Received a Safe Routes to School Grant to install a traffic signal at South Boulder Road and Manhattan Drive to create a safe crossing for middle school students taking transit, riding, or walking to and from school.
- RH-2 Zone District Changes (scheduled for council consideration in August)
- *Safe Streets Boulder* report published in February.
- SmartRegs - Continued the successful implementation of SmartRegs and the pilot program for rental housing licensing enforcement. The backlog of rental license compliance cases is almost entirely eliminated.
- Transportation Report on Progress, *Transportation to Sustain a Community* published in February.
- Valmont Butte – VCUP implementation commenced; excavation work began on April 4 with both the tribe-designated native cultural monitor and the city's archaeologist consultant present.



▪ Veterans and active duty military personnel recreation pass program developed

Key:

ADA = Americans with Disabilities Act
BHP = Boulder Housing Partners
BVSD = Boulder Valley School District
BMS = Business Main Street
CAP = Climate Action Plan
CDOT = Colorado Department of Transportation
EPC = Energy Performance Contract
EET = Education Excise Tax
FAM = Facilities and Asset Management (City Division)
FERC = Federal Energy Regulatory Commission
IGA = Inter-governmental Agreement
IP = Information Packet
OSMP = Open Space/ Mountain Parks Department
PUC = Colorado Public Utilities Commission
RFP = Request for Proposals
RFQ = Request for Qualifications
RTD = Regional Transportation District
TVAP = Transit Village Area Plan
UHGID = University Hill General Improvement District
VCUP = Colorado Voluntary Cleanup Program

COUNCIL MEMBERS

Matthew Appelbaum	Mayor
Lisa Morzel	Mayor Pro Tem
Suzy Ageton	Council Member
KC Becker	Council Member
Macon Cowles	Council Member
Suzanne Jones	Council Member
George Karakehian	Council Member
Tim Plass	Council Member
Ken Wilson	Council Member

COUNCIL EMPLOYEES

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

KEY STAFF

Bob Eichem	Chief Financial Officer
Alisa D. Lewis	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Community Planning + Sustainability - Executive Director
Paul J. Fetherston	Deputy City Manager
Molly Winter	Downtown, University Hill Management & Parking Services Director
Heather Bailey	Energy Strategy and Electric Utility Development Executive Director
Larry Donner	Fire Chief
Mary Ann Weideman	Housing, Assistant City Manager for Human Resources (Acting) Director
Karen Rahn	Human Services Director
Don Ingle	Information Technology Director
Eileen Gomez	Labor Relations Director
Valerie Maginnis	Library and Arts Director
Lynne C. Reynolds	Municipal Court Administrator
Michael Patton	Open Space and Mountain Parks Director
Kirk Kincannon	Parks and Recreation Director
Mark Beckner	Police Chief
Maureen Rait	Public Works - Executive Director
Tracy Winfree	Transportation Director
Jeff Arthur	Utilities Director

2013 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass
Boulder County Consortium of Cities	Karakehian, Wilson (alt)
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Becker, Jones (Alternate)
Housing Authority (Boulder Housing Partners)	Ageton
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum
Resource Conservation Advisory Board	Plass, Morzel (at large seat)
Rocky Flats Stewardship	Morzel, Plass (1 st alternate), Castillo (2 nd alternate)
University of Colorado (CU) / City Oversight	Wilson, Jones, Karakehian
US36 Mayors and Commission Coalition	Appelbaum, Ageton (alternate)
US36 Commuting Solutions	Ageton, Karakehian (alternate)
Urban Drainage and Flood Control District	Morzel

LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Cowles, Becker (alternate)
Boulder Convention and Visitors Bureau	Becker, Plass (alternate)
Dairy Center for the Arts	Karakehian
Downtown Business Improvement District Board	Plass, Jones

INTERNAL CITY COMMITTEES

Audit Committee	Morzel, Becker, Cowles
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	Becker (appointed through 2015)
Charter Committee	Morzel, Cowles, Ageton, Karakehian
Civic Use Pad/ 9 th and Canyon	Morzel, Jones, Becker
Council Budget Action Plan Committee	Ageton, Becker, Plass
Evaluation Committee	Karakehian, Morzel
Legislative Committee	Ageton, Karakehian, Wilson, Jones

SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llaza, Tibet	Ageton
Dushanbe, Tajikistan	Karakehian
Yamagata, Japan	Wilson
Mante, Mexico	Plass
Yateras, Cuba	Cowles
Sister City Sub-Committee	Morzel, Cowles