TO: Members of Council
FROM: Dianne Marshall, City Clerk's Office
DATE: October 29, 2013
SUBJECT: Information Packet

1. **Call Ups**
   A. 800 28th Street: Student Apartments by American Campus Communities (LUR2013-00025)

2. **Information Item**
   A. Update on Council Chambers audiovisual upgrades
   B. Plan for distribution of gift of $7, 000 from sister city Yamagata, Japan to benefit children impacted by Boulder flood

3. **Boards and Commissions**
   A. Art Commission – August 21, 2013
   B. Art Commission – September 18, 2013
   C. Beverages Licensing Authority – August 21, 2013
   D. Beverages Licensing Authority – September 18, 2013
   E. Open Space Board of Trustees – October 10, 2013
   F. Transportation Advisory Board – August 1, 2013
   G. Transportation Advisory Board – August 21, 2013

4. **Declarations**
   None.

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, Land Use Review Manager
Elaine McLaughlin, Senior Planner

Date: October 21, 2013

Subject: Call-Up Item: 800 28th Street: Student Apartments by American Campus Communities (LUR2013-00025)

EXECUTIVE SUMMARY

On October 17, 2013, the Planning Board unanimously approved with conditions (5-0, two members recused) the above-referenced application as provided in the attached Notice of Disposition (**Attachment A),** finding the project consistent with the Site Review criteria of Land Use Code section 9-2-14(h), B.R.C. 1981. Approval of the application would permit construction of 100 residential units on the 4.3 acre site located in the BT-1 (Business Transition -1) zoning district. The proposed application includes requests for height modification to 55 feet; a 13 percent parking reduction; and a solar exception. The site currently contains the Boulder Outlook Hotel and is intended to be redeveloped as rental apartments for university students as it is located across 28th Street from the University of Colorado's main campus.

The Planning Board decision is subject to City Council call-up within 30 days. There is one City Council meeting within this time period for call-up consideration on October 29, 2013.

The staff memoranda of recommendation to Planning Board and other related background materials are available on the city website for Planning Board, follow the links: *www.bouldercolorado.gov ➔ A to Z ➔Planning Board➔search for past meeting materials planning board➔2013➔10.24.2013 PB Packet.*

BACKGROUND

The site is currently occupied by the Boulder Outlook Hotel that was originally built as a Holiday Inn in 1963. There have been a number of additions to the hotel over time including a three story addition at the rear of the property along with interior improvements and a three story atrium above the indoor swimming pool area. The site is located within the Business Transition zoning district which permits attached residential as a by-right use.

Concept Plan Review
This project was reviewed twice as a Concept Plan, first on Nov. 15, 2012 and then on March 21, 2013 at the request of the Planning Board. At the first review, the board provided the applicant with a number of suggestions and recommended that the applicant submit a subsequent Concept Plan intended to address those suggestions. Based on concerns from the property owners of condominiums within the Spanish Towers, and comments made by staff and Planning Board at the original Concept Plan the four story parking structure originally proposed on the east end of the site adjacent to Spanish Towers condominiums, was relocated and the site was rearranged. The center of the site was opened up to create a view corridor through the center of the site to minimize viewshed impacts, and a plaza space that serves a dual purpose as pedestrian and fire access was created.

At the Site Review hearing on Oct. 17, 2013, the board indicated that the previous comments had been addressed and stated support for the project as the application meets many Boulder Valley Comprehensive Plan policies and the Site Review Criteria of the Land Use Code.

Surrounding Context. Within the immediate context there are three residential condominium buildings: the six-story Spanish Towers to the east, the three-story Montclair Court to the north east, and the four-story Flatiron Terrace to the north. A six-story office building, Dar Plaza, is located to the southeast of the site and the two-story Best Western Boulder Inn is adjacent to the south. Within walking distance of ¼ to ½ mile proximity are several services including: the Basemar Shopping Center and a new in-line retail center at Baseline just east of 28th Street; along with the Sprouts Market and a number of restaurants and commercial uses. There is direct pedestrian and bicycle access to the university via a connector below 28th Street, located approximately 200 feet to the north of the site, at the terminus of Aurora Avenue.

The 28th Street Frontage Road Transportation Connections Plan (TCP). The plan was adopted in April 2010 to support the city's sustainability goals and to ensure that logical pedestrian and vehicular connections were considered in the frontage road area where redevelopment has been anticipated. It describes the city's vision for future transportation improvements in the area including sidewalk connections to the east of the site.

Proposed Project: Site Plan
As shown in Figure 1 and 2, the proposed project consists of two contemporary -styled buildings. The north building wraps a portion of the proposed central open space, and the ground floor units of both buildings directly access the open space. Amenities include a sand volleyball court, an open lawn area, and a warm-months swimming pool area. A pedestrian plaza is located on the south side of the open space where ground floor units directly access the open space and also serves as emergency access into the site. Figure 3 illustrates the landscape and site plan.

The site is surrounded on all four sides by pedestrian paths, with the west being a multi-use path and the two sides being sidewalks, all in consistency with the 28th Street Frontage Road Transportation Connections Plan. Parking for the residential units would be provided in a six level parking structure of which two levels would be below grade. The four above grade levels would be wrapped by the residential units. Access to the parking structure is internal to the site and not visible from 28th Street. There are 260 parking spaces proposed where 300 are required under the code, necessitating a

13 percent parking reduction. There are also 264 covered and secured bike parking spaces also proposed, well in excess of the standards where 30 are required.

Figure 1: Rendering of proposed project as seen from 28th Street

Figure 2: Rendering of proposed project as seen from Spanish Towers

The applicant requested a height modification through Site Review, along with a 13 percent parking reduction and a solar encroachment onto neighboring building walls at the deepest point of the winter, Dec. 21st mid-morning and mid-afternoon.

The western portion of the north building is planned as a community center for the students including a student lounge, fitness center, and leasing office. A small entry plaza along with bike parking is located outside of this community space and access to the outdoor recreation amenities is through this space. The space also serves to activate the streetscape that combined with the "building forward" design helps create a pedestrian-scaled and attractive new student housing complex.

The application meets the relatively high open space requirement of 1,200 square feet per dwelling unit, by providing 121,000 square feet of open space. The applicant has proposed a variety of open space areas from the walking paths to active recreation areas and outdoor plaza and picnic areas at the center of the site, to roof top decks. A large roof deck is planned atop the parking structure, intended as passive open space. The landscape requirements have been exceeded for the number of trees and

shrubs, particularly along the perimeter of the site where screen trees and shrubs are proposed to create buffer areas from the site to surrounding properties.

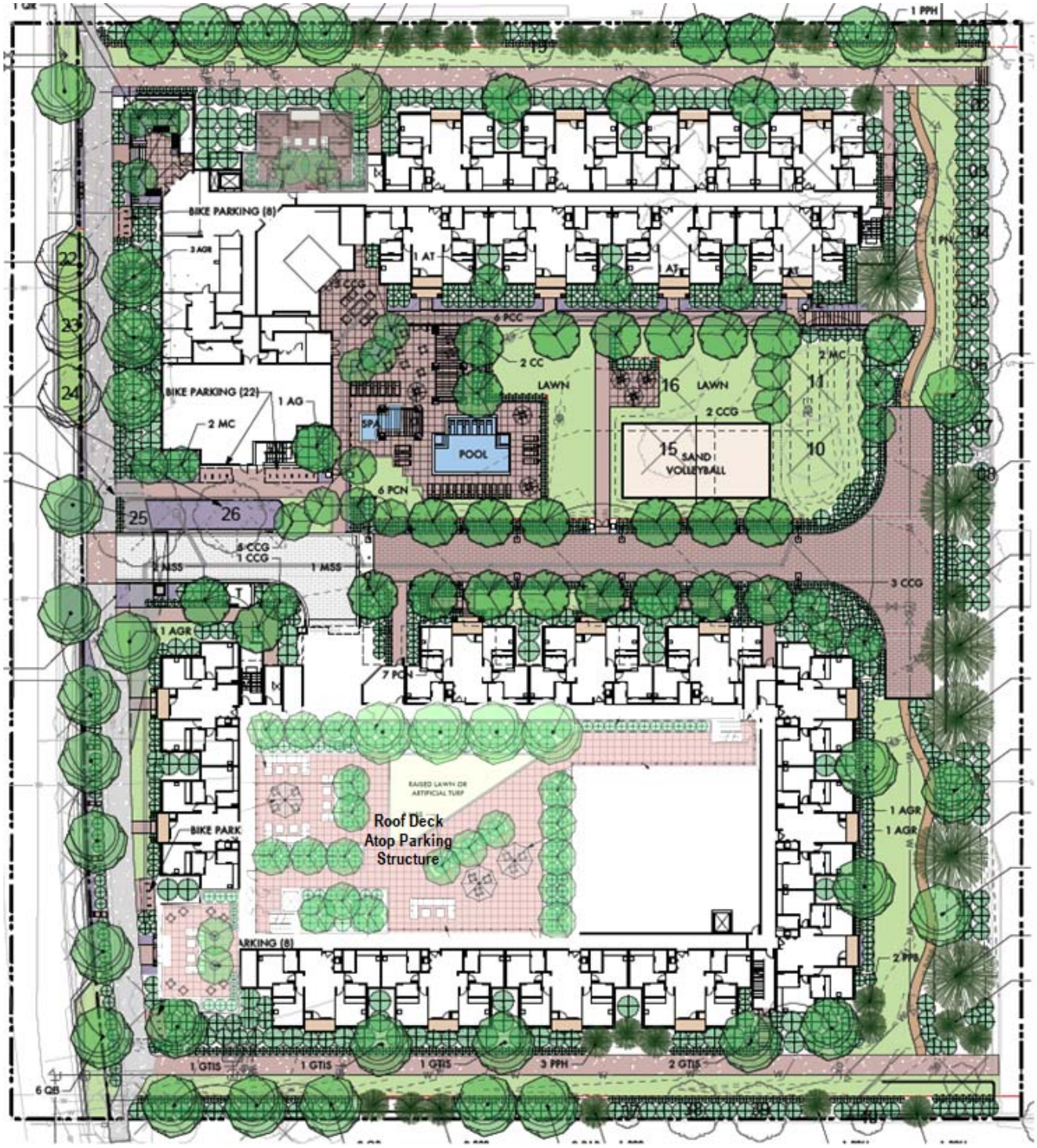

Figure 3: Landscape Plan

Public Hearings and Comments
The proposed project was reviewed as a Concept Plan twice by the Planning Board. The applicant also hosted three good neighbor meetings where attendance averaged six people. Between the first and second Concept Plan review, the applicant made significant changes to the project to address neighbor, staff, and Planning Board comments including reconfiguration of the site to open up the center and consolidating the parking into the residential. Several property owners of the adjacent Spanish Towers to the east articulated concerns at the Planning Board that their viewshed would be impacted by the proposed project. In addressing comments, the board indicated that the location, use, and density of the proposed project is acceptable and the application meets the Site Review Criteria for minimizing viewshed impacts.

In addition, the property owner of the hotel to the south had articulated concerns about noise. The board indicated that the management plan submitted which includes a provision of around-the-clock, on-site staff, along a densely planted landscape buffer and partially walled balconies on the south side of the building will minimize noise impacts.

SUMMARY OF ANALYSIS

The proposal was found to be consistent with the Site Review criteria of the Land Use Code subsection 9-2-14(h), B.R.C. 1981, because:

1. The proposed project's massing, scale and design is compatible with the surrounding context, where larger and taller residential buildings have been built along this major transit route and across from the CU campus.

2. The proposed project's contemporary design and creative layout meet the Site Review Criteria for pedestrian oriented building design and de-emphasis of an auto-oriented site layout.

3. Also consistent with Site Review criteria, the centralized open space with buildings moved to the sides of the site helps to minimize viewshed impacts for nearby residents of the Spanish Towers, who had articulated concerns about blocking of viewshed. Additionally, the heavily planted landscape buffer, along with a management plan and partially walled balconies were proposed to help minimize noise impacts to neighbors.

4. The 13 percent parking reduction request is acceptable given the nature of occupancy being student rental apartments across the street from CU campus. Given the well documented high alternate transportation mode use by university students, with 94 percent of students walking, biking or using public transit to and from campus; and with the parking characteristics for off-campus housing primarily oriented to auto storage, the parking reduction was found to be consistent with the review criteria. With the city's extensive bike lanes, trails, and multi-use paths in and around the campus and particularly at and near the site, there are a significant number of students in the immediate area who walk and bike to campus.

   This, combined with the city's policies in support of trip reduction, use of multi-modal travel, and the efficient use of land for parking encourages a site plan that uses less parking. This is also particularly applicable for the site that is located directly across the street from the university, with close proximity

to the pedestrian underpasses, part of the recently completed 28th Street transportation improvements. Given all of the considerations, the Planning Board granted an even greater parking reduction, up to 20 percent, if the applicant chose to use the vehicular space for alternative vehicle or bicycle parking. This was made after a request by the applicant to increase the parking reduction to 14 percent rather than 13 percent to accommodate additional bike parking.

5. The requested Solar Exception within the adjacent properties that are part of Solar Access Area II is acceptable given the fact that the roof tops of the adjacent buildings on the property will not be impacted and will still have solar access for rooftop solar collectors.

CONCLUSION

Planning Board agreed with the staff analysis and approved the application with conditions. In the board's approval, there was consensus on the board that the applicant did minimize viewshed impacts to the neighboring Spanish Towers, while acknowledging that some viewshed impacts will remain. The board also noted that the city's policy direction to provide additional housing in the city for students helps to free up work force housing elsewhere. The board also acknowledged the applicants efforts to work with the city through two separate Concept Plan reviews and that the review's resulted in the applicant's response pro-active response to comments

If the City Council disagrees with the decision of the Planning Board, it may call up the application within the call up period which expires on Nov. 18, 2013. City Council is scheduled to consider this application for call-up at its **Oct. 29, 2013, 2013** public meeting.

ATTACHMENTS:

A. Planning Board Notice of Disposition dated Oct. 17, 2013

CITY OF BOULDER
Community Planning & Sustainability

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER PLANNING BOARD
NOTICE OF DISPOSITION

You are hereby advised that on October 17, 2013 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION:	APPROVED WITH CONDITIONS
PROJECT NAME:	AMER. CAMPUS COMMUNITIES: REDEVELOP OUTLOOK HOTEL
DESCRIPTION:	SITE REVIEW for redevelopment of Boulder Outlook Hotel. Proposal is to create two four-story buildings for student housing and associated six-level parking garage (two levels below grade, four levels wrapped within residential units). Requested modifications include height: 55 feet where 35 feet is standard; four stories where three are standard; parking reduction of 13 percent (260 where 300 are required).
LOCATION:	800 28TH ST
COOR:	N01W04
LEGAL DESCRIPTION:	Refer to Exhibit A
APPLICANT:	JAKE NEWMAN
OWNER:	ACC OP DEVELOPMENT LLC
APPLICATION:	Site Review, LUR2013-00025
ZONING:	BT-1
CASE MANAGER:	Elaine McLaughlin
VESTED PROPERTY RIGHT:	NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.

This decision may be called up before the City Council on or before November 18, 2013. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED FINAL PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINTY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING BOARD APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval [or in compliance with the phasing plan]. Failure to "substantially complete" (as defined in Section 9-2-12, Boulder Revised Code 1981) the development within three years [or in compliance with the phasing plan] shall cause this development approval to expire.

At its public hearing on October 17, 2013 the Planning Board approved the request with the following motion:

On a motion by A. Brockett, seconded by J. Putnam the Planning Board voted 5-0 (L. May and C. Gray recused) to approve Site Review #LUR2013-00025 incorporating this staff memorandum and the attached Site Review Criteria Checklist as findings of fact, and subject to the recommended conditions of approval found in the Planning Board packet with the following modifications:

A. Condition 1 is to be revised to read: The Applicant shall be responsible for ensuring that the development shall be in compliance with the approved plans dated August 5, 2013 and, to the extent they ensure compliance with the site review criteria in the Boulder Revised Code applicable to this application, the written statement dated August 5, 2013, and the management plan dated October 2013 on file with the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of approval.

B. The following shall be added to Condition 2.b. An additional parking reduction that increases the parking reduction to up to 20% is approved provided that the additionally reduced number of parking spaces (7%) is converted to bike parking spaces.

A friendly amendment offered by S. Weaver was accepted by A. Brockett and J. Putnam to incorporate the change to Condition 1.

CONDITIONS OF APPROVAL

1. The Applicant shall be responsible for ensuring that the development shall be in compliance with all approved plans dated Aug. 5, 2013 along with the written statement dated Aug. 5, 2013 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of approval.

2. Prior to a building permit application, the Applicant shall submit a Technical Document Review application for the following items, subject to approval of the City Manager:

   a. Final architectural plans, including materials and colors, to insure compliance with the intent of this approval and the architectural intent shown on the elevation plans dated Aug. 5, 2013.

   b. A final site plan showing the corrections and additions requested by this approval, including building setbacks on fully dimensioned plans. A signed survey drawing should also be submitted.

   c. A final utility plan meeting the City of Boulder Design and Construction Standards.

   d. A final storm water report and plan meeting the City of Boulder Design and Construction Standards, which shall include information regarding the groundwater conditions (geotechnical report, soil borings, etc.) on the Property, and all discharge points for perimeter drainage systems.

   e. Final transportation plans in accordance with City of Boulder Design and Construction Standards for all transportation improvements. These plans must include, but are not limited to: street plan and profile drawings, plan and profile drawings for the public access drive, detail drawings for the transit

stop, signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, geotechnical soils report and pavement design report.

f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the city's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in city right-of-way must also receive prior approval of the City Forester.

g. A **detailed lighting plan** showing location, size, and intensity of illumination units.

3. Prior to a building permit application, the Applicant shall dedicate to the City, at no cost, the following as shown on the approved plans, meeting the City of Boulder Design and Construction Standards, as part of Technical Document Review applications, the form and final location of which shall be subject to the approval of the City Manager:

   a. The additional **right-of-way** required for the 28th Street frontage road.

   b. A **25-foot wide utility easement** around the perimeter of the site.

   c. A **20-foot wide emergency access easement** running through the center of the site.

   d. A **10-foot wide public access easement** along the north property line.

   e. A **10-foot wide public access easement** along the south property line.

4. Prior to a building permit application, the Applicant shall submit the necessary applications to vacate the following easements, subject to the approval of the City Manager:

   a. The utility easement (Reception Number 527442) running through the center of the site.

   b. The public access easement (Reception Number 2468671) along the western property line.

   c. The utility easement (Reception Number 1488823) in the southwest corner of the site.

5. Prior to requesting a final inspection on any building permit, the Applicant shall construct and complete, subject to acceptance by the City, all public improvements necessary to serve the development in conformance with the approved Engineering Plans, including, but not limited to, the following:

   a. A **water line** loop around the perimeter of the property, to include three fire hydrants

   b. An extension of the **sewer main** within the 28th Street Frontage Road

6. Prior to requesting a final inspection on any building permit, the Applicant shall construct and complete, subject to acceptance by the City, all private improvements necessary to serve the development in conformance with the approved Engineering Plans, including, but not limited to, the following:

a. One rain garden in the northeastern corner of the property

b. One rain garden in the southeastern corner of the property

c. One rain garden located within the courtyard area, between the north and south buildings

7. Prior to building permit application, the Applicant shall submit a financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of constructing all public improvements necessary to serve the development.

8. Prior to building permit application, the Applicant shall submit a financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the employees of the development for three years after the issuance of a certificate of occupancy as proposed in the Applicant's Transportation Demand Management (TDM) plan.

9. The building permit application for the building addition shall show that the building meets the energy efficiency requirements of the 2012 IECC as locally amended. Should the 2012 IECC not have been adopted at the time of building permit application, the building permit application for each building shall show that (1) the building exceeds the energy efficiency requirements of ANSI/ASHRAE/IESNA Standard 90.1 – 2010 Energy Standard for Buildings Except for Low-Rise Residential Buildings by at least 20 percent or (2) the building is designed to meet a set of prescriptive requirements, subject to review and approval of the city manager, that result in a building that is at least 20 percent more energy efficient than the 2012 IECC requires.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

Exhibit A

LEGAL DESCRIPTION

A TRACT OF LAND, SITUATED IN THE STATE OF COLORADO, COUNTY OF BOULDER, LOCATED IN THE SE1/4 OF THE SW1/4 OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE NW1/4 OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 32; THENCE N 0 DEGREES 01'00"E, 450.00 FEET ALONG THE WEST LINE OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 32 TO THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED ON FILM 592 AS RECEPTION NO. 836566 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE N 89 DEGREES 55'20"E, 415.00 FEET ALONG THE NORTH LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 592 AS RECEPTION NO. 836566 TO THE NORTHEAST CORNER THEREOF;
THENCE S 0 DEGREES 01'00"W, 450.14 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 592 AS RECEPTION NO. 836566 AND THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED IN BOOK 1238 AT PAGE 375 OF THE RECORDS OF BOULDER COUNTY, COLORADO AND PARALLEL TO THE WEST LINE OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 32 TO THE SOUTH LINE OF THE NW1/4 OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 32;
THENCE S 89 DEGREES 56'30"W, 415.00 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 32 TO THE POINT OF BEGINNING,
COUNTY OF BOULDER, STATE OF COLORADO.

CONTAINING 4.288 ACRES

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Paul J. Fetherston, Deputy City Manager
Patrick von Keyserling, Director of Communications
Don Ingle, Information Technology Director
Maureen Rait, Executive Director of Public Works
Joe Castro, Facilities and Fleet Manager
Glenn Magee, Facilities Design and Construction Manager

Date: Oct. 29, 2013

Subject: Information Item: Update on Council Chambers audiovisual upgrades

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EXECUTIVE SUMMARY

This memo is to update City Council on the status of the planned project to increase audience engagement by improving the physical usability of the Municipal Building Council Chambers and quality of the integrated audiovisual (A/V) systems. The memo also details the design changes made in response to the council feedback received at the Aug. 20 City Council meeting.

The existing floor plan for the Council Chambers is shown in **Attachment A**. The final design is shown in **Attachment B**. Major components of the project are shown in **Attachment C**.

FISCAL IMPACT

Cost estimates for the project include approximately $190,000 in physical construction and approximately $225,000 in A/V technology upgrades, for an estimated total cost of $415,000. Physical changes will be funded from the Facilities and Asset Management (FAM) facility replacement funds. Cablecast-related upgrades to the Council Chambers A/V equipment will be funded with $160,000 from public access, education and government (PEG) channels. Other technology-related improvements will be funded with $65,000 from the Equipment Replacement Fund.

Channel 22 currently has about $400,000 available for PEG capital purchases; city-contracted managers of Education Access have not historically utilized the full PEG fee allocations. The city intends to reallocate $160,000 in PEG funds to improve the A/V equipment in Council Chambers for enhanced Channel 8 coverage of City Council meetings. In addition to the one-time costs of the technology upgrades, staff recommends $25,000 in ongoing funding from PEG

as an annual contribution to fund the future replacement of the cablecast equipment at the end of its seven-year lifecycle. The ongoing replacement fund contribution requires a $25,000 annual reallocation of Education Access dollars to Government Access. The Education Access allocation would be $50,000 annually to meet projected equipment needs.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** Funding for this project is proposed from the 2013 Budget.

- **Environmental:** As with any remodel project in city facilities, zero-Volatile Organic Compound (VOC) paints, sustainable carpets, ENERGY STAR appliances, and reused materials will be specified in the contract. The council's current rounded desk will be reused and modified. Current energy codes will be met or exceeded.

- **Social:** The planned upgrades to Council Chambers will allow study sessions occurring in the flex seating areas to be televised so that more people can view these meetings live through Channel 8 and streaming online. Relocation of the dais closer to the audience will bring the council, boards and commissions closer to the public.

BACKGROUND

In 2011, a major remodel in the Municipal Building was completed that focused on improving public meeting spaces by increasing the size of the Fishbowl and 1777 West conference rooms, providing a meeting space in the council office, and replacing deteriorated carpet and seating in the audience portion of Council Chambers. In the Council Chambers, approximately half of the seats were replaced with flexible furniture to provide a multipurpose space. The 2011 project intentionally excluded changes to the dais to provide time to evaluate how the flexible space and dais worked together.

In May 2013, a conceptual plan was presented to council that addressed the need for improved public engagement through remodeling of the space, and an A/V consultant was engaged to specify replacement equipment that would improve a number of issues currently affecting the quality of presentations and broadcasting. The general proposed changes were outlined in the May 7, 2013 Information Packet Memorandum. The design team was tasked with soliciting feedback from the boards and commissions that utilize Council Chambers in an effort to further inform the concept and details of the project.

Boulder Valley School District (BVSD), the contracted manager of education access Channel 22 since 2012, was consulted prior to the decision to reallocate PEG dollars from Channel 22 to Channel 8 as a part of the renovation to the Council Chambers. BVSD agreed that sufficient dollars would remain in the Education Access allocation to provide for equipment replacement and maintenance of Channel 22 equipment. BVSD stated that there would be no negative impact to the Education Access channel as a result of reallocation and anticipates a need for up to $50,000 in annual PEG fees to meet the capital needs of Channel 22.

In August 2013, a revised design was presented to council that addressed the concerns raised by 11 boards and commissions. Major areas for improvement were for:

- Improved accessibility to the raised dais for people with disabilities, as well as improved access to the Women's Restroom;
- Provision of adequate floor space in front of the main desk for presentations;
- Screening of exit doors behind the council desk;
- Improved visibility of video screens from the council and staff desks, as well as for the audience in the flex space;
- Minimized impacts to areas adjacent to Council Chambers; and
- Improved kitchenette layout.

Information about the revised design was outlined in the Aug. 20, 2013 Information Packet Memorandum.

ANALYSIS
Council review of the revised design in August 2013 identified the following areas of improvement:

- Need laptop connections at each council member location and at the staff desk to display presentation graphics onto the main screens;
- Improve line-of-sight from the end council member seats to the audience by increasing the distance between the staff desk and the City Clerk's desk, and by recessing the computer monitors at the clerk's desk;
- Add an electric dropdown screen and projector at the foot of the dais for presentations to the audience during meetings or trainings in the flexible seating area;
- Provide a remodeled and updated kitchenette with new, lockable storage cabinets and a slight increase to the available counters and cabinet space;
- Provide flip-down podiums at both staff desks for public speaking so speaker location can be flexible; and
- Increase staff seating from three to four positions to allow the City Manager, City Attorney and two staff members to address council.

City staff and consultants have incorporated the requested changes into the final design shown in **Attachment B**, which accomplishes the project goals. Major components of the project are listed in **Attachment C**.

NEXT STEPS
Consultants are completing the design and construction documents for the project, including integration of the A/V technology systems. The project will be managed by FAM as the general contractor with pre-approved vendors subcontracted. The anticipated construction start date is Nov. 15, 2013.

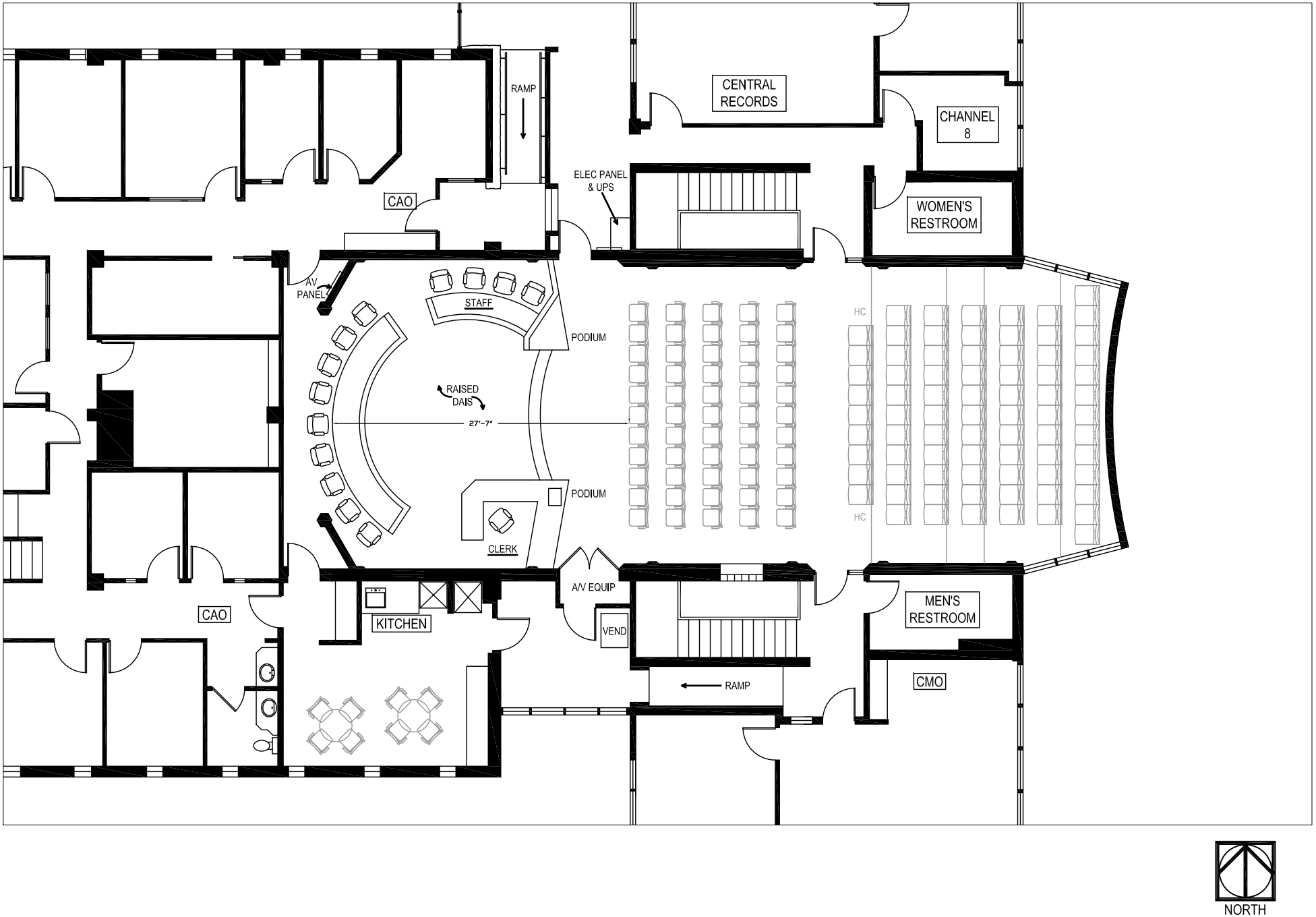
The City Council and impacted boards and commissions will be holding meetings in alternative locations during the entire construction period from Nov. 15, 2013 through Jan. 10, 2014. During construction, regular City Council meetings will be held in the Canyon Theater Auditorium of the Main Boulder Public Library to maintain Channel 8 broadcasts, and study sessions will be held at the West Senior Center once it becomes available again following flood damage repairs.

FAM Design and Construction Manager Glenn Magee will be the primary contact for the project. For more information, contact Glenn at mageeg@bouldercolorado.gov or 303-441-4202.

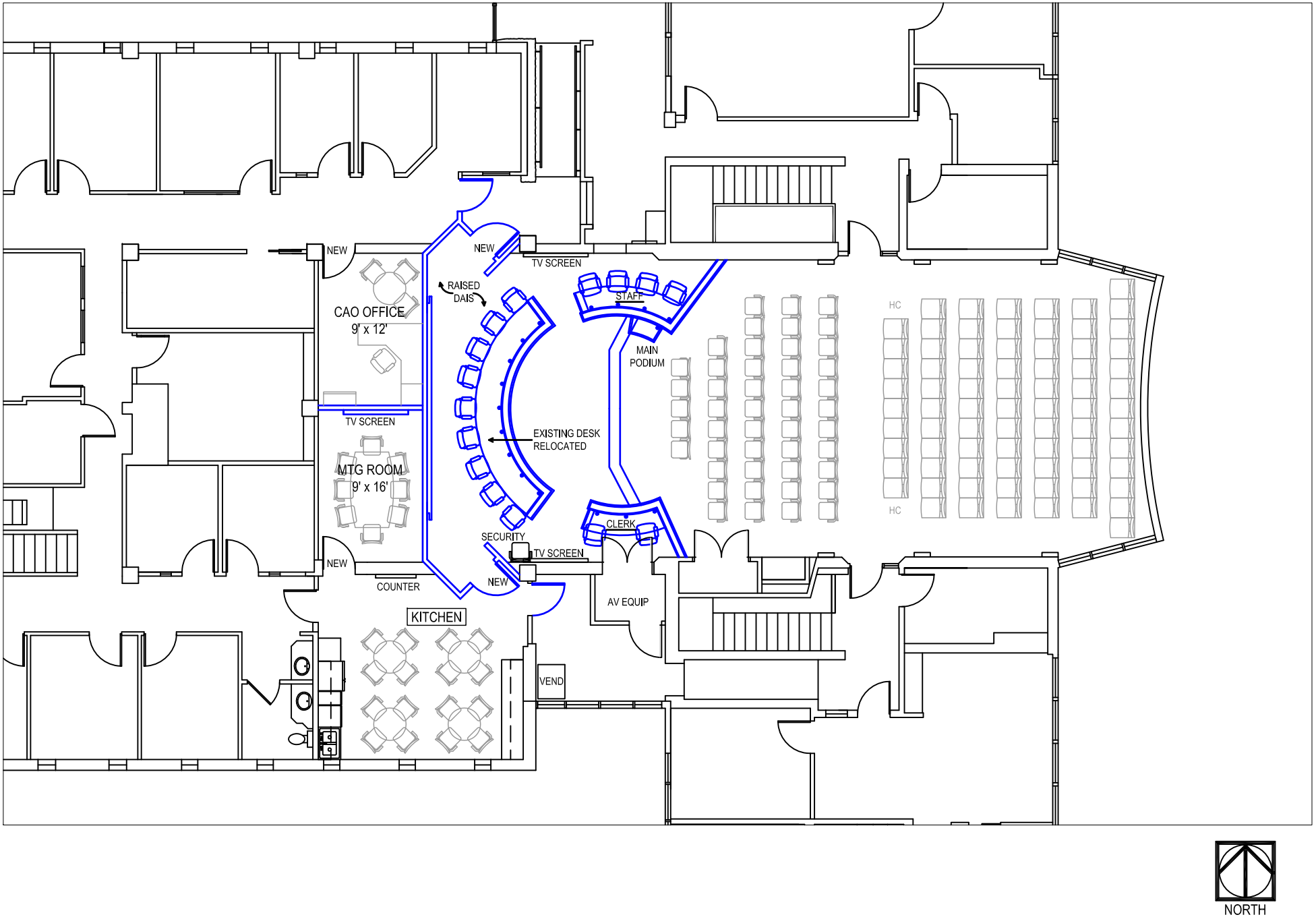
ATTACHMENTS

A. Existing floor plan
B. Final design, October 2013
C. Project components

ATTACHMENT A: Council Chambers Existing Floor Plan



ATTACHMENT B: Council Chambers Upgrade, Final Design



Attachment C - Council Chambers Project Components

Technology

- Each station at the main and staff desks will have a built-in, slanted panel that will contain a microphone jack (to keep microphones off the horizontal surface), HDMI and VGA connection jacks for receiving internet signal, and HDMI and VGA connection jacks for the ability to show their screen images on the large LCD screens. There will also be a small speaker in the slanted section so council will be able to better hear presentations
- There will also be an additional Wireless Access Point (WAP) in proximity to the desks
- Council will be able to bring their own devices (laptop / tablet or larger monitor) to plug into the jacks at the desk
- The clerk will have (2) recessed monitors and a printer close by in the cabinetry
- The main podium, to the north side, will be fold-down and will have a microphone jack, countdown timer and jack for laptop connection for presentations. No fixed monitor will be provided
- There will be a second fold-down podium on the southern side with capabilities to be full-service (countdown timer and jacks)
- An 80” diagonal LCD screen on adjustable mount will be located to the north and south of the dais. The screen can be swiveled for better audience viewing
- New LCD monitors will be installed at existing locations in the ceiling bridges (4 total). There will not be new screens facing council
- An electric operated, drop-down screen and projector will be provided at the foot of the dais for presentations to the audience for trainings. Input jacks will be provided at the podium locations and one of the dais steps
- An assisted listening loop will be installed for hearing impaired
- Other technology replacements will be with equipment and wiring per K2 recommendations:
  digital video capabilities; simplification of the local presentation computer including new software; new interface between Chambers and Channel 8 control room; new amplifiers; portable microphone system in the flex space; new ceiling speakers

Physical Space Changes

- Council desk will be moved to the east approximately 9’
- New staff and clerk desks will be provided
- Flex space seating will be reduced by 9 seats
- The western ceiling “bridge” will remain and new monitors will be installed on the east side
- The staff desk will accommodate 4 staff
- The west wall will receive special wall treatment including new logo sign
- Fabric wall panels will be re-surfaced with new colors
- Lighting and engaged columns will be modified
- Lighting controls will be simplified and relocated
- A new door existing the space to the west of the dais will be installed with card-access entry from the elevator lobby
- New LED lighting will be installed throughout
- The kitchenette will be remodeled and updated – new, lockable storage cabinets will be provided. Existing appliances will be re-used
- A new meeting room and CAO office to the west of Chambers will be constructed
- Doors to the A/V equipment closet will be installed for easier access
- New carpet will be installed on the dais

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
Karen Rahn, Director, Human Services
Cindy Smith, Division Manager, Children, Youth and Families

Date: Oct. 29, 2013

Subject: Information Item: Plan for distribution of gift of $7, 000 from sister city Yamagata, Japan to benefit children impacted by Boulder flood

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EXECUTIVE SUMMARY

Boulder sister city Yamagata, Japan has raised approximately $7,000 to benefit children impacted by the unprecedented September flood in Boulder. This memorandum outlines a process for distribution of these funds to child care providers in the City of Boulder to replace children's items lost in the flood or to purchase additional items needed due to an increase in flood-impacted clients.

FISCAL IMPACT

This project is within the current scope of work for the Human Services Department.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Social: For families, recovering as quickly as possible from the devastating effects of the flood is critical. Consistent child care with known providers lends stability to a child's life during a time of crisis and allows families to continuing working or return to work.

BACKGROUND

Our sister city, Yamagata, Japan, is providing approximately $7,000 for children impacted by the September flood in Boulder.

Several Boulder child care centers and in-home child care businesses centers were totally destroyed, others lost items needed to provide child care, such as toys, books, cribs, blankets and other items. Eight centers or homes incurred loss of or significant damage to facilities, 26 incurred moderate losses (reparable damage to facilities or items needed to conduct business).

Many of these businesses, which typically operate on very limited profit margins, are not eligible for FEMA assistance and must take out SBA loans to cover losses. Assistance in replacing lost

items needed to do business will help child care providers return to normal operations more quickly.

The City of Boulder's Early Childhood Services has been in contact with all licensed child care providers in the city to assess impacts to businesses and families served. Assistance has been provided to child care centers and families to help them find alternative care or other locations to do business, where possible.

Many providers in the town of Lyons have been unable to operate due to loss of facility or lack of city infrastructure. As a result, many families have temporarily moved to Boulder and are seeking alternative care, placing increased pressure on child care capacity and causing some centers to take on additional children.

Assistance that allows providers to stay in business, return to operations more quickly, increase capacity or provide daily operational resources for children will help meet this community need.

NEXT STEPS

- Staff will contact flood-impacted child care providers and develop a list of needed resources for children, such as books, toys, cribs and other items.

- A process for distributing funds based on need will be developed.

- At the conclusion of the project, staff will create a report on providers and children helped by the funding. This report will be sent to City Council and Yamagata. This report may take the form of a children's book with pictures and messages from the children and child care providers who were helped.

CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Boulder Arts Commission
DATE OF MEETING: August 21, 2013
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Gregory Ravenwood (x4113)
MEMBERS: Felicia Furman, Richard Turbiak, Anna Salim, Ann Moss, Linda Haertling STAFF: Greg Ravenwood, Valerie Maginnis, Mary Wohl Haan, Mary Fowler, David Mallett COMMUNITY MEMBERS: Chelsea Pohl, Annette Coleman, Janet Heimer, Amy Tremper, Sally Eckert, Janet Heimer, Randee Toler, Sage Hamilton, Dia Ingalls, Beth Merckel
TYPE OF MEETING: REGULAR
Call to Order & Approval of Minutes: The meeting was called to order at 5:30 p.m. The July 24 minutes were approved as amended. **Information and Discussion Items:** Maginnis reviewed her memo to the commission, asking for a member of the Arts Commission to participate in a public art selection panel which Furman volunteered to do. Maginnis announced that the City's HR Department was in the process of making an offer to the preferred candidate for the Arts Manager position. She also announced that the North Boulder arts district community-building meeting was scheduled for August 29. **Arts and Business Collaborative Grant Proposals, Round 1:** The Commissioners reviewed their comments and scores for each of the Round 1 applications. The proposals from Boulder Ensemble Theater Company with Fiske Planetarium for the project Star Power Event Series; Boulder Museum of Contemporary Art with Boulder 2140 and HUB Boulder for the project Art Meets Tech; the Dairy Center for the Arts with Ciolo Foods and Edible Communities for the project Art of Food Festival; Gateway Apprenticeship Program with Golden Bridge, CU Ethnic Studies and Shining Mountain Waldorf School for the project Intensive Performance Blocks; and Locheart Arts (Claw and Talon Tattoo) with Factory made and Shine for the project The Boulder Tattoo Project were discussed. Of the proposals, Boulder Ensemble Theater Company's moved on to the final round of consideration for the grant award. **Grant Categories Discussion:** Maginnis and Mallett led the commissioners through continued discussions of the grant categories with Mallett recording suggestions and resolutions to present in comprehensive form at the September BAC meeting. Topics addressed at this meeting included the Arts in Education and Theater Rental/Marketing Assistance grants, the Americans for the Arts Convention Scholarships, potential new grant categories and funding options. **Grant Budget Reports:** The Commission reviewed the reports submitted by Boulder Ballet (2013 Major Grant – Ballet in the Park); Shoshana Bass (2013 Mini-Grant and Theater Rental/Marketing Assistance Grants – Wanda & the Wave); and The Upstart Crow (2013 Theater Rental/Marketing Assistance Grant – Henry V by William Shakespeare). Haertling motioned to approve all reports; Furman seconded and the motion passed unanimously. **Adjournment:** The meeting was adjourned at 8:58 p.m.
ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS: Chelsea Pohl and Sage Hamilton spoke on their separate ABC grant applications. Sally Eckert spoke on an art project in progress for the Boulder Housing Partners at 1175 Lee Hill. Janet Heimer spoke to the possibility of the City's de-accessioning the Kimbrough Field sculpture at the Boulder Municipal. Annette Coleman suggested the Commission should look to create subordinate panels for grant jurying.
TIME AND LOCATION OF ANY NEXT MEETINGS: 6 p.m., Wednesday, September 18, 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: September 18, 2013
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Gregory Ravenwood (x4397)
MEMBERS: Felicia Furman, Richard Turbiak, Anna Salim, Ann Moss, Linda Haertling STAFF: Greg Ravenwood, Valerie Maginnis, Maureen Rait, Matt Chasansky, Paul Fetherston COMMUNITY MEMBERS: Annette Coleman, Susan Douglas, Steven Weitz, Heather Beasley
TYPE OF MEETING: REGULAR
Call to Order & Approval of Minutes: The meeting was called to order at 6 p.m. The August 21 minutes were approved. **Information and Discussion Items:** Maginnis introduced Matt Chasansky who was hired as the Arts and Cultural Services Manager, and Maureen Rait, who was to serve as Interim Library & Arts Director when Maginnis retired on September 20. Maginnis reviewed her memo to the commission. The library renovation public art project was discussed, as well as the North Boulder arts district planning group. Maginnis responded to Salim's query about the Arts department budget. **Arts and Business Collaborative Grant, Q&A WITH FINALIST:** Weitz and Beasley from Boulder Ensemble Theater company introduced themselves as representatives of the proposal submitted by BETC with Fiske Planetarium (proposed project: Star Power Event Series). A dialog ensued during which the commissioners posited questions regarding the proposal. **Biannual Reports:** Written reports were turned in by Boulder Arts Resource, Boulder Museum of Contemporary Art, The Dairy Center for the Arts and the Dance Bridge. The commissioners accepted all proposals without comment. **Grant Categories Discussion:** Maginnis and Turbiak led the commissioners through a final discussion of intended changes to the grant categories. Chasansky recorded suggestions and resolutions to present all final changes for approval at the October BAC meeting. **Boulder Arts Week:** Salim spoke about the intended collaborative project, Boulder Arts Week, which was planned for March 29 – April 5. Partners currently committed to the venture were: BMoCA, the Dairy, CU Presents, Boulder Bach Festival, BCAA, Downtown Boulder, CVB and the City. **Grant Budget Reports:** The Commission reviewed the reports submitted by Boulder Asian Pacific Alliance (2013 Major Grant – 2013 Boulder Asian Festival) and Interweave Dance Theatre (2013 Mini-Grant – In the Realm of the Senses). All reports were approved. **Adjournment:** The meeting was adjourned at 8:55 p.m.
ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS: Local artist Susan Douglas spoke to the North Boulder Arts District and voiced her support for the NoBo board and a compact boundary for the district. Annette Coleman, president of the NoBo art district board, asked for a representative from the BAC to participate on the advisory board for the arts district.
TIME AND LOCATION OF ANY NEXT MEETINGS: 6 p.m., Wednesday, October 16, 2013 in the North Meeting Room, Boulder Public Library, 1001 Arapahoe Avenue.

CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
*** * * MINUTES * * ***
WEDNESDAY, AUGUST 21, 2013, 3:00 P.M.
BOULDER CITY COUNCIL CHAMBERS
MUNICIPAL BUILDING - 2nd FLOOR
1777 BROADWAY, BOULDER, COLORADO

NAME OF BOARD/COMMISSION: Beverage Licensing Authority (BLA)

DATE OF MEETING: August 21, 2013

NAME & PHONE OF PERSON PREPARING SUMMARY: Mishawn Cook, Licensing Manager (303.441.3010)

NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:

Board Members: Harriett Barker, Timothy McMurray, Lisa Spalding, David Timken, and Dave Zessin.

Staff Present: Sandra Llanes, Assistant City Attorney, Mishawn Cook, Licensing Manager, and Michele Lamb, License Assistant.

QUASI-JUDICIAL MEETING OUTLINE OF AGENDA

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1. **Member roll call; Approval of Beverage Licensing Authority (BLA) minutes from July 17, 2013, and hearing agenda issues from licensing clerk.**

   Roll call was taken, four Authority members were present, Member McMurray was absent, thus there was a quorum of 4.

   Member Spalding moved, Barker seconded, to approve the July 17, 2013 minutes with typographical errors corrected. Motion approved 4:0.

   Under hearing agenda issues from the licensing clerk, Ms. Cook mentioned that agenda item #5 NoEntiendo transfer had been continued until Monday, August 26, 2013 at 4:00 pm. The applicant is aware of the continuance. Agenda exhibit amended preliminary findings, the agenda for August 26, 2013, and the publication notice for Monday were provided to the board members.

2. **Matters from the Boulder Police Department (BPD).**

Officer Carlene Hofmann, Boulder Police Department's alcohol enforcement officer, appeared before the Authority. Officer Hofmann noted that the students would be back in classes on Monday and was anticipating getting busier over the next few months.

3. **Matters from the Responsible Hospitality Group (RHG).**

Jon Balliet was not present at this time. Ms. Cook provided the RHG meeting attendance to the members as agenda #3, exhibit 1. Mr. Balliet appeared later during the hearing and addressed the board. He described the legend on the attendance sheets, exhibit 1. RHG held a nontraditional meeting this month – door staff training. Speakers were Officer Carlene Hofmann of the BPD and Jon Balliet of TIPS Colorado. Next month is the state training by the Liquor Enforcement Division. The RGH is still searching for new officers for next year.

4. **Informational Update from Facilities and Management Department on Anticipated Renovations to Municipal Building.**

Glenn Magee, Facilities Design and Construction Manager, appeared before the board. Mr. McGee is addressing all boards that use the council space about an upcoming project beginning in November. He provided the BLA a concept plan of the Council Chambers upgrades and asked for any feedback. The anticipated timeframe is November 15 – January 2014. Mr. Magee will keep the board updated and notify them of the alternate meeting place.

5. **Public hearing and continued consideration of a March 15, 2013 application from Innkeeper Limited d/b/a/ NoEntiendo, 1325 Broadway Unit 201, Boulder, CO 80302; Kyle McNamara, 100% Owner and Registered Manager, with a business mailing address of 8025 Grasmere Drive, Boulder, CO 80301, for Transfer of Ownership of a Hotel-Restaurant type liquor license.**

Member Timken moved to set this agenda item to Monday, August 26, 2013, in 1777 West Conference Room at 4:00 pm for a special hearing, seconded by Member Barker. Motion passed 4:0. Mr. Adam Stapen, attorney for applicant, had no comment.

6. **Public hearing and consideration of a May 24, 2013 application from Boulder Hospitality, LLC d/b/a Hampton Inn & Suites, 6333 Lookout Road, Boulder CO 80301; Charles D. McDermid, as Managing Member and 24.51% Owner, and with BST Hospitality LLC (BST) as 100% owner, and McDermid 1980 Living, Terminable Interest, and Credit Trusts (Trusts) as 24.51% Owner and Bay Area Mountain Partners, LLC (BAMP) as 34% owner of BST, and with no others owning over a 10% interest in BST, Trusts or BAMP, and with a business mailing address of 6666 Gunpark Drive, Suite 102, Boulder CO 80301, for a New Beer & Wine type liquor license.**

Mr. Adam Stapen recorded his appearance on behalf of the applicant. Mr. Charles McDermid was sworn in and confirmed the 10 day posting period. Mr. Max Scott, who conducted the petitioning, was sworn in. Reading of the Rules of procedure was waived. No ex parte contact or conflicts were disclosed by the board. There were no interested persons

present. Mr. Scott testified regarding the conduct and manner of petitioning and his summary report. Mr. McDermid then testified regarding his experience with managing hotels and liquor licenses. He articulated the reasons why he chose this hotel franchise and location. He also testified regarding the hotel's experience since opening this summer. Mr. McDermid explained the rationale behind the complementary "manager's reception" areas, the accompanying diagram, and how the areas would be monitored to ensure compliance with liquor laws.

It was then opened to the board for questions. Member Barker asked about the alcohol service training including checking IDs by employees. Member Spalding requested clarification regarding the diagram and specific areas to be licensed. She also had questions concerning the financial statement and IHRs. Member Timken asked if and when written policies and procedures would be in place.

Member Spalding moved to approve the new beer and wine type liquor license with amendments to the financial statements and the development and submission of written procedures within 3 months to the clerk's office. Member Barker seconded. Motion approved 4:0.

7. **Public hearing and consideration of a June 14, 2013 application from Xianfa, Inc. d/b/a Yurihana, 6525 Gunpark Drive, Unit 330, Boulder, CO 80301; Lian Hua Xian, 100% Owner and Registered Manager, with a premise business mailing address, for Transfer of Ownership of a Hotel-Restaurant type liquor license.**

Mr. Zongbing Li recorded his appearance of the applicant. Mr. Lian Hua Xian was sworn in and confirmed the 10 day posting period. Mr. Xian had an interpreter present. The Rules of Procedure were read. No ex parte contacts or conflicts were disclosed by the board. There were no interested parties present. Mr. Li questioned Mr. Xian who testified concerning his background in the restaurant industry, his familiarity with liquor laws, and his current restaurant.

It was opened to questions by the authority. Member Barker asked about TIPS training. Member Spalding asked who helped Mr. Xian complete the application. She also asked about Mr. Xian's experience in serving alcohol. On behalf of the board, Attorney Llanes requested clarification on the charges turned up by the background check. There were three charges and a motion to dismiss (agenda item 7, exhibit 1) in federal district court. Mr. Li answered describing the efforts he has made to find out disposition of his client's case in the short time frame he had. Mr. Xian attempted to describe what had happened and whether the motion to dismiss applied to all three charges or just one.

Moved into deliberation by the authority. Member Spalding moved to continue the hearing until the board could receive more information regarding the charges from the indictment as it is unclear what charge was dismissed. She requested that the applicant complete TIPS training during the time.

Chair Zessin moved back into participation in order to address the attorney, Mr. Li, to explain what the board was discussing and suggesting. Member Spalding strongly suggested that Mr. Xian receive the TIPS training as soon as possible. Member Barker endorsed Member Spalding's suggestion regarding the TIPS training. Mr. Xian agreed to take the TIPS training.

Moved backed into deliberation. Member Spalding restated her motion to continue the hearing to allow time to receive further clarification as to the disposition of the three charges found in the background check. Member Barker seconded. Motion passed 4:0.

8. **Public hearing and consideration of a June 14, 2013 application from Wal-Mart Stores Inc. d/b/a Walmart Market #3096, 2972 Iris Avenue, Boulder CO 80301; Michael T. Duke, Director, President, CEO; Phyllis P. Harris, SVP, CCO; Jeffrey A. Davis, Treasurer; Lori L. Cottrell, Assistant Secretary; and Amy Y. Thrasher, Assistant Secretary, with each owning under a 1% Interest and Applicant Corporation publicly traded with no persons or entities owning over a 10% Interest; with a business mailing address of 702 SW 8th St, Bentonville, AR 72716-0500, for a New 3.2% Beer Off Premises type liquor license.**

Kevin Coates recorded his appearance on behalf of the applicant. Adiena Holder, general manager for this location, was sworn in. Max Scott from Oedipus was sworn in and confirmed the 10 day posting period. Mr. Scott provided a photo and affidavit of posting. Reading of the Rules of Procedure was waived. No ex parte contacts or conflicts were disclosed. There were no interested parties present. Mr. Coates had a preliminary matter relating to the Preliminary Findings and Report, #6. He discovered a conflict between the attached map and list of licensees. The map shows the Safeway 3.2% Off-premise Beer license which the list of licensees does not include. Mr. Coates then proceeded with his initial remarks before questioning Mr. Scott regarding the petitioning materials. Following Mr. Scott's testimony, Mr. Coates questioned Ms. Holder. Ms. Holder testified about her relationship and experience as a manager with Wal-Mart. Ms. Holder testified regarding plans for employee training including internal on-line and in-person training and state approved TIPS training. She expounded on the lack of liquor violations during her tenure at Wal-Mart and her desire to comply with liquor laws, license renewal requirements, to be a good neighbor, and be involved in the community. Ms. Holder envisions this business as a neighborhood grocery store able to provide lower prices than Safeway; she does not expect a high volume of alcohol sales.

It was then opened to questions by the authority. Member Barker reiterated the importance on training regarding to the liquor laws. Member Timken asked about the Individual History Records included with the packet materials and the "canned" answers contained therein. Mr. Coates first replied to Member Timken's concern and question. Ms. Holder followed up and further addressed Member Timken's concerns. Member Spalding echoed Mr. Timken's concern regarding the language used by Wal-Mart's in the Master File and Individual History Records. Mr. Coates tried to further address this issue. Member Spalding reminded Ms. Holder that computer based training is not approved state training. Ms. Holder replied it is intended to be supplemental training. Member Spalding then asked about inconsistencies in a couple of the Individual History Records of the officers and directors. Chair Zessin summed up the participation period by stating that the board

definitely had issues with some of the responses by Wal-Mart. He also confirmed with Ms. Holder that this store would be a neighborhood grocery store selling consumable goods as opposed to electronics, etc.

The board moved into deliberation. Member Barker moved for approval of the New 3.2% Beer Off Premises type liquor license. Member Timken seconded. Motion passed 4:0.

9. **Public hearing and consideration of a June 17, 2013 application from Holy Sushi, Inc. d/b/a Japango, 1136 Pearl Street, Suite 103, Boulder, CO 80302; Jonathan M. Banis, President and Joseph Banis, VP, and with a premise business mailing address, for Permanent Modification of a Hotel-Restaurant type liquor license.**

Michael Wussow entered his appearance on behalf of the applicant. Jonathan Banis, President, and Max Scott of Oedipus were both sworn in. Mr. Scott confirmed the 10 day posting period. Mr. Scott previously provided the board with a photo and affidavit of posting which was included in the BLA packet. Reading of the Rules of Procedure was waived. There were no ex parte contacts or conflicts disclosed and no interested parties present. Mr. Scott testified describing the petitioning and results. Mr. Scott agreed to make a couple of minor corrections to the signatures and was excused. Mr. Jonathan Banis then testified regarding his relationship and position with the business and its operations. He testified as to their desire to have a patio on Pearl Street to provide more visibility for the business. Mr. Banis confirmed that they have possession of the area for the patio. He also testified regarding their plans to exercise control over the patio area and monitor the service of alcohol and comply with the liquor code.

Opened to questions by the board. Both Member Barker and Chair Zessin asked for clarifications about the diagram and dimensions. Member Spalding cautioned about late hours and “morphing” into a tavern/bar.

Moved into deliberation by the authority. Member Spalding moved to grant the permanent modification of a hotel-restaurant type liquor license. Member Timken seconded. Motion passed 4:0.

10. **Public hearing and consideration of a June 17, 2013 application from Wok Eat Colorado #1, LLC d/b/a Wok Eat, 946 Pearl Street, Boulder, CO 80302; P. Stacey Reed, 100% Owner and Manager of Record, with a business mailing address of PO BOX 7330, Broomfield, CO 80021, for Transfer of Ownership of a Beer & Wine type liquor license.**

Patricia Stacey Reed was sworn in and confirmed the 10 day posting period. Reading of the rules of procedure was waived. No ex parte contacts or conflicts were disclosed. No interested parties were present. Ms. Reed testified and notified the board that she has selected a manager. Dennis Alvez will be the new manager and Charles Clark will be the shift manager. Both have completed the TIPS training. Ms. Reed further testified regarding their concept of “fast casual”, operation of the business and points of sale. Ms. Reed referred to their diagram and stated that they have applied for building permits to put a

small hole in the wall to pass ingredients between the wok chefs and the kitchen, and then an extension to the bar to allow for the point of sale. They are also putting in an HVAC system on the roof. Landmark folks have been involved.

It was opened to questions from the authority. Member Spalding asked about the menu and the induction woks. Member Barker asked about the occupant load. Closed participation and moved into deliberation by the authority. Member Spalding moved to approve the transfer of ownership of a Beer & Wine type liquor license, Member Timken seconded, motion passed 4:0.

11. Public hearing and consideration of a June 17, 2013 application from Fresh Thymes Eatery, LLC d/b/a Fresh Thymes Eatery, 2500 30th Street, Suite 101, Boulder CO 80301; Christine Ruch, 100% Owner and manager of record, with a business mailing address of 4486 Applewood Ct., Boulder CO 80301, for a New Beer & Wine type liquor license.

Nikki Dugas, Manager, and Christine Ruch were sworn in and confirmed the 10 day posting period. The Rules of Procedure were read, no ex parte contacts or conflicts were disclosed. No interested parties were present. A marketing flyer was marked and entered as agenda 11, exhibit #1. Ms. Dugas provided testimony regarding this applicant. Member Spalding requested information regarding the seating capacity and asked about training. Member Spalding also noted that a signature on the business petition was outside the boundary and the petition was amended. Chair Zessin noted the financing model. Participation was closed participation and the board moved into deliberation. Member Barker moved to approve the new beer & wine type liquor license and Member Timken seconded. Motion approved 4:0.

12. Matters from the Assistant City Attorney

Attorney Llanes had none.

13. Matters from the Licensing Clerk:

A. Neighborhood boundaries for September 18, 2013 hearing:

i) Villas at the Atrium at 3350 30th Street, Boulder, CO 80301 - New Hotel-Restaurant liquor license. Member Spalding moved to set the boundaries at *North: Jay; South: Valmont; West: Folsom; East: 47th.* Chair Zessin seconded. Motion approved 4:0.

ii) Gondolier Italian Eatery at 4800 Baseline Rd, Suite A-104, Boulder, CO 80303 - New Hotel-Restaurant liquor license. Moved by Member Timken to set the boundaries at *North: Arapahoe; South: South Boulder Road; West 30th Street extended to Hwy 36; and East: 55th Street.* Member Barker seconded. Motion approved 4:0.

iii) Caffe Sole at 637 R. South Broadway, Boulder CO 80305 – Permanent Modification of a Beer & Wine license. *Ms. Cook requested the board to table this item as they have not yet had their minor modification approved by the planning department.*

B. Informational items:

i) August Special Events and Temporary Modifications - included in the packet.

ii) August Liquor License renewal mailing list – included in the packet. Member Spalding asked about the four non administrative renewals.

iii) Planning board packet materials on proposed land use definitions changes for hospitality establishments – included in the packet. Ms. Cook reported that she attended the planning board meeting in order to answer any liquor licensing questions. She anticipates it will go before City Council on October 1 for 1st reading, and October 15 for 2nd reading.

iv) Information Emails to BLA from John Balliet, TIPS Trainer.

v) No Entiendo Food Sales Reports – attached

Because of the board's interest and earlier discussions about transfers to landlords, Ms. Cook made the following report to the board: H Burger had surrendered its license, and Ms. Cook has taken a new Hotel-Restaurant license application for that location. Member Spalding asked Ms. Cook to look into Geisty's Dogg House. San Francisco Soup Company on 29th Street surrendered its license on August 8, 2013. **2013 Restaurant Alby,** surrendered its license on August 13, 2013. Ms. Cook had questions regarding A Café Boulder because their windows are covered with plywood and she is checking on that. Bacaro is opened and is scheduled to come before the board for a renewal hearing. Ms. Cook checked on the Bus Stop and it is opened. Jimmy & Drew's received a call in regards to a transfer, new restaurant, marked as expired. Ms. Cook had some conversations relating to Lolitas. She checked on them and found they are still open but no longer sell 3.2 beer so she is not expecting a renewal. She also had some inquiry regarding Sushi Hana but found they are still open. Thunderbird Burgers is closed and their license expired July 22, 2013. Trattoria on Pearl – Ms. Cook had some inquiries, it is on non-administrative renewal and is coming before the board next month. She had some inquiries regarding Cantina Laredo and found they are still open and serving. There have been some inquiries regarding to Minglewood but they are also still open and serving.

Member Spalding asked if Attorney Llanes, Ms. Cook and Ms. Lamb were able to meet and discuss transfers to landlord. Attorney Llanes reported on the meeting. She stated it is difficult to prove with statute as written, hard to prove a negative. Attorney Llanes' conclusion was to follow up on leads, and keep an eye on inactives. Ms. Cook confirmed that we need to keep an eye out for indications that a business is closed. She said the first indication a business is closed is that they stop paying their occupation tax. Member

Spalding asked Mr. Whitney if he is willing to bring a show cause for failure to maintain possession. He said he is willing to present that. Officer Hofmann stated her practice is to notify Ms. Cook when she discovers that a business has a license but is no longer serving alcohol. Attorney Llanes reiterated that Ms. Cook cannot not accept a properly filed and complete transfer to landlord application since it is available under the statute.

14. Matters from the Chair and Members of the Authority

Member Spalding addressed the petition materials and whether there is unfairness in the materials and her concern about objective petitioning.

ADJOURNMENT

Chair Zessin adjourned the hearing at 7:15PM.

TIME AND LOCATION OF FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:

3rd Wednesday of every Month at 3PM in City Council Chambers for 2013.

Attested: Approved:

Mishawn J. Cook, Tax and License Manager Beverage Licensing Authority Chair

CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
*** * * MINUTES * * ***
WEDNESDAY, SEPTEMBER 18, 2013, 3:00 P.M.
BOULDER CITY COUNCIL CHAMBERS
MUNICIPAL BUILDING - 2nd FLOOR
1777 BROADWAY, BOULDER, COLORADO

NAME OF BOARD/COMMISSION:	Beverage Licensing Authority (BLA)
DATE OF MEETING:	September 18, 2013
NAME & PHONE OF PERSON PREPARING SUMMARY:	Mishawn Cook, Licensing Manager (303.441.3010) And Michele Lamb, Licensing Assistant (303.441.3091)

NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:

Board Members: Harriet Barker, Lisa Spalding, Dave Zessin, and David Timken.

Staff Present: Sandra Llanes, Assistant City Attorney, Mishawn Cook, Licensing Manager, and Michele Lamb, License Assistant.

QUASI-JUDICIAL MEETING OUTLINE OF AGENDA

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1. **Member roll call; hearing agenda issues from licensing clerk.**

   Roll call was taken, four Authority members were present, Member McMurray was absent, and thus there was a quorum of 4. The minutes from August 21, 2013, and August 26, 2013 were not completed and so were tabled until next month.

   Ms. Cook brought up a couple of issues on the hearing agenda of which she was aware. The first was agenda item #6 Family Learning Center – since Boulder Reservoir is closed due to recent flooding, the event has been postponed and the event organizer doesn't yet know if he will be able to reschedule the event. Member Barker moved, Spalding seconded, to continue this item until October 16, 2013. Motion passed 4:0.

   The next item Ms. Cook was aware of was agenda item #11, Brookdale Senior Living Communities application for a new Hotel-Restaurant type liquor license. Their executive director had a family emergency and was unable to be present at this hearing. Ms. Cook agreed on behalf of Brookdale's attorney, Brian Proffitt, to request a continuance on their behalf. Member Timken moved, Barker seconded, continue this item to October 16, 2013. Motion passed 4:0.

In addition, on agenda item #14 Caffe Sole, Ms. Cook requested that BLA not set neighborhood boundaries for this application, because their minor modification with the Planning and Zoning department was still in play. If it is completed in time, she will put on the agenda for October 16, 2013.

2. **Matters from the Boulder Police Department (BPD).**

   Officer Carlene Hofmann appeared on behalf of the Boulder Police Department. She stated that she has been busy conducting over-service checks which resulted in a couple of show causes scheduled for hearing in November 2013. There will also be a couple of upcoming show causes scheduled for failed compliance checks. Officer Hofmann noted that the state training originally scheduled for September 16, was canceled and will be rescheduled.

3. **Matters from the Responsible Hospitality Group (RHG).**

   No RHG member was present to report.

4. **Show cause hearing concerning a May 31, 2013 violation and whether the Brew Pub type liquor license held by Pearl LLC d/b/a West Flanders Brewing Company, 1125 Pearl Street, Boulder CO 80302, should be suspended or revoked.**

   Mike Whitney appeared on behalf the Boulder Police Department. Barry Wolfman, Mark Heinritz, and Chris Heinritz, licensee co-owners for West Flanders and were all sworn in. Mr. Whitney submitted a Stipulation as to the facts which was marked and entered as exhibit 3. The Chair read the hearing procedures. There were no conflicts of interest or ex- parte contacts reported by the Authority members. Member Barker moved, Timken seconded, to accept the Stipulation to the facts. Motion passed 4:0.

   Mark Heinritz testified, and he submitted West Flanders' employee training manual and related documents which were marked and entered as exhibits 1 and 2. Mr. Heinritz stated that their business has made community donations amounting to $8,000 throughout the year. Mr. Wolfman, registered manager, then testified on day to day operations at the location. Mr. Heinritz requested the board to consider a fine in lieu of due to the flood and their business already being closed for a few days. It was then opened up to questions by the authority. After questioning by the authority, they moved into deliberation noting significant mitigating evidence but also referencing the short time that this licensee has held this license at this location.

   Chair Zessin moved, Timken seconded, to set the penalty for this violation at 4 days served with 10 days held in abeyance. Motion passed 4:0. Member Spalding moved, Barker seconded, for 2 suspension days served and 2 days fine in lieu paid. The board then discussed the fine in lieu. Member Spalding withdrew her motion and Member Barker agreed to withdraw her second. Member Spalding then moved, Barker again seconded, for 3 days suspension days served, 1 day fine in lieu, and 10 days held in abeyance. Motion passed 3:1 with Chair Zessin opposed. The licensee requested to serve the 3 days suspension from September 30 through October 2, 2013. Member Barker moved, Timken

seconded, to approve the days served as September 30 through October 2, 2013. Motion passed 4:0.

5. **Show cause hearing concerning a June 29, 2013 violation and whether the Hotel-Restaurant type liquor license held by Restaurante 100% Mexican LLC d/b/a Restaurante 100% Mexicano, 2850 Iris Avenue, Suite H, Boulder, CO 80301, should be suspended or revoked.**

   Mike Whitney appeared on behalf of the Boulder Police Department. Shawn Camden, restaurant owner, was sworn in. A signed Stipulation as to fact was entered and marked as Exhibit 1. Reading of the hearing procedures was waived. No ex- parte contacts or conflicts were revealed by the Authority. Mr. Zessin asked Mr. Whitney whether he had been contacted by either licensee timely for both show cause hearings. Mr. Whitney answered no. Member Spalding moved, Timken seconded, to accept the Stipulation to the facts. Motion passed 4:0.

   Mr. Camden testified concerning mitigation materials in the hearing packet. It was then opened to questions from the authority. After questions, the board moved into deliberations noting limited mitigation. Member Barker moved, Timken seconded, to enact the table value for this violation of 5 suspension days served and 9 days held in abeyance. Motion passed 4:0. Mr. Camden requested to serve the 5 days from September 30 to October 4, 2013. Member Spalding moved, Barker seconded, to accept the suggested days from September 30 to October 4, 2013. Motion passed 4:0.

6. **Public hearing and consideration of an application filed on August 24, 2013 for Family Learning Center Inc. for a proposed alcohol permit event titled "Boulder Marathon and Half Marathon" on Sunday September 22, 2013 from 10AM to 3PM at the Boulder Reservoir, 5565 N. 51st Street, Boulder, CO 80301; Family Learning Center, Inc, Colorado Non-Profit with a business mailing address of 3164 34th Street, Boulder, CO 80301; Brenda Lyle, Non-profit Executive Director, and Jeff Mason, Race Organizer, with a business mailing address at the non-profit location, for a Malt, Vinous, and Spirituous Liquors Special Event Liquor Permit.**

   At the request of Ms. Cook as described in these minutes, this item was continued to October 16, 2013.

7. **Public Hearing and Consideration of whether there is good cause for a non-renewal of a June 10, 2013 application from Casarrubias Inc. d/b/a Trattoria on Pearl, 1430 Pearl Street, Boulder, CO 80302; Guillermo Casarrubias, President and Sara Casarrubias, VP, with a premise business mailing address, for a renewal of a Hotel-Restaurant type liquor license.**

   Guillermo Casarrubias, restaurant co-owner, was sworn in and confirmed 10 day posting. Ms. Cook informed the board that this hearing was scheduled due to administrative issues. The sales tax staff would now approve the renewal and the occupation tax AR staff would now also approve the renewal. Ms. Cook suggested that the board may want to address the

lease issue. Rules of procedure were read. There were no ex- parte contacts or conflicts of interest disclosed by Authority members. Chair Zessin asked if Mr. Whitney, the BPD's attorney had anything to add in this matter, and Mr. Whitney replied that he did not. Guillermo Casarrubias testified as to his reply for administrative issues and the duration of his lease on his restaurant.

No third parties requested interested party status and no public comment was given. It was then opened to questions by the board followed by deliberations. Member Spalding moved, Timken seconded, to renew this hotel-restaurant liquor license, under the condition that timely filing of both monthly sales tax and bi-annual occupation tax take place on-going, and that a copy of current lease and updated proof of training and copies of TIPS cards be delivered to the clerk by Monday September 23, 2013. The licensee was not put on non-administrative renewal for 2014. Motion passed 4:0.

8. **Public Hearing and Consideration of whether there is good cause for a non-renewal of an August 7, 2013 non-administrative renewal application from Imagine Entertainment LLC d/b/a Lazy Dog and Naked Fish, 1346 Pearl Street, Boulder, CO 80302; Steve Ross, LLC Member, and Tanelle Ward, Registered Manager, with a premise business mailing address, for a renewal of a Hotel-Restaurant type liquor license.**

   Tanelle Ward, registered manager, and Steven Ross, restaurant owner, were both sworn in and confirmed the 10 day posting. Ms. Cook informed the authority that the reason this licensee was scheduled for a renewal hearing was because the Authority had requested they be put on non-administrative renewal at their prior show cause hearing. Reading of the rules was waived. No ex-parte communications or conflicts of interest were disclosed by Authority members. No third parties requested interested party status and there was no public comment given.

   Mr. Ross testified about restaurant operations and changes, and new manager, Ms. Ward testified about her restaurant experience. The Authority discussed that e-TIPs is not a state approved training. Member Spalding moved, Barker seconded, to approve this hotel-restaurant liquor license renewal with condition that training for employees involved with service of alcohol be fully completed and that copies of TIPS cards be provided to the licensing clerk by December 31, 2013. Motion passed 4:0.

9. **Public hearing and continued consideration of a June 14, 2013 application from Xianfa, Inc. d/b/a Yurihana, 6525 Gunpark Drive, Unit 330, Boulder, CO 80301; Lian Hua Xian, 100% Owner and Registered Manager, with a premise business mailing address, for Transfer of Ownership of a Hotel-Restaurant type liquor license.**

   Attorney Leo Z. Li entered his appearance. Lian Hua Xian, owner, was sworn in and confirmed 10 day posting. Mr. Xian also had an interpreter present. Chair Zessin reminded everyone that this item was continued from last month and read the hearing procedures. No conflicts of interest or ex-parte contacts were disclosed by Authority members. No third parties requested interested party status and no public comment was given. Mr. Li

addressed the two issues that the Authority had brought up at the last hearing, alcohol service training and prior background check arrest dismissal.

Member Barker moved approval of license, but the motion failed for lack of a second. After more discussion, Member Spalding moved, Timken seconded, to approve the hotel-restaurant liquor license transfer with the condition of the licensee being placed on non-administrative review for the first year's renewal. Motion passed 3:1 with Member Barker opposed.

10. **Public hearing and consideration of a June 28, 2013 application from Meelan Pratik Inc. d/b/a Gurkhas Restaurant, 6565 Gunpark Drive, Unit 190, Boulder, CO 80301; Kalpana Gurung, President and Registered Manager, with a premise business mailing address, for Transfer of Ownership of a Hotel-Restaurant type liquor license.**

    Kalpana Gurung, restaurant owner, was sworn in and confirmed 10 day posting. Hearing procedure reading was waived. No conflicts of interest or ex- parte contacts were disclosed by the Authority members. No third parties requested interested party status and no public comment was provided. Ms. Gurung testified about her purchase of 100% of this restaurant, instead of 50% which she had prior owned. Member Spalding noted that the state application and background check form should be updated based on prior ownership.

    Member Barker moved, Spalding seconded, to approve this hotel-restaurant liquor license transfer with the corrections made to the answers to the state questions and the Individual History Report form. Motion approved 4:0.

11. **Public hearing and consideration of a June 28, 2013 application from Brookdale Senior Living Communities Inc. d/b/a Villas at the Atrium, 3350 30th Street, Boulder CO 80301; Brookdale Senior Living Communities Inc., John McElderry, Registered Manager, T. Andrew Smith, CEO, Mark W. Ohlendorf, CFO, Kristin A. Ferge, Treasurer, and Bryan D. Richardson, EVP, and with FEBC-ALT Holdings Inc. at 6737 W. Washington Street, Suite 2300, Milwaukee, WI 53214, as 100% Owner and Parent Company, FEBC-ALT Investors LLC, as 100% Owner of Parent Company, and with Brookdale Senior Living, Inc, a publicly traded corporation as 100% Owner of FEBC-ALT Investors LLC, and with no individual persons owning over a 10% Interest in Applicant; with a premise business mailing address, for a New Hotel-Restaurant type liquor license.**

    Ms. Cook requested that this item be continued until the next BLA hearing on Oct. 16, 2013.

12. **Public hearing and consideration of a July 12, 2013 application from LIT Holdings Co d/b/a Gondolier Italian Eatery, 4800 Baseline Road, Suite A-104, Boulder CO 80303; Nelson Kugel, 100% Owner, President, and Registered Manager, with a business mailing address of 2432 10th Street, Boulder, CO 80304, for a New Hotel-Restaurant type liquor license.**

    Nelson Kugel, restaurant owner, was sworn in and testified about this new restaurant. Tina Scott, with Oedipus Petitioning, was sworn in, confirmed 10 day posting, and testified about door to door petition results. Hearing procedures were read. There were no conflicts of

interest or ex parte contacts disclosed by Authority members. No third parties requested interested party status and no public comment was given. Mr. Kugel entered a 1976 menu and a current menu as exhibits 1 and 2. Member Spalding reviewed the petitions with Ms. Scott and directed that some business signatures should be deleted. Member Timken moved, Barker seconded, to approve this new hotel-restaurant liquor license. Motion passed 4:0.

13. Matters from the Assistant City Attorney

No matters were addressed.

14. Matters from the Licensing Clerk:

A. Neighborhood boundaries for August 21, 2013 hearing:

i) **Caffe Sole at 637 R. South Broadway, Boulder CO 80305** – Permanent Modification of a Beer & Wine liquor license – Ms. Cook asked that boundary setting to be tabled for one month to October 16, 2013 hearing.

ii) **Zeal – Food for Enthusiasts, 1710 Pearl St., Boulder CO 80302** – New Hotel-Restaurant liquor license. The following boundaries were discussed: North- Bluff Street Extended; South- Canyon Boulevard; West- Broadway; East- Folsom. Member Spalding moved, Timken seconded, to set these boundaries for this application. Motion passed 4:0.

iii) **Old Chicago at 1102 Pearl Street, Boulder CO 80302** – Permanent Modification of a Hotel-Restaurant liquor license. The following boundaries were discussed: North- Maxwell; South- Arapahoe; West- 6th Street; East- 17th Street. Member Timken moved, Barker seconded, to set these boundaries for this application. Motion passed 4:0.

B. Informational items:

i) **September Special Events and Temporary Modifications**

ii) **September Liquor License renewal mailing list**

iii) **Information Emails to BLA from John Balliet, TIPS Trainer (if any).**

Above items 1 to 3, were noted to be in the hearing packet.

iv) **K's China Food Sales Reports.**

The Authority noted the received email totals for food and alcohol sales from Bo Main and the receipt copies which were forwarded from Kyle McNamara. The Authority provided Ms. Cook with direction under their matters.

v) **Report by the clerk as to apparently closed establishments.** Ms. Cook notified the board that her office has received a renewal filing by Changlee Inc. d/b/a K's

China. Ms. Cook also received email confirmation from Landlord that Changlee Inc. is in possession of the premises. K's China had paid the late filing fee. Because K's China renewal is on non-administrative renewal status, their renewal hearing will most likely be scheduled for renewal hearing on November 20, 2013.

Officer Hofmann went to Geisty's Doghouse on 8/30/2013 and it appears to be closed for business. Ms. Cook has received an email from a tentative purchaser.

Ms. Cook has gone to Minglewood location and it appears to be dark. Ms. Cook has also received an inquiry from a buyer's broker. Apparently licensee has disappeared.

Member Spalding asked about the status of Bite Penfold's Lounge license and Ms. Cook stated that the city and state licenses have been issued but that there have been construction delays that have delayed the premise inspection.

15. Matters from the Chair and Members of the Authority.

Chair Zessin complimented Ms. Cook and Ms. Lamb on being prepared for the hearing, despite the municipal building being closed for two days due to local flooding.

Member Barker brought up the K's China's receipts and NoEntiendo's receipts and the difficulty in deciphering them. The Authority discussed that the email food and alcohol totals and the emailed receipts are not clear and understandable. As such, the Authority stated that the licensing clerk should direct that Bo Mai listen to prior BLA direction recorded at previous hearings for the way that they would like food percentage report details conveyed.

Member Spalding brought up the special event liquor license code, state regulations, and the requirements that the profits from the service of alcohol must go directly to the non-profit under such permits. This topic was discussed with Ms. Cook.

16. ADJOURNMENT.

The Authority members all discussed that the hearing should be adjourned, thus hearing was adjourned at 6:35 p.m. by acclamation.

TIME AND LOCATION OF FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:

3rd Wednesday of every Month at 3PM in City Council Chambers for 2013.

Attested: Approved:

Mishawn J. Cook, Tax and License Manager Beverage Licensing Authority Chair

CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees
DATE OF MEETING: October 10, 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: Jim Reeder Dean Paschall Eric Stone Annie McFarland Phillip Yates Andy Pelster Joe Reale Don D'Amico Todd Doherty Dave Kuntz Jennelle Freeston Leah Case Mark Gershman Michele Gonzales
TYPE OF MEETING: **REGULAR** CONTINUATION SPECIAL
SUMMATION: AGENDA ITEM 1- **Approval of the Minutes** Tom Isaacson moved to approve the minutes from September 11, 2013 as amended. Frances Hartogh seconded. This motion passed unanimously. Tom Isaacson moved to approve the minutes from September 25, 2013 as amended. Shelley Dunbar seconded. This motion passed unanimously. AGENDA ITEM 2- **Public Participation** 17 members from the public spoke. All were in favor of OSMP opening back up all of the trails, as well as utilizing all of the available volunteers. AGENDA ITEM 3- **Director's Updates** **Update on Flood Impacts to OSMP** Andy Pelster, Land and Facilities Operations Supervisor; Todd Doherty, Water Resources Administrator; Don D'Amico, Ecological Systems Supervisor; Annie McFarland, Visitor Access Coordinator; Jennelle Freeston, Volunteer Coordinator; Joe Reale, Ranger Supervisor; and Mark Gershman, Planning Supervisor all gave updates to the Board on flood damage to different facilities as well as different areas throughout the system. All presentations are saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\October. **Open Space Access during Flood Recovery** Eric Stone, Resource Systems Division Manager, gave an update on Open Space access.

Update on McClintock Trail Area Dog Closure
The Board has read this memo and has no further questions or comments.

E-bikes
Dean Paschall gave the Board an update on e-bikes, and council having their second reading October 22nd. The Board is going to consider a possible disposal of some paved Open Space paths to another department.

Pipeline on Flagstaff
Jim Reeder notified the Board about a exposed high pressure natural gas line that serves the Flagstaff House restaurant. He asked for their recommendation on granting a non-exclusive license to Xcel for them to be able to move this pipeline onto Open Space.

Allyn Feinberg moved the Open Space Board of Trustees recommend that Open Space and Mountain Parks grant a non-exclusive license to Xcel Energy to relocate the pipeline for some period of time. The OSBT recommends that when Xcel finds a permanent location, if at all possible, it be in the road and not on Open Space. Shelley Dunbar seconded. This motion passed unanimously.

ADJOURNMENT: The meeting adjourned at 10:30 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:
None.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:
The next OSBT meeting will be at 1777 Broadway in the Council Chambers November 13, 2013 at 6:00 p.m.

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES

Name of Board/ Commission: Transportation Advisory Board

Date of Meeting: 12 August 2013

Contact Information Preparing Summary: Laurel Olsen-Horen 303.441.3203

Board Members Present: Dom Nozzi, Jessica Yates, Matt Moseley, Zane Selvans
Board Members Absent: Andria Bilich

Staff Present: Tracy Winfree, Director of Public Works for Transportation
Kathleen Bracke, GO Boulder Manager
J.R. Clanton, Transportation Budget Analyst
Randall Rutsch, Senior Transportation Planner
Marni Ratzel, Senior Transportation Planner
Cris Jones, Transportation Planner
Micki Kaplan, Transportation Planner
Sam Assefa, Senior Urban Designer
Kathy Haddock, City Attorney
Laurel Olsen-Horen, Board Secretary

Consultants Present:
Tom Brennan: Nelson Nygaard Consultant

Type of Meeting: Advisory/ Regular

Agenda Item 1: Call to Order **[6:01 p.m.]**
The meeting was called to order at 6:01 p.m.

Agenda Item 2: Approval of minutes from 8 July 2013 **[6:02 p.m.]**

Motion to approve the 8 July minutes as amended by: Moseley; Seconded: Yates
Vote: 3-0 Motion Passes (board member Selvans was not at the July meeting)

Agenda Item 3: Public Participation **[6:06 p.m.]**
Peter Richards: Mr. Richards is commenting on the Living Lab bicycle innovations for University Ave. University is a wide street from 6th-17th Street. The street is 60' wide which is too wide and should be reduced by 30-40%. There was a neighborhood meeting on 9 May 2013 regarding the entire project. The back in parking is great. Mr. Richards has issue with the buffered bike lanes. What is the need for buffered bike lanes in this location? The entire street needs to be looked at. It shouldn't be kept at 60 feet wide. Testing buffered bike lanes is great, but perhaps not in this specific location. The cost of removing the paint from proposed street design on University only to repaint the new lines one foot away from the existing ones is unnecessary and is a bad use of funds. The current bike/vehicle situation west of Broadway is fine.
Paul Heller: both Mr. Heller and his wife ride E-bikes. Using them on the bike paths has never been an issue. Is it really worth the staff effort to do a pilot project? How many tickets have been issued to E-bike riders? How many serious issues have occurred on bike paths involving E-bikes? If there haven't been many tickets and many issues, then that should be the city's pilot. Speed control and power limits are worth investigating. Devoting too much staff time to something that many people already do, [and isn't enforced] isn't a good use of taxpayer dollars. What is the purpose of the pilot? Legalizing E-bikes (Mr. Heller is not going to quit riding his E-bike) isn't necessarily the answer. Most E-bike riders probably aren't even aware of the city's ordinance against them. Look into what problems there have been. There's not an appreciation to what is going on. It's not feasible to accomplish the types of errands Mr. Heller would like to do without his E-bike.
Scott Allman: Mr. Allman supports the city's proposed pilot study as he did 10 years ago. According to the article in the Daily Camera, the city rejected the use of E-bikes 10 years ago, which is not the case. The topic was tabled. In order to have proper discussion, then information has to be correct. Boulder is going to continue to ride and walk on the paths. E-bikes are Mr. Allman's choice to get around because it allows him to go farther, not faster. It is Mr. Allman's choice to use the electric assist or manual pedal. In Mr. Allman's case, he will not discontinue the use of his E-bike. Please get the facts straight to start the pilot.
Charlotte Sorenson: Ms. Sorenson is founder of Walk Boulder. Ms. Sorenson is here to represent pedestrians. The MUPs are already congested and in some cases, are already narrower than the federally required 10'. Enforcement is impossible as there is currently no meaningful enforcement on the paths. Allowing E-bikes opens the doors to other

motorized mobility devices on the MUPs such as mopeds or segways. All E-bikes weigh significantly more than regular bikes. How will the city monitor and enforce the transfer of these devices from paved trails to unpaved trails and MUPs? Everyone is a pedestrian, but walking is such a daily activity that all too often the pedestrian is forgotten in issues of this type. Legal access to the MUPs would signal a dramatic change to the MUPs for pedestrians.

Byron James: Mr. James supports the pilot program. He is an E-bike rider. They are no different than a regular bicycle except that they allow people a more relaxed and comfortable way to commute, run errands or recreate. E-bikes would help facilitate getting people outdoors and out of their vehicles. By using an E-bike, Mr. James used to ride a regular bike to work. By using an E-bike, Mr. James was able to arrive at work without having to worry about using the company shower, wearing his work clothes and ready to work. Not everyone has the same ability to power a regular bike. Having an E-bike allows three generations of people to go out at the same speed. Every bike has a motor on it whether it's a human motor or an electric motor.

Danny Larson: Mr. Larson is supportive for people to use E-bikes. However, they should not be allowed on the paths. They are already allowed on the streets. There's a disparity of power that an E-bike can travel at 20 mph for hours on end, whereas the human may not be able to go for long periods of time. Any powered vehicle on the path is a bad idea. The city needs facilities where the users don't need to worry about someone speeding along side them. It doesn't matter what type of powered device a user has, they will always be a bad idea and there will always be a disparity in speed between the individuals on the path. Mr. Larson asks the TAB to entertain a notion of looking down the way a little bit; E-bikes are fairly new, and thus there aren't that many users. Five-10 years down the road they may be more popular. If we allow for E-bikes to use the paths now, then what will happen 10 years from now when they clog up the MUP system? By that point, they will already be used to being able to use the infrastructure, thus the behavior will be hard to remediate and congestion will be tremendous.

Ralph Sorenson: Mr. Sorenson sent the TAB some comments last week. Safety, speed, congestion and courtesy are already issues along Boulder's paths. There are already issues along the paths between the different user groups. The whole idea of the paths is to allow the user to feel free to use the path without fear. Mr. Sorenson asked 19 random pedestrians along the Boulder Creek path what they thought of e-bikes and the city's proposal to allow them on the MUP system. Many of them commented that it was a bad idea. Others wondered what the city is thinking. Only two people said they wouldn't mind seeing them on the paths. The city needs to ask, in a neutral fashion, similar questions that Mr. Sorenson asked. The paths already have "No motor vehicles on paths" if the city changes its stance, than those signs will need to be changed. Do what Davis, CA is currently doing which is allowing only non-motorized vehicles on the paths.

Ann Haebig: This is a difficult issue as both sides have good points. The problem is the paths, not E-bikes. The cities that have allowed E-bikes don't list any problems. The cities that do allow E-bikes don't post any problems due directly to conflicts with E-bikes. The city is working on climate goals and E-bikes would help with reaching those goals especially for individuals that live farther from town and want to commute in without driving. The way our streets are built currently, it is not safe for riders to utilize the city's surface road infrastructure.

Agenda Item 4: Public hearing and consideration of a recommendation regarding the City Council August Study Session on the TMP Update **[6:45 p.m.]**

Randall Rutsch and Tom Brennan presented the item.

Power point given for this item. Handout given for this item.

Executive Summary from Packet Materials:

This memo shares the draft memorandum for the August 13, 2013 City Council Study Session on Transportation Master Plan Update. The study session materials have been prepared to highlight updates and progress-to-date in each of the TMP Focus Areas as well as the integration efforts with the TMP Update and other city-wide planning initiatives.

Staff requests that Transportation Advisory Board (TAB):

- Provide comments on the draft memo and presentation for the August 13, 2013 Study Session

Board Discussion and comments included:

- The nexus between what is happening with transportation funding – would we be looking for different things we can use the excess funding for once it's been used for O&M?
- The increases of transit ridership are likely to be constrained by the population densities which are implied by the BVCP growth limitations.
- How did the city add eight in-commuters per every additional job that has been created in Boulder? The Comprehensive housing strategy is looking into the dynamics of the study.
- Be more plain spoken and use less jargon
- Comparisons between Boulder and other cities – it may be more fair to compare Boulder to peer cities or

other college towns rather than to national averages. The picture can become more "flowery" when compared to the national averages rather than peer cities.

- Expansion of revenue sources is important in the TMP.
- Boulder transportation behavior is set by self-selected citizens of Boulder. People that come to Boulder that already use alt modes not necessarily due to Boulder's policies or infrastructure. Be careful about not assigning to transportation behavior too much kudos as the behavior is set by our demographics.
- Safety can mean making it safer for people to drive cars faster and more inattentively. Peds, bikes, and transit users need to be taken into consideration in regards to safety.
- There needs to be some awareness of how many of the regional commuters are parking in free parking.
- TDM – emphasis should be on demand reduction rather than focused on "carrots" (user fees and efficient parking, rather than "carrots" such as better transit or better bike lanes) .
- The regional focus slide didn't include information from BVSD. Perhaps mentioning BVSD and open enrollment would be important.
- There appears to be a lot of concern regarding the overall congestion of the Boulder creek path. Please keep that in staff's sights.
- Perhaps adjusting the current transit system with pilot programs may assist with getting people excited about the TMP update.
- Accessibility over mobility needs to be emphasized.

Public Comment: None

Agenda Item 5: Matters **[7:39 p.m.]**

Matters from the Board Included:

Board Member Yates brought up the below matter(s):

- Update on Funding/Ballot Issues. Council voted to go to a final reading on two different ballot measures. 1.) New 0.15% tax for six years dedicated to transportation. 2.) 0.15% sales tax originally dedicated to OSMP to continue for an additional ten years for Transportation. After that, it would go another ten years into the general fund.
- What about the rules for campaigning for TAB members? Staff provided a brief memo and city attorney Kathy Haddock helped the TAB understand the proper role and communication when involved as a community member in campaign.

Board Member Selvans brought up the below matter(s):

- Joint board workshop next Monday. What are we doing? Staff response: a joint board workshop with TAB, Planning Board, EAB and some Parking/Access District boards. It will be an opportunity to discuss overlapping topics related to the TMP update, the Access Management and Parking Strategies and Climate commitment.
- The busses on 14th Street are often parking in front of the bike path, thus blocking the entrance to the bike path.

Matters from staff included: **[7:53 p.m.]**

- **Sustainable Streets and Centers:** There are three distinct corridors being addressed in this project. Will there be differing design treatments based on land use? Staff response: Each area will need to be looked at specifically for design solutions for that area. Transportation drives land use. There needs to be equal analysis on both sides – transportation and land use.
- **E-Bikes Update:** (6:37 p.m. item was done right after public comment to allow for the community to not have to wait until the end of the meeting) City Council directed the transportation division to test the use of electric assist bicycles on multi-use paths on an accelerated timeline. Between now and the 23 Sept TAB meeting, staff is working on public outreach. Last week, the city held a public open house on whether or not there is support for a pilot project. Boulder is looking into a peer review to see what other communities that allow for E-bikes do and how they enforce the use of E-bikes and what the results are. There is an E-bike survey on the TMP webpage seeking comments on concerns. On 22 September the community can test E-bikes at the Boulder Green Streets event. Intercept surveys were suggested at the open house, so staff will continue to gather information.
    - Do other cities that allow E-bikes have any regrets or things they would've done differently?
    - The paths aren't designed to handle such variable types of users.
    - Did law enforcement weigh in on any issues surrounding enforcement? The PD is involved with the

interdepartmental group discussing E-bikes. The PD did not indicate any major issues as of yet.
  - Educating current users may need to occur to help facilitate change in behavior.
- **Regional Studies Update:**
  - There was a link in the memo sent to TAB for tomorrow night's Study Session.
  - RAMP funding and Jefferson parkway has submitted for state funding when they were included in the regional plan at the DRCOG based on private and local funding only.
  - The Northwest Area Mobility Study (NAMS) – we're waiting for data to come in. Boulder may only be included as a station if the NW Rail line extended all the way to Longmont. If there's going to be a rail line, then Boulder needs to be a part of that. Overall, NAMS options will be considered based on future data and performance analysis.
- **Project Updates/Closure (i.e. progress, Council action, "after" studies):**
  - Araphaoe Ave is going to reopen in both directions by Saturday, 17 August. It will go back to one lane next summer and it will be completed by fall of 2014.
  - Boulder Transit Center Area Improvements should be done mid-September.
  - Depot Square commencement of construction groundbreaking will occur in the next week or so. An invitation will be sent to TAB.
  - Pavement maintenance program will have over 29 miles of resurfaced, chip-n-seal or reconstructed projects completed thanks to the voter-approved Capital Improvement Bond.
  - The city is going to proceed with a single left turn on NB 30th at the Diagonal and watch the impacts from adjacent development and consider TMP policy discussion.
- **Other Matters:** Council Chambers will be under construction Nov. 12- Jan. 10th so TAB will be meeting in an alternate location.

Agenda Item 6: Future Schedule Discussion: **[8:13 p.m.]**

September meeting will need to be rescheduled to September 23rd, which is when the E-bikes public hearing is scheduled

October meeting may include agenda item(s) recommending changes to existing NPP neighborhoods. Two expansions and one reduction.

Agenda Item 7: Adjournment **[8:15 p.m.]**

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 8:15 p.m.

Motion: moved to adjourn; Selvans, seconded by: Moseley

Motion passes 4:0

Date, Time, and Location of Next Meeting:

The next meeting will be a re-scheduled September meeting on Monday, 23 September 2013 in the 1777 West Conference Room, 1st floor of the Municipal Building, at 6 p.m.; unless otherwise decided by staff and the Board.

APPROVED BY:

Board Chair

10/14/13

Date

ATTESTED:

Board Secretary

14 October 2013

Date

An audio recording of the full meeting for which these minutes are a summary, is available on the Transportation Advisory Board web page.

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES

Name of Board/ Commission: Transportation Advisory Board

Date of Meeting: 1 August 2013

Contact Information Preparing Summary: Laurel Olsen-Horen 303-441-3203

Board Members Present: Andria Bilich, Dom Nozzi, Jessica Yates, Matt Moseley, Zane Selvans,
Board Members Absent:

Staff Present: Kathleen Bracke, GO Boulder Manager
Chris Hagelin, Senior Transportation Planner
J.R. Clanton, Transportation Budget Analyst
Laurel Olsen-Horen, Board Secretary

Type of Meeting: Special

Agenda Item 1: Call to Order **[6:01 p.m.]**
The meeting was called to order at 6:01 p.m.

Agenda Item 2: Public hearing and TAB Consideration and Response to City Council July 16th Transportation Funding Ballot Issue Motion **[6:06 p.m.]**

Executive Summary from Packet Materials:
This item is a Board requested agenda item, thus there were no packet materials provided prior to the meeting.

Public Comment:
Steve Pomerance:
Mr. Pomerance believes that 0.15% is adequate for O&M purposes. $500M per year is needed to shift off of tax dependency. User fees, additional parking fees, VMT fee and/or new development fees are necessary. With new development, a reasonable build-out could mean 60,000 new jobs within the city. The current transportation plan is inadequate. There is not a solution acceptable currently on the table for the citizens of Boulder. The current transportation goals must be made into standards. The citizens of Boulder will not support a significant increase to street capacity. Charging on new development would also bring in much needed funds. The city of Boulder should adopt the model currently used by the city of Fort Collins – legal basis (?). The city needs to work with RTD on eco pass pricing.

Sue Prant:
Community Cycles is in support of the message from council member Becker earlier today. Community Cycles thinks the conversation needs to remain focused on funding.

Board Discussion and comments included: **[6:10 p.m.]**

- A draft resolution was sent to the TAB by board member Bilich prior to the meeting.
- Discussion began with board members sharing where they feel council members currently stand.

<u>Length and amount of Funding:</u>

- Convey to council that more than five years is needed to secure funding.
- 0.15% may be alright for the course of five years.
- The main purpose is to close a major funding gap needed for transportation operations and maintenance.
- At least ten years is needed to allow time to develop a permanent solution for bridging the gap.
- However, too long of a duration could mean losing political momentum and the crisis mentality for immediate funding.

<u>Policy issues discussed:</u>

- One TAB member wanted TAB recommendation to clearly call out for user fees.
- Funding should not be used for system enhancements for capacity; TMP already states that the City will not be adding new capacity.
- The board is going to keep working on funding issues even if the 0.15% is approved by council.
- Parking fees could be implemented as needed, but politics may not allow for that.

Resolution: The TAB supports Council's current direction in proposing to dedicate some portion of the City's sales tax to the Transportation Department, which will help close the current $3.2 million annual funding gap for basic operations and maintenance. TAB thanks Council for their leadership in addressing this long-standing issue, which if left unaddressed could undermine Transportation infrastructure City-wide, and lead to additional costs over the long-term. TAB requests that the final ballot proposal provide at least 10 years of dedicated funding, that funding begins immediately, and that the proposed sales tax at 0.15% will provide approximately $4.2 million per year to continually close the ever-expanding O&M gap.

As part of our workplan, TAB will continue to investigate funding mechanisms related to system use that also support Transportation Master Plan goals. Given TAB's experience in grappling with such a challenge, TAB believes that it will take much more than five years -- and could easily take ten or more years -- to develop one or more such alternative funding mechanisms that are equitable, cost-effective, legal, reasonable, and around which the community can coalesce. In addition, we expect it to take 10 years or more for system use monitoring technology to be implemented in a way that allows for such technology to facilitate alternative funding mechanisms within city limits, while also allowing time for TAB and Boulder to learn valuable lessons from other communities that implement and test such mechanisms. Accordingly, TAB recommends that any sales tax initiative placed on the 2013 ballot provide for funding for at least ten years.

Motion: Moved by: Moseley, Seconded by: Yates 16:19

Motion: TAB moves to accept the resolution as stated above and to forward the resolution to Council as TAB's position on the issue of Transportation Funding Ballot Measures for the 2013 Election.
Vote: 4:1
Board member Nozzi opposed.

Agenda Item 3: Adjournment **[7:15 p.m.]**

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 7:15 p.m.
Motion: moved to adjourn; Yates, seconded by: Selvans
Motion passes 4:0

Date, Time, and Location of Next Meeting:
The next meeting will be a regularly scheduled meeting on Monday, 12 August 2013 in the Council Chambers, 2nd floor of the Municipal Building, at 6 p.m.; unless otherwise decided by staff and the Board.

APPROVED BY:

Board Chair

10/14/13
Date

ATTESTED:

Board Secretary

14 October 2013
Date

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